



BRECON AND RADNOR  
BRANCH

27/05/20

**Brecon and Radnor Branch of the Campaign to Protect Rural Wales**

**19/0743/FUL Erection of 2 no. poultry buildings and associated infrastructure.  
Llanshay Farm Llanshay Lane Knighton Powys LD7 1LW**

**SUMMARY**

Powys has approved 127 intensive poultry units since July 2015 and has become the intensive poultry capital of Wales, if not Europe. The Welsh Chief Planner now recommends particular care with such applications for the protection of neighbours and biodiversity from cumulative impacts which are uniquely critical in Powys. The LPA also has duties under the Environment (Wales) Act and Well-being of Future Generations Act to protect our environment and work for a sustainable future for all.

This application fails to reveal recommended permission (now issued) for a large housing development in the immediate vicinity of the intensive poultry unit on the same farm. The residents of this estate would suffer from odours and considerable traffic disturbance. The application does not consider the impact on next-door Grade 1 listed Stange Park or the location in an area of outstanding historic value. Nor does it consider the location on the outskirts a historic Welsh Marches town noted for tourism with access to the outdoors via a network of valued rights of way in traditional countryside.

The assessment of ammonia emissions follows guidance superseded over 3 years ago. An interim application for a section of paved road in the middle of the farm land splits the project allowing the applicant to gloss over the impacts of a new 900m paved track from the A4113.

**This application should be refused.**

**Objection**

We wish to make a further objection and refer you back to our previous interim objection and correspondence (24/10/19, 18/12/19). We note that despite the nearby Wales/England border, proximity of the cross-border river Teme SSSI, Shropshire AONB, and the plans to export manure to Lower Pedwardine Farms in England, there are no Statutory Consultee responses from Shropshire or Herefordshire Councils, Natural England or Historic England.

**Background**

BRB-CPRW understands that changes to the Powys Constitution, effective from 23/1/20, mean that this Schedule 1 EIA project of intense public interest, with stated 2.2 Ha greenfield land application site, will be decided under delegated powers, unless a principle Planning Officer refers it to a Planning Committee Meeting. The change of constitution and Covid-19 measures deprive the public of the facility to ask the Local Councillor to call the application in.

Since July 2015, Powys has approved 127 intensive poultry applications, with another 25 still awaiting determination. There have been 23 applications for **large broiler units** of which 17 have been approved and 6 await determination. Powys is now the poultry capital of Wales, if not Europe.

Applications for IPUS are submitted and approved in such numbers that everyone gets confused. For instance, the Ecologist Report for this application recommends:

*“The development shall be carried out strictly in accordance with the details and measures identified in the following documents:*

- i. *Manure Management Plan Report Erection of a free-range egg production unit including silos and associated works **at Bache Farm, New Radnor, Presteigne produced by Roger Parry & Partners LLP (undated) and associated Maps**” (our emphasis)*

We are facing climate change and biodiversity emergencies as well as a pandemic of viral disease transmitted from animal to human. We urge our Planning Authority to consider the cumulative damage done to the Powys environment and rural neighbours by allowing yet more intensive poultry units. The contribution of ammonia to poor air quality and deteriorating ecosystem biodiversity, the reliance on imported food-stuffs which consume energy in transport and cause habitat loss in foreign countries, the growth of antibiotic resistance, the intensive use of pharmaceuticals which are then spread on our land, the use of water resources and the risk to our river-systems all make this polluting industry unsustainable.

The Welsh Government has recognised the risks in two Chief Planner’s letters which are discussed in more detail below and also in the innovative Well-Being of Future Generations Act.

We address reasons for refusing this particular development in this objection.

**Chronology of development** (RAD/2004/0572: note Housing development in grey)

Application for Housing development	11/12/04	Agent for applicant
AS Modelling Ammonia report	22/3/17	AS for applicant
NRW Permit applied for	29/3/17	Ian Pick
New Ammonia Guidance implemented	1/4/17	NRW
Application “duly made”	20/4/17	NRW
Permit determined and granted	18/9/17	NRW
Application to Powys for new track validated	23/11/17	Ian Pick
Housing development: consent recommended	7/12/17	Planning committee
Decision re new track. No Planning permission needed	21/12/17	Powys CC
Pre-consultation to Powys	29/11/18	Ian Pick
Application to Powys for 2 no poultry buildings & Infrastructure	13/5/19	Ian Pick
Application validated	3/6/19	Powys CC
Outline permission for Housing development	21/8/19	Powys CC
EIA development now to be decided under delegated powers	23/1/20	Powys CC

**The Development and Access**

The description of development 19/0743/FUL includes “associated infrastructure”. The ES p5 quotes the 2017 EIR (Wales) requirement for “A description of the main characteristics of the **whole development** (our emphasis) and the land use requirements during the construction and operational phases.” This description is the subject of ES Chapter 3 but Chapter 3 does not mention any access tracks. The separate “Design and Access Statement” skirts around the issue: “The application site will be accessed from the A4113 following the existing access road to the depot. Planning permission has been granted under reference AGRI/2017/0096 for the construction of a new road from the depot to link into the existing network of internal farm roads within Llanshay Farm.”



for the 210m of 4m wide track in AGRI/2017/0096 (200mm hardcore sub-base, 60mm type one binding course and 60mm tarmac planings wearing course).

Construction of this 4 m wide access road is an integral part of the development. It should have been included in the application and ES.

### **Manure Management**

The ES says *“Current farm stocking stands at 100 suckler cows and progeny. Stores from the predominantly autumn calving herd are sold at around 16-22 months of age. A proportion of the cows are allowed to run in and out of the buildings. The intention is to reduce cow numbers to 80 head in the short term, and potentially lower in the medium term. The farm also supports 900 breeding ewes, 300 of which are housed for 1 months in the lead up to lambing.”*

The NRW response (date) says *“ Requirement 1 – re-calculation of manure management to include all manure for the complete 12 month period. The nitrogen calculations produced by all livestock on the farm will need to be calculated for the complete 12 month period, regardless of being housed or not.”*

In spite of declaring 900 ewes in the ES the manure calculation in the applicant’s further response (92550, undated) retains the figure of 300 ewes.

NRW’s further response (223468 dated 14/11/2019) says of the applicant’s new information, *“we are satisfied that the information fulfils Requirement 1 in our previous letter (SO27/GB/CAS-89831-K7D8).”* The information does **not** fulfil the requirement. NRW also advises that they do not *“consider factors such as odour, noise and vibration which may need to be considered by your authority”*.

The area requirement for manure export will increase by 28.56Ha, supposing that Lower Pedwardine Farms are allowed to spread at 250/kg/Ha. The number of vehicle movements for export of manure will also increase accordingly but manure export has not been included in the vehicle movement figures in the DAS. Besides, the report from which the DAS figures are presumably derived, advertised in ES Table 2.1 as ES “Chapter 11: Transport and Access David Tucker Associates”, has not been provided. This report should be in the public domain before determination.

### **Impacts on Neighbours**

The ES says *“Policy E6 states that development proposals for farm diversification will be permitted where the proposed diversification will be of an intensity of use appropriate to the location and setting as well as not having a significant detrimental effect on the vitality and viability of any adjacent land uses.”*

The ES and associated documents are inconsistent about the location of neighbours. Law’s Barn is nearer than Llanshay Farm.

Adjacent land uses include enjoyment of a bridleway part of which is going to be spoiled by integration into a paved access track.

The Chief Planner’s letter to LPAs (12/6/18) said:

*“While environmental permitting and local controls, such as statutory nuisance, may manage the ongoing effects of development, the planning system should consider the relationship between neighbouring and potentially conflicting land uses in the first instance.”*

and

*“There is the need to exercise particular care when considering developments which would bring livestock units within close proximity to sensitive land uses such as homes, schools, hospitals, office development or sensitive environmental areas. Importantly, while an individual intensive livestock development may be acceptable, the cumulative impacts resulting from similar developments nearby should also be taken into account.”*

There are already IPUs in the vicinity, including at Grove Farm and Heartsease. There are also intensive pig units which have slipped through planning control without any environmental scrutiny.

The owners of Llanshay Farm applied for Outline Planning Permission for a substantial 103 dwelling development in 2004 (RAD/2004/0572). For reasons unknown to us, this did not come before the Powys Planning Committee until over 13 years later on 7/12/2017 and then, although recommended for approval, did not receive outline permission until 21/8/2019. Apparently, this large application extending the footprint of Knighton onto green farmland was not screened for EIA status.



This development is not mentioned in the application for the broiler unit which is just beyond the SE corner of the application plan above, nor (so far as we have seen) in any of the consultee responses. This consented development it is clearly a material planning issue in connection with 19/0743/FUL.

The proposed housing is only roughly 375m from the broiler sheds, at the nearest point, and 50m from the access track at the nearest point.

The entrance onto the A4113 is shown between the entrance to Llanshay Lane and the proposed broiler unit, such that there would be 3 junctions in series - Llanshay Lane - Housing Complex - Broiler Access. The Housing Access has a 140m visibility splay which would overlap the 120m visibility splay for the entrance to the broiler unit. We are concerned that Highways has not commented on this layout.

It is anticipated that the new Housing Development will provide more pupils for Knighton school. The A4113 is already a busy traffic-polluted road along which many Knighton families walk small children to the nearby school and into town. Ammonia from the proposed development will facilitate formation of PM2.5 particles which scientists consider are probably responsible for between half and three-quarters of the total harm to human health from air pollution.

<https://www.theguardian.com/environment/2019/jun/13/revealed-uk-government-failing-to-tackle-rise-of-ammonia-serious-air-pollutant>

Residents near to IPUs know full well that the most offensive odours are associated with the clean-out periods, manure spreading and manure transport. Despite the modelled findings of the odour report which represent “*maximum annual 98th percentile hourly mean concentrations*”, residents of the new housing estate, Llanshay farm, Kerry Hill, Laws Barn, Middle Pitts and neighbouring parts of Knighton are likely to find the offensive smells during shed clean-out severe and incompatible with enjoying their outdoor curtilages. Walkers and cyclists using the bridleway and Llanshay Lane will also be impacted.

The manure management plan does not follow the normal best practice of mapping the proposed field-spreading pattern. Llanshay Farm lands slopes down towards the Teme but no contours are provided on the application maps and there is no evidence that the proposed housing development is taken into account. We do not consider this satisfactory. An EIA project should provide clear contoured maps of manure spreading in relation to proposed housing, springs, watercourses and

water features. The Court of Appeal decision for Footbridge Farm, Tasley in Shropshire - (2019) EWCA Civ 888 is highly relevant to this proposal.

However, any reduction in the volume of manure spread at Llanshay Farm will increase the manure export and the traffic disturbance, noise and smells experienced by current and future neighbours. The impacts of these have not been properly assessed in the ES.

It is unacceptable that the EIA broiler application has progressed without the applicant offering, or Powys requiring, full consideration of impacts on the proposed housing development in the ES. In-house Statutory Consultees should have commented on the concurrent applications by the same farm. This lack of information is sufficient reason to refuse the application.

## **Landscape and LVIA**

### ***Policy DM4 – Landscape***

*Proposals for new development outside the Towns, Large Villages, Small Villages and Rural Settlements defined in the Settlement Hierarchy must not, individually or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape. All proposals will need to:*

- 1. Be appropriate and sensitive in terms of integration, siting, scale and design to the characteristics and qualities of the landscape including its: topography; development pattern and features; historical and ecological qualities; open views; and tranquillity; and*
- 2. Have regard to LANDMAP, Registered Historic Landscapes, adjacent protected landscapes (National Parks and Areas of Outstanding Natural Beauty) and the visual amenity enjoyed by users of both Powys landscapes and adjoining areas.*

### ***Strategic Policy SP7 - Safeguarding of Strategic Resources and Assets***

*To safeguard strategic resources and assets in the County, development proposals must not have an unacceptable adverse impact on the resource or asset and its operation.*

*The following have been identified as strategic resources and assets in Powys:*

- 1. Land designated at international, European and/or national level for environmental protection.*
- 2. Historic environment designations, including:*
  - i). Registered Historic Landscapes*
  - ii). Registered Historic Parks and Gardens*
  - iii). Scheduled Ancient Monuments and other archaeological remains*
  - iv). Listed Buildings and their curtilages*
  - v). Conservation Areas*
  - vi). Historic Assets of Special Local Interest**AND the setting of designations i), ii,) iii), iv) and v).*
- 3. Recreational Assets, including:*
  - i) National Trails*
  - ii) Public Rights of Way Network*
  - iii) Recreational Trails*
  - iv) National Cycle Network.*
- 4. The valued characteristics and qualities of the landscape throughout Powys*

Powys Landscape SPG (adopted April 2019) has detailed advice for developers including:

*“6.37 Visual receptors should include popular view points and public rights of way within the zone of theoretical visibility.”*

(this is even required for projects which do not require EIA!)

*6.38 Appropriate planning and location within the landscape should avoid areas of high sensitivity; these are areas of high/ outstanding value that are more likely to be harmed by the development proposal.*

*“8.35 Development proposals effecting historic environment designations (as listed in LDP Policy SP7 (2)) will need to consider the impact of such proposals separately to the LANDMAP assessment process.*

The LVIA provides a rectangular ZTV which does not show radii and then chooses to concentrate on five narrowly spaced view-points within the “envelope” of the broiler sheds and applies an inappropriate matrix to conclude there is no significant impact. There is no clear map showing PRowS (left off the site-plan, ZTV and Viewpoint maps). It is therefore difficult for the reader to appreciate that **none of the arrow points showing the viewpoints on fig 4 of the LVIA is actually on a PRow** and none corresponds to the location description in Table 10. Viewpoint 4 (supposedly from Llanshay Lane) is actually indicated in the footprint of the sheds as shown in the site-plan.

The ES does not justify the narrow choice of viewpoints, except by describing receptors as users of a road or PRow. The choice ignores the proximity of the Shropshire AONB, Offa’s Dyke (conveniently off the ZTV), the historic conservation area of Knighton and the economic importance of Knighton’s status as a venue for walkers at the mid-point of Offa’s Dyke National Trail. Besides being a National Cycle Trail, Llanshay Lane is also used by walkers accessing both the bridleway past Llanshay Farm and the views from Stonewall Hill/Reeves Hill, and Llanwen, therefore the receptor sensitivity from this lane should be classified as **High**.

The cumulative landscape and visual impacts of a 900m X 4m tarmac access associated the two 106m long sheds and their accessory infrastructure, including silos, apron and turning area are ignored. The experience of users of the bridleway skirting round the development (North-East-South) will be considerably diminished by the construction of paved access which includes part of this bridleway (see Development and Access above).

There is no discussion of any extent of cut and fill which may be required for all the hardstanding required for the elements of the development.

The Landmap Historical Aspect Area is wrongly stated as **High**, rather than **Outstanding**.

Registered Historic Parks and Gardens are protected by SP7 2.ii. Grade1 Stanage Park and Gardens would be included with the development in views from the Shropshire AONB across the river Teme.

The proposed development would clearly introduce an industrial element, out of character with the existing landscape, contrary to the applicant’s unjustified conclusion that “*Due to the existing local area, the proposed scheme would not be out of character with its surroundings when considered as part of the wider landscape.*”

The Landscape assessment is not fit for purpose. We are aware that Powys does not have a qualified Landscape Officer however we trust that expert advice will be used to assess this defective report.

### **Ammonia Modelling**

The Ecologist’s Report says “*in their response dated 8th July 2019 NRW have confirmed that the application has been assessed under the pre April -2017 thresholds, this is due to the fact that the an NRW permit application for the proposed poultry units was received prior to this date. NRW Have*

*confirmed that the predicted process contributions would be below the thresholds applied to determine potential impacts to statutory protected sites under which the application has been considered and are therefore considered to be acceptable.” (our underlining)*

BRB-CPRW questioned the NRW statement (NRW response 8/7/19) which said *“This proposal has been assessed under the pre-April 2017 thresholds, as the NRW Permitting have confirmed a Permit application was received before this date.”* We received the following reply from Neil Parker, Mid-Wales Team Leader, Development Planning and Advice, on 14/11/19:

*“When our new guidance assessing the impact of ammonia and nitrogen (GN 020) was introduced in 2017 it was necessary to put in place transitional arrangements to ensure that applications already in the system were recognised. Transition arrangements were necessary to ensure we comply with the UK Government’s Regulators Code; one of the duties under the code is to ensure clear information, guidance and advice is available to help those we regulate. The transitional arrangement communicated to applicants stated that if we had issued a permit under the pre-April 2017 guidance then any subsequent advice would also be given under that guidance. The permit for this site was issued using the pre-April 2017 guidance on 18/09/2019, following an application made on 29/03/2017. The current live planning application is not significantly different from the permitted development. Objecting to subsequent planning permissions based on applying different guidance, would unfairly disadvantage operators who have undertaken investments to obtain a permit prior to applying for planning consent and be contrary to the regulators code.*

*In relation to Section 6 of the Environment (Wales) Act, we must seek to maintain and enhance biodiversity so far as it is consistent with our functions. The permitting function does this through an assessment of the impact of emissions on sensitive habitats using the guidance applicable at the time of application (i.e. those identified at the time of the 2017 transitional arrangements).*

*NRW provides advice on specific matters to Planning Authorities. Planning Authorities are the decision-making body. This means that the Local Planning Authority is not strictly bound by our advice, but any departure should be properly informed, considered and reasoned.”*  
(The permit is dated 18/09/17 in ES Appx 2.)

Therefore, in order to conform to the Regulators Code, NRW has accepted the Ammonia Modelling Report submitted with an application for a Permit two days before the deadline of 1/4/17, after which the more stringent 2017 guidance came into force. We do not agree that the Regulators Code obliges NRW to observe an open-ended transitory period but, in any case, the LPA is not the Environmental Regulator and is not constrained by the Regulator’s Code

In view of increasing ammonia emissions and the proliferation of intensive livestock farms, NRW no longer considers the 2017 guidance sufficiently protective for our current and future environment. Evidence of this is the open NRW public consultation on yet stricter guidance launched on 7/5/20.

As NRW points out, Powys County Council is the decision-making Planning Authority and is not bound by NRW advice. Under the Environment (Wales) Act, the Planning Authority must also seek to maintain and enhance biodiversity so far as it is consistent with its functions. The LPA has been reminded by the Chief Planner for Wales in a letter to All Heads of Planning that this duty is reflected in PPW10:

*“Planning Policy Wales (PPW) 10 sets out that “planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity” (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 10 respond to the Section 6 Duty of the Environment (Wales) Act 2016\*.”*

In a previous letter ( 12/6/18) about cumulative impacts of intensive livestock units, the Chief Planner referred to the Guidance as updated in 2017 adding that it is for use by LPAs:

*“To assist in the consideration of these developments, last year Natural Resources Wales (NRW) issued updated guidance for the assessment of potentially polluting emissions from intensive poultry units. This guidance is for use by LPAs, and their respective Environmental Health Departments on any relevant applications. The same advice is used by NRW in the environmental permitting process for sites holding over 40,000 birds.*

<https://naturalresources.wales/permits-and-permissions/installations/intensive-farming-pigs-and-poultry/?lang=en>”

The Planning Application was submitted in May 2019. Powys should have followed the Chief Planner’s advice and insisted on an updated Ammonia Assessment following GN020 guidelines. Powys cannot defend approving a development assessed according to guidance no longer current at the time of the planning application.

Working through GN020, (Step 1>Step2>Step3) with the data provided in the applicant’s ammonia report, it becomes clear that, under 2017 guidance, this development would require a cumulative assessment and the contribution of other intensive livestock units would have to be assessed. None of the many potential types of cumulative impact are discussed in the ES.

<b>Step 3: Detailed assessment</b>	<p>A detailed model will be required to complete the assessment from this point forward. Determine: the background ammonia concentrations and nitrogen deposition at the sensitive receptor. if there are other sources that could potentially act in combination and cumulatively at the sensitive receptor such as:</p> <ul style="list-style-type: none"><li>• Applications that are submitted but not yet determined;</li><li>• Livestock units that have permits but are not yet (fully) operating</li><li>• Livestock units that started operating after the most recent update of background levels.</li></ul> <p>INRW staff must contact relevant DPAS, Permitting Service, NRM to identify any relevant sources that could potentially act in combination and cumulatively at the sensitive receptor. <b>!Applicants will need to contact NRW Permitting Service / DPAS to identify any relevant sources. Applicants will need to contact the relevant local planning authority to identify any relevant sources that require permission from that authority.</b></p>
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As pointed out by CADW (241645, dated 29/1/20), and BRB-CPRW in our interim objection, the applicant has ignored Stange Grade 1 listed Park, created by Humphry Repton, which is a notable example of the Romantic landscape movement so important throughout this border area. This Park is not included under the NRW ammonia guidance remit (European sites, Special Areas of Conservation (SAC), Special Protection Areas (SPA), Ramsar Sites (as a matter of government policy), Sites of Special Scientific Interest (SSSI)) however Stange is offered the highest level of protection by LDP Policy SP7.

We note that Stange Park is not mentioned in the ES. Since Stange Park is adjacent to the development and the ecosystems containing mycorrhizal fungi and lower plants such as lichens are an integral part of its landscape and biodiversity value and essential for its conservation, ammonia assessment is essential. Powys should come to its own reasoned conclusions about the risk of adding **any** further ammonia contribution to a background level already exceeding the critical level for lower plants at this prime Strategic Asset.

The Planning Authority should also come to its own reasoned conclusions about whether the development is an unjustified risk to Ancient Woodland and whether approval of yet another intensive poultry unit is warranted in an area already overwhelmed by such developments. Relying on the “100% of critical ammonia level” contribution allowance for a single development is simply not good enough for protection and enhancement of biodiversity.

A development which contributes significantly to the ammonia level at nearby Ancient Woodland, when the background level is already above the critical level for sustaining lower plants (as is the case for the Llanshay area), is inevitably going to provide a significant increased risk to biodiversity in the area. For instance, at some of the ancient woodland around the development, the contribution will be in the order of a further 30% of the critical level for lower plants which is already exceeded. An

understanding of ecosystem functioning tells us this is not just a question of lower plants: the threat to a whole variety of plant-life and animal life, including via diminishing wild-life corridors, will be increased.

## **NRW MID-WALES AREA STATEMENT**

The Welsh Government draft National Development Framework says (Policy 8):

### “Supporting Strategic Green Infrastructure

The Welsh Government is committed to reversing the decline in biodiversity and increasing the resilience of our ecosystems. In collaboration with our partners, including Natural Resources Wales and local authorities, we will take strategic action to secure biodiversity enhancements, to safeguard ecological networks, and to maximise the use of green infrastructure and nature based solutions. Effective action is generally best undertaken at a regional or local level reflecting individual opportunities.”

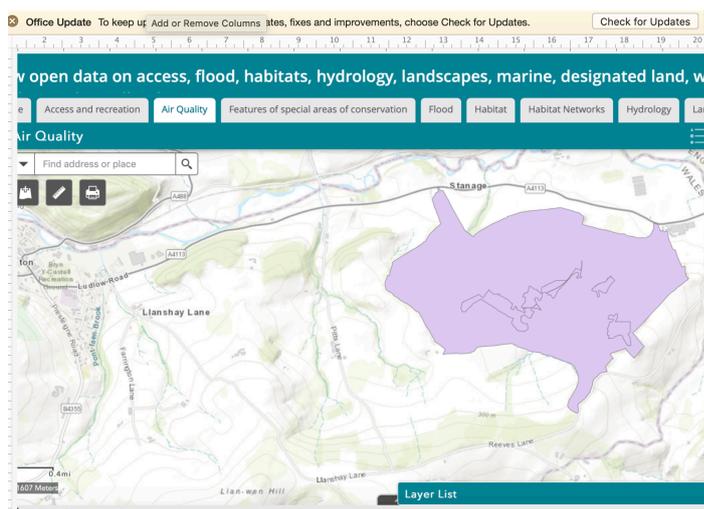
and:

“Local authorities and Natural Resources Wales should work together to ensure that appropriate action is taken to safeguard sites both within and beyond their administrative boundaries.”

It is notable that the recently published NRW Mid-Wales Area Statement says:

*“As rural farm businesses look to diversify, poultry units have become increasingly popular on many farm holdings, with large incentives from the food sector. Whilst this has clearly benefitted the agricultural sector, there have been harmful impacts on the natural environment as a direct result of the significant increases in ammonia and nitrates from the volume of manure generated. While ammonia air pollution emissions have generally stabilised across the UK, they have increased significantly in Mid Wales largely due to this expansion in poultry numbers. Wales is now the largest producer of free-range eggs in Europe. This trend is continuing as rural businesses continually have a need to diversify. Ammonia is toxic to native plants and habitats, and its accumulation and spread in the natural environment can lead to significant damage to habitats and species loss. Ammonia pollution from the increasing number of intensive agricultural units is now a very significant threat to the survival of the rich variety of rare pollution sensitive lichens scattered throughout Mid Wales. **Urgent measures are required to address this ongoing threat to our natural environment.**” (our emphasis)*

NRW has already initiated the spatial mapping of critical features in this area of Mid-Wales by highlighting Stange Park, which the LPA has a pre-existing duty to safeguard under LDP Policy SP7.



## **Mitigation**

The Environmental Impact regulations require:

*“A description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment. That description should explain the extent to which significant adverse effects on the environment are avoided, prevented, reduced or offset, and should cover both the construction and operational phases.”*

Even when design and choice of construction material and techniques are optimised, the residual threat to biodiversity and human health and amenity caused by ammonia emissions, disturbance, nuisance and traffic emissions are indisputable and, in addition, a considerable area of green land is sacrificed with significant landscape impacts.

The offsetting/compensation/mitigation measures are not described in appropriate detail for an ES. A belt of tree-planting, about 12m wide appears in the site-diagram on the S and W side of the shed base. This will take years to grow and will not obscure views from the North. There are no details and therefore the mitigation for ammonia cannot be assessed (for instance with the CEH ammonia reduction calculator). The tree-planting may eventually soften the profile of the development, in some views at some times of year, but will not contribute for many years.

Four bird boxes, four bat boxes and two hedgehog boxes, two great crested newt hibernaculae and some pond management are offered in the ecological reports. After the unprecedented widespread flooding of Mid-Wales in February 2020, we question whether apron washings (outside clearance dates) into an attenuation pond draining into Caleck’s pool will safeguard the ecological status of this water-body.

Given the general threat to biodiversity, Powys should be considering whether this level of minimal enhancement, which one might argue a farmer could contribute anyway, does offset the considerable environmental harm of yet another intensive poultry unit with 900m of access in a part of Wales with such an existing density of intensive poultry units.

With respect to future reporting and monitoring of mitigation/off-setting measures to be controlled by “suitable Planning Conditions”, BRB-CPRW has little faith that promises will be fulfilled or that Powys has the resources or procedures in place to enforce compliance with Planning Conditions. The Powys Ecologist has recommended some 9 useful conditions to ensure environmental protection in the event of approval (266762, dated 30/4/20) - but **what difference would these make in practice?**

Earlier in April this year, an EIR request response from Powys regarding Ecology pre-commencement conditions for application P/2014/0672 requested sight of ecological survey results promised by the developer:

- the detailed bat survey report to be provided at the end of 2019
- an eDNA survey of ponds for Great crested newts from April 2018
- results of pre-construction starling surveys

Powys responded saying they had no records of any of these results. No evidence was provided to suggest that The Planning Department had even noticed this, let alone taken any action.

[https://www.whatdotheyknow.com/request/pre\\_construction\\_ecological\\_surv?nocache=incoming-1558391-incoming-1558391](https://www.whatdotheyknow.com/request/pre_construction_ecological_surv?nocache=incoming-1558391-incoming-1558391)

## **CONCLUSION**

We have shown serious defects in the application:

- an Environmental Permit application predating the planning application by over two years
- an “AGRI” application for an isolated stretch of tarmac road
- failure to reveal a planning application for a 103-dwelling development in the immediate vicinity
- failure to acknowledge a neighbouring Grade 1 listed park

These contribute to project-splitting and a misleading assessment of the true environmental impacts of this application in a county already overwhelmed by similar development.

In addition, the landscape and visual impact analysis is defective, the impacts of the manure disposal arrangements are not properly considered and neighbours and other members of the public enjoying the countryside are disregarded.

The outline approval of a large housing development on the same farm implies that there is no financial need for further diversification. The application fails to meet six of the seven goals of the Well Being of future Generation Act:

- resilient Wales,
- healthier Wales,
- Wales of cohesive communities,
- vibrant culture and thriving Wales
- globally responsible Wales

The Chief Planning Officer letters and the determination of NRW to further tighten agricultural emission guidance and Permitting regulations should alert the Council to the environmental risks of any additional IPU development in Powys. This development also carries unacceptable negative impacts particular to the Llanshay Farm location as outlined above.

**We urge the Council to refuse permission.**

(end)