



Brecon and Radnor Branch
Campaign for the Protection of Rural Wales

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Forest View Poultry Unit Planning Appeal:

Submission by Interested party:

Brecon and Radnor Branch of the Campaign for the Protection of Rural Wales

Background

We are an interested party in this matter as we have campaigned against the uncontrolled expansion of the intensive poultry industry in Powys for over 6 years now. We are sympathetic with farmers wishing to diversify. Our objections here are directed at the impacts on the environment, principally the risk of watercourse pollution through excessive manure spreading and the risk to plant biodiversity (and thus wider ecological systems) from airborne ammonia emissions.

Evidence of our long-term interest in the intensive poultry industry in Powys over recent years:

- Long running petition to the Welsh Assembly Petitions Committee
- Series of dedicated meetings with Powys Planning and Mid-Wales Officers of NRW
- Objections to a large number of planning applications in Powys.
- Detailed response to the NRW ammonia guidance consultation
- Representation on the Welsh Government Town and Country Planning Working Group on a Technical Advice Note for Intensive livestock agriculture.
- Regular attendance at the Wye Nutrient Management Plan Board Meetings

We did not respond to 18/0826/FUL because NRW had asked for further information on 10/6/20 and we were fully expecting this to be supplied by the applicant. The normal course of an intensive poultry application is for NRW to raise concerns in a series of responses, each one eliciting more information from the applicant. This is illustrated by the serial NRW responses on 4/12/18, 28/1/19, 25/6/19, 17/4/20 and 10/6/20. If a public stakeholder submits an early response, it is rapidly outdated by changes in the application details and therefore it is better to wait until the information appears near complete. When we reviewed the application to complete our response, we were both surprised and pleased to see that it had already been refused on 17/9/20 on the basis on the 20/6/20 NRW response to which the applicant had not replied.

We wrote to NRW on 24/9/20 specifically about this application, expressing our concern about the lack of mention of need for a Habitats Regulation Assessment and the failure of the in-combination assessment to identify no less than eight other Intensive Livestock units within 5km of the application site. We received a reply from Northern Planning dated 16/10/20 explaining that it is for Powys to complete an in-combination assessment of other intensive livestock units and other sources of ammonia and a HRA. The reply said NRW has started to remind LPAs of their legal duties under the Habitats Regulations.

In relation to the Appeal case we would like to draw your attention to:

1. the status of the Wye SAC and NRW Planning Position Statement and Interim Planning Advice re Phosphate management. Inadequacy of protection for the SAC.
2. the inadequate information submitted: 18/0826/FUL: **IN COMBINATION ASSESSMENT-172843**
3. the flawed Appellant's claim that a range for free-range layers is used much less than 20% of the time.
4. other matters

1. River Wye SAC & NRW Planning role

NRW reviewed the monitoring data for phosphates for waterbodies in the Wye catchment and revealed on 17/12/20 that 2/3 of these were failing phosphate targets. They have issued a Planning Position Statement stating that all development in the Wye catchment including development in planning, must provide a phosphate management plan showing phosphate neutrality or betterment. This should take crop requirements into account.

<https://cdn.cyfoethnaturiol.cymru/media/692795/planning-position-statement.pdf?mode=pad&rnd=13252674075000000>

Requirement for a phosphate management plan has actually been part of NRW guidance for intensive poultry units (NRW GN021) since 2017 but, in this case, neither the applicant nor the NRW responses took note of this guidance.

<https://cdn.naturalresources.wales/media/685782/gn021-poultry-units-planning-permission-and-environmental-assessment.pdf>

NRW approved the Forest View Manure Management Plan, 18/0826/FUL-MANURE MANAGEMENT PLAN-130518 as early as 28/1/19. This was not consistent with NRW's usual policy of insisting insist that all manure produced on the applicant's farm must be included in the calculation, whether or not the animals are housed. See, for example, NRW response on 8/7/19 to a similar problem with an ADAS report for 19/0743/FUL.

Manure Management Plan

We have reviewed the Manure Management Plan ('Manure Management Report', Company name: ADAS Ltd. by Cyswllt Ffermio Farming Connect dated 1st November 2018) submitted in support of this proposal.

The correct Nitrogen emission factors have been used. The risk maps have included the correct buffers to sensitive receptors. A contingency plan has been included for contaminated wash water and for water contaminated from disease outbreak and the proposed dirty water tanks will be SSAFO compliant.

The nitrogen calculations only calculate the livestock for the housed period.

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. Calculations of the nutrient loading for all manures generated over a 12 month period, and the land which may receive this either by spreading or from grazing deposition must be included, so to assess against the maximum guide of 250kgN/ha/yr farm limit. This is likely to result in increases in the quantity of manure which needs to be exported.

The MMP was compiled by ADAS according to housed animals only (see 3. Slurry/manure Application: table of Total N Applied from Manure) This fails to demonstrate that there is sufficient land for spreading and therefore does not ensure safeguarding of the Wye SAC from phosphate and nitrate pollution.

This pollution risk is compounded by problems with the Manure-spreading plans in Appendix 2. There are 6 un-labelled plans with no overall plan to locate these in relation to clear topological features or to each other. In fact we have found no Ordinance Survey map with contours anywhere in this application - not even in the Phase 1 Ecological Survey. Such maps should be required for an assessment of environmental impacts.

The spreading areas extend off the page. The colour coding, particularly in Plan 3, is impossible to decipher and does not correspond to the Map Key. Such poor presentation by a professional organisation will work in the applicant's favour. It evidently makes proper scrutiny too onerous for statutory bodies.

The range, is outlined in green in 18/0826/FUL: 013-G419-PLD-RANGE PLAN 81018-112188 . This document does not show the range for the existing 16,000 free range layers. Given the constraints of roads and the watercourse, there is insufficient space for a 8Ha range for the existing birds. The new range is included in the green spreading area in MMP Plan 3. The Range Plan states that the range is 120m from the water course and shows the direction of slope but fails to mention the 1 in 5 slope from the edge of the range down to the watercourse. This puts the watercourse at significant risk of runoff.



The range is said to operate on a rotating paddock system but the layout, with pop-holes along the south side of the building is unsuitable for this and is not comparable with the diagram shown on p.9 of the Design and Access Statement, especially given the existing unit and range. The general rule (stated by an APHA inspector to the Welsh Government working group above) is that a paddock system requires up to 100% extra land in order to ensure that the ranging area is not less than 1Ha per 2,000 birds.

The NRW Planning Positions Statement says:

Any proposed development within the Wye catchment that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals should be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition. Once issued by NRW, this position statement in combination with the Compliance Assessment Report, applies to all development that is yet to be determined by the relevant planning authority

The Appeal could not be allowed without addressing all these factors in a Habitats Regulations Assessment and Appropriate Assessment showing that the unit achieves phosphate neutrality of betterment, and it is beyond reasonable scientific doubt that there will be no other significant impact on the Wye SAC. We do not believe that the applicant has produced sufficient evidence to make these assessments.

2. Inadequate information submitted: 18/0826/FUL: IN COMBINATION ASSESSMENT-172843

The Chief Planner's advice in CPO letter 12/6/18 addresses intensive agriculture development and says that to protect sensitive habitats and the local population, "the cumulative impacts resulting from similar developments nearby should be taken into account". There is no discussion of proximity of local residents in the application or of the number of developments in the area.

In 18/0826/FUL: IN COMBINATION ASSESSMENT-172843 , Tynberth P/2018/0342 and Middle Cochran P/2017/0367 were the only other developments identified within a 5km radius of either Forest View or River Ithon SSSI, Caerfaelog Pastures SSSI, or Llymwent Brook SSSI which would not have been included in the 2015 APIS background ammonia figures informing the ammonia modelling. This assessment chose receptor number 47 and 48 from the ammonia modelling report for illustration of impacts on the **River Ithon SSSI/Wye SAC** . There are numerous such receptors in table 5b of the latest Ammonia report. Nos 38 , 39, 40 and 42 have exceedances of NRW's 1% threshold, several times greater than those of 47 or 48.

Table 5b. (continued)

Receptor number	X(m)	Y(m)	Designation	Maximum annual mean ammonia concentration - (µg/m ³)			
				GFS No Calms No Terrain	GFS Calms No Terrain	GFS No Calms Terrain	GFS No Calms Terrain Fixed depo 0.003 m/s
23	310983	273838	Lower Caerfaelog Pastures SSSI	0.090	0.086	0.077	0.036
24	310940	273617	Lower Caerfaelog Pastures SSSI	0.064	0.062	0.046	0.021
25	310487	276916	Llymwynt Brook Pastures SSSI	0.034	0.033	0.027	0.009
26	309167	276707	Caeau Bryn-Du SSSI	0.018	0.018	0.021	0.007
27	308862	276820	Caeau Bryn-Du SSSI	0.016	0.016	0.019	0.006
28	308129	274055	Gweunydd Crychell SSSI	0.013	0.012	0.012	0.005
29	307962	273712	Gweunydd Crychell SSSI	0.012	0.012	0.011	0.004
30	308503	272828	Coed Bryn-Person SSSI	0.017	0.016	0.008	0.003
31	308461	272111	Coed Bryn-Person SSSI	0.013	0.013	0.008	0.003
32	306850	275489	Rhosydd Nant-Yr-Henfron SSSI	0.009	0.010	0.014	0.003
33	312079	271612	Maelienydd SSSI	0.012	0.012	0.012	0.004
34	313670	271913	Maelienydd SSSI	0.015	0.015	0.017	0.004
35	312235	270676	Maelienydd SSSI	0.008	0.008	0.010	0.003
36	313306	271217	Maelienydd SSSI	0.011	0.011	0.011	0.003
37	314647	271435	Maelienydd SSSI	0.010	0.011	0.009	0.002
38	311125	276311	River Ithon SSSI/River Wye SAC	0.075	0.072	0.068	0.026
39	310565	275957	River Ithon SSSI/River Wye SAC	0.065	0.065	0.059	0.023
40	310049	275185	River Ithon SSSI/River Wye SAC	0.072	0.072	0.078	0.031
41	309383	274505	River Ithon SSSI/River Wye SAC	0.028	0.027	0.033	0.015
42	309992	273847	River Ithon SSSI/River Wye SAC	0.058	0.055	0.048	0.020
43	310615	273507	River Ithon SSSI/River Wye SAC	0.051	0.049	0.036	0.019
44	313804	274346	River Ithon SSSI/River Wye SAC	0.047	0.045	0.047	0.021
45	312975	273056	River Ithon SSSI/River Wye SAC	0.030	0.030	0.027	0.009
46	309980	272562	River Ithon SSSI/River Wye SAC	0.021	0.020	0.015	0.007
47	308786	275238	River Ithon SSSI/River Wye SAC	0.023	0.024	0.027	0.008
48	308547	276194	River Ithon SSSI/River Wye SAC	0.017	0.017	0.023	0.007
49	310872	277341	River Ithon SSSI/River Wye SAC	0.031	0.030	0.029	0.010
50	311685	278488	River Ithon SSSI/River Wye SAC	0.015	0.015	0.013	0.004
51	310315	279253	River Ithon SSSI/River Wye SAC	0.012	0.012	0.009	0.003
52	308674	278361	River Ithon SSSI/River Wye SAC	0.009	0.009	0.008	0.002
53	307909	273454	River Ithon SSSI/River Wye SAC	0.013	0.012	0.009	0.004
54	308101	271718	River Ithon SSSI/River Wye SAC	0.011	0.010	0.006	0.002
55	310092	271351	River Ithon SSSI/River Wye SAC	0.011	0.011	0.011	0.004
56	312513	271797	River Ithon SSSI/River Wye SAC	0.014	0.014	0.012	0.003
57	310522	270204	River Ithon SSSI/River Wye SAC	0.007	0.007	0.012	0.004
58	315572	273502	River Ithon SSSI/River Wye SAC	0.017	0.016	0.016	0.007
59	314998	272291	River Ithon SSSI/River Wye SAC	0.012	0.012	0.010	0.004

At the time the in-combination assessment was done, there were at least 8 other intensive livestock units which should have figured in the 5km radii which related to APIS 2015 data. There remain some units which will have been either excluded or only partly included in the APIS March 2018 background figures referred to in the applicant's most recent ammonia report (dated 20/4/20). The APIS reports are based on 3 year annual means (2015 -2018) so they do not fully represent the contribution of a newly operating unit until some years later.

The application is deficient in two respects here. It does not identify all the units whose ammonia contributions should be considered in-combination with the Forest View contribution and it does not take 5km radii areas centred on all relevant receptors for safeguarding of the **River Ithon SSSI/Wye SAC**. These deficiencies prevent proper assessment for HRA purposes.

3. Applicant's argument that the range is used less than 20% of the time.

The essence of the appeal is the claim that the Free-Range Layers use a range less than 20% of the time. 18/0826/FUL-AMMONIA_MODELLING_REPORT_APRIL_2020-269791 presents an "unsound scenario", a "pessimistic scenario" and a "realistic scenario" said to be based on "valid peer-reviewed scientific research". The report admits that modelling assuming a 20% use of the range, as required by NRW shows exceedances which would require an in-combination assessment.

The Appellant has provided 3 research papers as evidence to support a lower figure.

1. 2010 Hegelund et.al. This describes a Danish study (1994 to 1998) and should be discounted as both out of date and of dubious relevance to UK regulations and conditions in 2020.

2. 2016 Cheilo, Pike and Cooper: in Animals MDPI. MDPIs journals operate on an "author pays" basis and the quality of MDPI's peer-reviews has been disputed. This paper is sponsored by Noble foods, the Happy Egg company. 6 Lincolnshire flocks were visited for four days each, between Nov.2011 and Feb 2012. The study concluded that the range was used 12.5% of the time.

3. 2017 Petterson et al. in British Poultry Science. This study is supported by Noble Foods. 5 units of approx. 16,000 birds, location and dates not disclosed, were subject to a 2 day visit to each flock between late August and mid-November. The paper concluded that on average 7.34% of the whole flock were seen out on the range at any one time. Proximity of the night roosting site to the pop-holes was correlated positively with use of the outdoor range.

The two latter studies were both supported by the UK's largest Free Range egg producer. The statistics were gathered over either 2 or 4 days per unit during a limited period (autumn or winter) of a 365 day year.

The evidence provided does not warrant the conclusions drawn. AS Modelling & Data is a company with a virtual monopoly over ammonia modelling for intensive poultry applications. It is not appropriate for a company supposedly providing an independent, objective report to rely on this type of data to dispute statutory guidance.

The industry should not have it both ways. It is curious to see producers of "Free Range Eggs" going to such lengths to prove that the birds hardly use the outdoor range (and Petterson et al. suggest the proposed building layout actually deters birds from going out!). This is at odds with typical publicity (e.g. Noble Happy Eggs) which fosters public beliefs about "Free Range Eggs".

https://thehappyegg.co.uk/happy-hens?gclid=EAlaIqobChMlp_ alic6U7wIVR7rVCh34-AMSEAAAYASACEgL5Y_D_BwE

Further Matters

There is a public footpath through the range which has not been addressed by the applicant.

Tree planting will not reduce ammonia emission for many years.

Brecon and Radnor Branch of the Campaign for the Protection of Rural Wales

4th March 2021