



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

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18/5/21

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

Dear Louise,

BRB-CPRW continues to object to this proposal.

These comments are in addition to our previous objections and letters including our objection dated 27/5/20. They relate to the documents added to the website beginning 15/3/21.

**MANURE EXPORT**

The proposal is now to export all manure and dirty water to an anaerobic digester at Whitchurch. We do not know the financial arrangement but it seems Llanshay is at least paying transport costs to dispose of waste. The poultry manure and dirty water should therefore be classified as waste, the environmental impacts of local spreading being unacceptable. The spreading of the digestate, which will retain the full quantity of phosphate, will also have potential environmental impacts for the relevant areas.

The ES says:

**Manure Management**

9.36 All manures and dirty water arising from the operation of the proposed development will be disposed of via export from the site to a licensed Anaerobic Digester Plant. See replacement **Appendix 8**. The removal of the waste to a licensed AD plant removed any potential environmental impacts.

The DAS states this will require 6 x 16.5 Articulated HGV journeys for the manure and 4 x Tanker (no volume given) journeys per flock, that is 7.4 times a year.

We estimate a flock would produce 267 Tonnes of manure per cycle, which, at an estimated 27 Tonnes per HGV, would require 10-HGV journeys. ( 1,980 Tonnes/Year ( $110 \times 1.5 \times 12$ ) divided by 7.4 cycles = 267 Tonnes per cycle. (see Nitrate Pollution Prevention Regulations 2015, Schedule 1 - calculated for 85% occupancy )

It is impossible to check the dirty water journeys. No figures are provided for:

- volume of dirty water per wash-out
- volume of the two SSAFO-compliant dirty water tanks shown in The Drainage Plan (the ES only mentions one)
- the tanker volume.

This information should be obtained from the applicant.

10 manure journeys plus at least 4 dirty water journeys to Whitchurch would be required per cycle. This exceeds the 10 journeys in total given in the ES.

The Whitchurch AD was subject to a change of condition application (20/01783/VAR) to Shropshire Council. Condition 7a of the permission dated 12/11/20 says:

- 7a. The maximum tonnage of materials imported to the Site in any calendar year shall not exceed 44,000 tonnes of which not more than 11,000 tonnes shall comprise waste materials. For the avoidance of doubt a calendar year shall comprise the period between 1st January and 31st December.

Conditions 9a & b. say:

STORAGE

- 9a. The storage of feedstock materials at the Site in connection with the anaerobic digestion process hereby approved shall not take place other than in the approved feedstock reception areas which are shown on the approved plans.
- b. No waste feedstocks shall be stored at the facility except in case of emergency. All such feedstocks shall be imported and introduced to the solid feeder on the basis of a 'just in time' supply procedure.

Reason: To ensure that storage of feedstocks for the anaerobic digester can be adequately accommodated within the overall Site layout and in the interests of general and visual amenity.

These arrangements are confirmed in letter from Berry's agent, Nick Williams which says '*The maximum of 27 tonnes of poultry manure will be imported by a single lorry a day.*' and '*the poultry manure will come from a farm near Burlton*'. This farm is approximately 15 miles from the AD and appears to have permission for 112,000 Free range egg-layers. Llanshay is 55 -70 miles away depending on route. Shropshire Planning Authority was not made aware that poultry manure would be imported from a number of different farms.

Northern Planning, Shropshire, who intend to monitor this AD (see Officer's Report for 20/01783/VAR), and the Environment Agency should be consulted about the viability of this arrangement and the inclusion of dirty tank water - which is not mentioned in the letter from David Grocutt, Director of Whitchurch Biogas Ltd, which proposes a contract with Llanshay Farm. Otherwise, there is a high risk that the arrangement will be terminated.

Some Llanshay manure will have to be stored for at least up to 10 days. Llanshay would only supply 1/5<sup>th</sup> of the AD requirement and it is unlikely that the other suppliers would be able to synchronise shed cleanout and delivery with the exact daily requirement of the AD. A free-range egg enterprise is likely to have manure removed from the sheds every few days so that the arrangement with Llanshay may have knock-on storage implications for farms such as this. Delivery opportunities for Llanshay could vary significantly and traffic conditions on the long round journey on the A49 introduce more uncertainty. The storage of manure and moving it twice will have an impact on odour and ammonia emissions which has not been mentioned in the ES.

It is not possible for this arrangement to comply with the conditions of the Whitchurch AD planning permission. The export arrangement also runs directly counter to the WG and PCC ambitions to reduce transport carbon costs in the face of Climate Change. We note the applicant choses to 'scope out' climate change.

In response to an FOI enquiry, Powys County Council confirmed that they do not monitor manure management plans in Planning Conditions because it is not their responsibility. Nor has there ever been an instance of enforcement of a MMP condition. Therefore, a planning condition does not guarantee any arrangement for monitoring the storage and export of manure throughout the lifetime of the project (possibly 50 years: ES 3.16). We do not believe the NRW permit presented with this application covers the application as it now stands, with ammonia scrubbers and a comprehensive manure export arrangement.

**The environmental risks cannot be satisfactorily addressed without a credible means of regulatory control over the proposed manure export arrangement.**

**This requires a radical change in the current procedure whereby NRW avoids responsibility for potential environmental damage by ‘advising’ that the LPA must impose planning conditions, knowing these are neither monitored or enforced. The LPA, in turn, defends planning decisions on the grounds that NRW advice has been followed.**

### **AMMONIA EMISSIONS.**

The most recent Ammonia Report quotes the Apis-derived background ammonia level of 1.14 µg-NH<sub>3</sub>/m<sup>3</sup> for the site. This exceeds the critical level for lower plants and for Sensitive Ancient Woodland and for the Teme SSSI according to the first Ammonia Report.

BRB-CPRW has seen the expert report by Michael Bull submitted by Sustainable Foods Knighton and noted the conclusion that it is not possible to have confidence in these. This is a significant material consideration because the public, Planning Officers and even Statutory Consultees rely entirely on the applicant’s consultant report conclusions. Non-experts, and among these we include the NRW planning respondents, do not and could not be expected to understand all the technical details of ammonia and odour assessments. Dr Bull says:

The 2021 ammonia assessment submitted uses a methodology which the author of the report has previously stated introduces more uncertainty into the assessment and reduces the predicted concentrations. It is unclear whether the assessments have been carried out based on the emission limits that will be in the environmental permit. It is not possible to audit the modelling approach used as insufficient information has been provided in the reports.

As a result, it is not possible to have confidence in the outcome of both the ammonia and odour assessments.

This confidence is essential for the protection of designated sites. The applicant’s ammonia consultant has avoided an in-combination assessment by a narrow margin for ammonia sensitive woodland in Stanage Park and has also avoided an in-combination assessment with respect to the River Teme SSSI. **This is because NRW has accepted a changed Critical Level for the Teme SSSI.**

The Bull report explains that it is not clear how emissions from the roof ventilation (by passing the scrubbers) are assessed. The application is contradictory on this point. The ES 9.5 says : ‘*The initial minimum ventilation will be provided by the ridge fans only. Once the units start to produce ammonia the ventilation system reverts to the air scrubber system*’. This is repeated in the noise report however the ammonia report says the ridge fans are required towards the end of the cycle in warm weather. The Noise report makes a different assessment of the risk of fans operating:

For the assessment the calculations have therefore reviewed the following scenarios (for either the roof fans or air scrubber system):

- Day (07:00 – 20:00hrs): 100% extract fans operating
- Evening (20:00 – 23:00hrs): 50% extract fans operating
- Night (23:00 – 07:00hrs): 25% extract fans operating

The modelling is based on historical meteorological records but the chance of high temperatures (both day and night) is increasing with climate change.

It is therefore likely that in hot weather, noise, odour and ammonia emissions will increase towards the end of the cycle to be followed by a disturbing period of many vehicle movements and ammonia emissions and odour from shed-cleanout. The cumulative impact of these nuisances will impact on potential residents of the consented housing development at Llanshay Farm and other nearby properties. An hourly mean (odour) does not reflect the nature of intermittent nuisance and the noise assessment has not accounted for vehicle disturbance on the access road and A4113 associated with catching and exporting birds at night when normal highway traffic will be very low.

In the ammonia reports the contribution for the nearest sensitive woodland, with scrubbers, (0.006 µg-NH<sub>3</sub>/m<sup>3</sup>) is estimated at 15% of the contribution without scrubbers (0.04 µg-NH<sub>3</sub>/m<sup>3</sup>). For the nearest part of the Teme the contribution with scrubbers (0.017 µg-NH<sub>3</sub>/m<sup>3</sup>) is estimated at 18% of the contribution without scrubbers (0.094 µg-NH<sub>3</sub>/m<sup>3</sup>). Given the significant use of ventilation which bypasses scrubbers, especially in hot weather, and the expected lifespan of the poultry units, these percentages are difficult to credit. We note the scrubber warranty only lasts for 2 years (provided the system is operated properly and installed and operated by a recognised installation company).

Table 1 in the original Ammonia Report (2017) uses Critical Levels of Ammonia of 1µg-NH<sub>3</sub>/m<sup>3</sup> for each site, including the River Teme. This is accepted by NRW. Table 1 in **the revised ammonia report (2021) uses the three times higher critical level of 3µg-NH<sub>3</sub>/m<sup>3</sup> and this is also accepted by NRW (28/4/21). No explanation is given.**

Table 1. Critical Levels and Critical Loads at the wildlife sites

Site	Critical Level (µg-NH <sub>3</sub> /m <sup>3</sup> )	Critical Load Nitrogen (kg-N/ha/y)	Critical Load Acid (keq/ha/y)
AWs	1.0 <sup>1</sup>	-	-
SSSIs	1.0 <sup>1</sup>	-	-
SAC	1.0 <sup>1</sup>	-	-

1. A precautionary figure used where no details of the ecology of the site are available, or the citation for the site contains reference to sensitive lichens and/or bryophytes.

Table 1. Critical Levels and Critical Loads at the wildlife sites

Site	Critical Level (µg-NH <sub>3</sub> /m <sup>3</sup> )	Critical Load Nitrogen Deposition (kg-N/ha/y)	Critical Load Acid Deposition (keq/ha/y)
AWs and ammonia sensitive AWs	1.0 <sup>1</sup>	10.0 <sup>3</sup>	-
River Teme SSSI	3.0 <sup>2</sup>	n/a <sup>4</sup>	n/a <sup>4</sup>
Gwernaffel Dingle SSSI and Brampton Bryan Park SSSI	1.0 <sup>1&amp;2</sup>	10.0 <sup>3</sup>	-

1. A precautionary figure used where no details of the ecology of the site are available, or the citation for the site contains reference to sensitive lichens and/or bryophytes.
2. Based upon the citation for the site and information from the Natural Resources Wales website and APIS.
3. The lower bound of the range of Critical Loads for the site/species, obtained from APIS.
4. No information on Critical Load given.

For many other applications, designated river sites falling within NRW's GN 020 (SACs and SSSIs) are assigned a Critical Level of 1µg-NH3/m3. See, for instance, the NRW response to an application for an IPU at Forest View 18/0826/FUL which resulted in **refusal** of this application by Powys County Council precisely because it failed the 1µg-NH3/m3 critical level text.

Inconsistency in evaluation criteria by NRW for protected rivers undermines the whole principle of statutory environmental protection. It is extraordinary that, even with scrubbers and even with the unreliable assessment methods criticised by Dr Bull, it also required NRW to make an unexplained 2/3 reduction in critical level mid-way through the application process to enable the applicant to avoid an in-combination assessment.

It is pertinent that NRW have consulted on more stringent ammonia guidance which was due early last year.

<https://naturalresources.wales/guidance-and-advice/environmental-topics/consultations/our-own-consultations/changes-to-guidance-for-assessing-the-impact-of-ammonia-and-nitrogen-from-agricultural-developments/?lang=en>

NRW has failed to publish the new guidance for unknown reasons. The screening radii in the draft guidelines are:

10 KM: Over 60 000 animal places all other poultry (or 500 m<sup>2</sup> floor space)

10 KM: Cattle and pigs over 500 m<sup>2</sup> floor space and for slurry and manure stores over 4000 m<sup>2</sup> and anaerobic digestors.

We note the CIEEM (Chartered Institute for Ecology and Environmental Management) response to this consultation:

<https://cieem.net/wp-content/uploads/2020/11/NRW-Ammonia-and-Nitrogen-Consultation-.pdf>

which is summarised:

## **Comments from CIEEM**

### **General Comments**

We welcome the update of this guidance and the approach of assessing sensitive habitats outside, as well as within, the protected site network. We also welcome the move towards a 1% screening threshold for all ecosystems.

We believe the changes made will have a positive impact on nitrogen and ammonia emissions arising from regulated agricultural developments; however, we would like to see further ambition as to how NRW will support active recovery and restoration of sensitive habitats, in line with the Environment (Wales) Act 2016. For example, by working with landowners to achieve a net-reduction in emissions.

We would like to see further clarification on the modelling process and the use of data and ecological expertise. This is discussed in further detail below.

There are many Ancient Woodlands that have not been described as “sensitive ancient woodlands” by the author of the Ammonia Report and these are at risk from this development.

The Teme is documented as a failing river see:

<https://environment.data.gov.uk/catchment-planning/summarypages/summary/OperationalCatchment/3457>.

Ecological and chemical classification for surface waters | 2019 Cycle 2

2019 Cycle 2 ↕

Number of water bodies	Ecological status or potential					Chemical status	
	Bad	Poor	Moderate	Good	High	Fail	Good
25	1	3	21	0	0	25	0

Summary of objectives (ecological status or potential and chemical status) for surface water bodies (number of water bodies)

	Ecological status or potential						Chemical status			Extended Deadline
	Bad	Poor	Moderate	Good	High	Total	Fail	Good	Total	
By 2015	0	1	0	6	0	7	0	24	24	
By 2021	0	0	0	4	0	4	0	0	0	
By 2027	0	0	0	14	0	14	0	1	1	
Beyond 2027	0	0	0	0	0	0	0	0	0	
Total	0	1	0	24	0	25	0	25	25	
	Less Stringent							Less Stringent		

where it is clear that objectives for 2015 were nowhere near met by 2019. This river should be given the fullest protection possible.

### **CUMULATIVE IMPACT**

The revised ES 2.13 lists 3 intensive poultry installations within 5km of Llanshay Farm:

Grove Farm,

Heartsease (Dumbles)

Willey Cottage - this applicant has requested EIA screening for a second unit.

ES 2.13 says these units ‘*have been considered in combination with the proposals at Llanshay Farm in this proposal*’ but **there is no evidence of this exercise.**

There are other intensive farming operations within 5km:

**Old Impton, Norton:** 38,000 pullets, planning permission given but not built.

**Warren Farm** Knighton. Broilers.

**Oak View, Rhos y Meirch:** unknown number of pigs in excess of 1,000. No planning permission for pigs. No NRW assessment for planning purposes.

**Hill House Farm, Knighton:** large dairy herd

There are at least another **12 intensive poultry units** and **4 intensive pig units** within 10km of Llanshay. All these operations are -

- contributing, or will contribute, to local ammonia levels threatening plant biodiversity
- contributing to traffic on country roads
- detracting from rural landscapes, residential amenity and enjoyment by visitors who support the local economy for many sectors.

### **PLANNING PROTOCOL**

As the Planning Department is aware, local residents have been deprived of their opportunity to call this application in for Planning Committee decision. No request was made within the early window of opportunity because, at that time, the Constitution required all EIA proposals to go before the Planning Committee. The Constitution was changed after the window had passed but the Head of Planning refused residents’ requests to have the application go before the Planning Committee.

Now a substantially different application is being considered, albeit under the same application reference, and the local Member has requested call-in. The Head of Planning has written that he will decide whether to refer the application to Committee after he has seen the Officer's Report. This is very different from the opportunity presented in the Constitution for a request immediately after validation, before the application documents and responses are complete and before the Case Officer has built up a case for consent or refusal. We do not consider this a Constitutional, fair or democratic approach to the local Member's request. We believe it can be construed as a deliberate act to remove decision making power from the Planning Committee in case these elected representatives might not agree with the Planning Officers over a matter of great environmental importance and public interest.

**WE URGE YOU TO REJECT THIS PROPOSAL**

Yours sincerely  
Jonathan Colchester



**Chair: Brecon & Radnor Branch. Campaign for the Protection of Rural Wales**