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PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE

Thursday, 17th March, 2022

The use of Welsh by participants is welcomed. If you wish to use Welsh please inform us by noon, two working days before the meeting

SUPPLEMENTARY PACK

- 1.1. **21/1381/FUL Wern Halog Farm, Llanfared, Builth Wells, Powys, LD2
3TE**

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Planning, Taxi Licensing and Rights of Way Committee

Update Report

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| Application Number: | 21/1381/FUL | Grid Ref: | E: 308008 N: 253502 |
| Community Council: | Llanelwedd Community | Valid Date: | 04.08.2021 |

Applicant: Mr Keri Davies

Location: Wern Halog Farm, Llanfaredd, Builth Wells, Powys, LD2 3TE

Proposal: Erection of 2 additional broiler rearing units, to include the installation of air scrubbers, air scrubbing units to the 2 existing poultry houses, feed bins, dirty water tanks, and an extension to the concrete apron

Application Type: Full Application

The following correspondence has been received from CPRW Brecon & Radnor since the drafting of the committee report. The officers' response to these matters is set out at the end of CPRW's comments.

CPRW Brecon & Radnor

We see that this application is listed for hearing this coming Thursday and are very surprised at the recommendation of approval given the known and unresolved issues with this application.

Issues outstanding with NRW: We had informed you that NRW are considering the points raised in our objection, specifically:

- Incorrect assumptions regarding sources of ammonia pollution in the Ammonia Report and the impact of installation of scrubbers such that it cannot, on present evidence, be assumed that ammonia emissions are reduced.
- Substantial problems with manure disposal for the existing operation (including land spreading on the River Usk SAC flood plain and on Colwyn Marshes SSSI), resolution of which is essential to the cumulative assessment of impacts of the proposed extension and may impact on the ability to safely dispose of additional manures.

We confirmed just last week that NRW are still considering these issues and are writing to them again now. We do not see how this application can go forward to determination without further comment from NRW. We have reattached our objection for your convenience.

Air pollution: We also attach the JNCC Report 696 '*Guidance on Decision-making*

Thresholds for Air Pollution' (Dec 2021). This new report suggests that cumulative traffic movements should be taken into consideration in assessment of cumulative impacts of nitrogen pollution. The proposed development, together with the existing poultry unit on the site, generates very considerable volumes of traffic. In addition to all the usual heavy traffic normally associated with an IPU are the multiple journeys associated with the export of manure from the second shed to the anaerobic digester GP Biotec, the export of manure from the first shed to the Brecon Beacons National Park, and the import of farmyard manures from the BBNP. So far we're not aware that these journeys have been considered in connection with nitrogen deposition. Further work is required to assess the impacts and cumulative impacts of nitrogen deposition.

There is good reason to be very concerned about ammonia levels in the local area surrounding the IPU. Background levels of ammonia concentration are given in AS Modelling & Data's report (dated January 2021) as 0.92 µg/m³. This information was already out of date when the application was submitted in September last year. Updates on the APIS website in March 2021 ('2018' values i.e. the average of values for years 2017 to 2019) showed the background levels to have increased to 1.253 µg/m³ NH₃, and N deposition of 27.16 (forest) and 17.22 (moorland). The NH₃ value shows a jump of more than 30% from the previous year. This development will start operating when actual ammonia levels are likely to have risen from 1.253 µg/m³ for a further 3 years. In relation to 21/1756 NRW criticised the ammonia report which used outdated information in the following terms: *'The information in the Ammonia Report therefore presents false information and should be updated to present the current background ammonia levels'*. The same is clearly true of this ammonia report and an updated ammonia assessment must be provided.

Cumulative assessments: This is an EIA application. Schedule 4 para 5(e) requires a description of *'the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources'*. The Officer's Report identifies the following developments as lying within 5km of the proposed IPU:

- Tramaen Farm, Llanfaredde – 0.75km South South West of the site – 1 No. free range egg unit.
- Gwernfach, Bettws Disserth – 4.3km North East of the site – 1 No. free range egg unit.
- Penarth Farm, Cregina – 4.4km East of the site – 1 No. free range egg unit.

But omits to mention the intensive pig holding at Lower Llaneon Farm, or the intensive poultry unit at Drewern.

Cumulative assessments – ammonia: The Powys Ecologist is quoted in the Officer's Report:

"Ordinarily, a modelling assessment of cumulative impact from other ammonia emitting sources would be required given the level of exceedances identified. A letter from Isopleth Ltd, dated 13/05/2021, has been submitted in lieu of a detailed modelling report. The letter identifies one other ammonia emission source within 5km of the proposal".

Has it been verified that the IPUs mentioned in the OR above are included in the APIS background levels employed? The one development mentioned by Isopleth is Drewern

(20/1292/FUL) however there is also an intensive pig unit at Lower Llaneon Farm which should be included in detailed modelling for cumulative assessment purposes. Detailed modelling of cumulative impacts of ammonia including all relevant sources of emissions is outstanding.

Water pollution: The Case Officer concludes that there is no risk to the Wye SAC based on the Appropriate Assessment. The AA itself rests its conclusions on the application of conditions to approval including that *'All manure and dirty waters generated by the development hereby permitted, and all ammonia scrubber liquor from the four poultry units at Wern Halog, Llanfared, Builth Wells, shall be exported to an appropriately licensed anaerobic digester facility. None of the above material shall be spread on any land.'* This is clearly not enforceable, even if Powys were an LPA that carried out enforcements. How does Powys think it would be able to distinguish between the manures from the old shed and the new? We believe it is impossible for PCC to secure enforceable conditions for the MMP and thus prove beyond reasonable doubt that there will be no likely significant effects on the SAC.

Even if this were possible, we know that Powys County Council does not consider it has any responsibility to monitor conditioned manure management plans for intensive livestock units (FOI response to CPRW 30/10/20 "Monitoring of Manure Management Plans for intensive livestock units is not undertaken by the Local Planning Authority (LPA). There is no regulatory requirement for the LPA to do so"). This IPU does not require an environmental permit from NRW so, there is no agency responsible and no mechanism in place for securing implementation of recommendations. NRW and PCC have failed to address this general issue. The notion that planning conditions protect the fresh-water environment in this and similar cases is pure fiction.

The process of AD does not remove phosphates from poultry manure and the resulting digestate is spread on land. The GP Biotech AD is in the Wye catchment and we know from past published GP Biotech spreading warnings that spreading of digestate takes place in the Wye and Usk catchments. We can see no evidence that either Powys or NRW will have any means of ensuring the digestate originating from Wernhalog is not spread in these catchments. Publication of spreading regimes appears to have ceased in 2021. Again, the LPA is unable to establish beyond reasonable doubt that there will be no likely significant effects on the SAC.

In light of the issues raised above and in our previous objection, this application should be refused.

Officers' response

The officers' response to the matters raised is as follows:

Issues outstanding with NRW: The planning application has been assessed by NRW and officers within the Council. It is considered that subject to the use of planning conditions, the scheme is considered to be acceptable in line with current guidance.

Concerns regarding the deposition of manure associated with the existing poultry units are not material to the consideration of the current application. The intention for the

proposed scheme is for manure to be exported to an AD plant whereas the applicant is permitted to spread the manure generated within the existing poultry units directly to land for agricultural benefit. On the basis that manure generated by the current proposal will be exported to an anerobic digester, it will not contribute directly to the existing spreading regime so officers consider that there would be no cumulative impact in this regard.

Air pollution: The JNCC Report 696 '*Guidance on Decision-making Thresholds for Air Pollution*' (Dec 2021) is noted, however, it does not indicate that the proposed development would require further assessment. Furthermore, NRW have not requested additional information in relation to this matter.

Background levels: Updates to the background levels are not necessary in this instance as the proposal demonstrates a betterment with regards to the aerial emissions as a result of providing air scrubbing technology on both the proposed and existing developments. The background levels are therefore not material to the acceptability of the scheme.

Cumulative assessments: The officers report identifies other intensive poultry development within 5km of the application site. The existing poultry unit at Drewern and the pig unit at Lower Llanean Farm are both located in excess of this distance.

Cumulative assessments – ammonia: With regards to cumulative assessments in relation to ammonia, the application has been supported by reports to demonstrate that, subject to the use of air scrubbing technology on both the existing and proposed units, the development will result in betterment. This will occur irrespective of other intensive livestock units operating in the vicinity of the development. Therefore, detailed modelling of cumulative impacts of ammonia including all relevant sources of emissions is not required in this instance.

Water pollution: Officers have recommended the use of conditions to control the destination of manure produced as a result of this development. The proposed conditions are considered to meet the tests set out in the Welsh Government Circular 016/2014 - The Use of Planning Conditions for Development Management and will be enforceable. The responsibility for enforcement of these planning conditions will be the responsibility of the Local Planning Authority in line with its enforcement policies and procedures.

The spreading of digestate as a result of the anerobic digestion process was a matter for the planning application and permit that relate to that facility. It does not directly relate to the proposed development and therefore is not material to the determination of the current application.

In conclusion, the comments from CPRW have been noted and taken into account but do not alter the recommendation for conditional consent made by officers as set out within the committee report.