

**Campaign for the Protection of Rural
Wales Brecon and Radnor Branch
Upper Noyadd, Clyro, HR3 5JS
01497 820814**

Gwilym Davies
Planning Department
Powys County Council
The Gwalia
Ithon Road
Llandrindod Wells
Powys
LD1 6AA

2nd May 2018

Dear Gwilym

Further Objection to P/2015/0131 Poultry Unit Development at Penarth

Brecon & Radnor Branch of CPRW object to this application on the following grounds:

- **Unacceptable impacts on neighbours in very close proximity to intensive poultry unit**
- **Unacceptable traffic impacts**
- **No manure management plan**
- **Unacceptable landscape and visual impacts**
- **Unacceptable impact on the setting of Penarth Motte Scheduled Ancient Monument**
- **Unsuitability of and uncertainty regarding ranging areas**
- **Impacts on ancient woodland and Woodland Trust advice disregarded**
- **Failure to apply the Precautionary Principle to conservation of White Clawed Crayfish (European Protected Species) and to the protection of the Wye SAC**

These grounds for objection are amplified below. We believe that the application should be refused.

Brecon and Radnor CPRW is disappointed that this controversial application is coming to Committee with a recommendation for approval when, in spite of so much additional information, there are many issues which are either unclear or unacceptable.

Please also see our earlier objections to this application, dated 5/9/2016 and 4/10/2016.

The Officer's Report (OR) recommendation for the Planning Committee consideration on 3rd May 2018 relies on the 2016 OR recommendation for a decision which did not come before the Committee.

We do not think this is acceptable practice. A new LDP has been adopted and the Wellbeing of Future Generation Act must now be considered in Powys Planning. The fate of close residents and landscape issues are just two of the various issues which should be revisited. Furthermore a forthcoming Judicial Review of a Shropshire case about manure spreading raises new legal issues.

Impacts on neighbouring dwellings

The two closest residents are.....

Penarth Farm 65m to North West of the proposed shed.

“Eastern Bungalow” about 30m to North East of the proposed shed.

Penarth Farmhouse is occupied by a County Councillor. The Councillor no doubt thinks this official role rules out a personal objection. We would like to make absolutely clear that neither this Councillor nor the occupant of the “Eastern Bungalow”, a tenant of the applicant, have approached us about this application.

We are addressing the principle of this development being allowed so close to residential properties which should be protected from becoming undesirable and unhealthy places to live for the sake of current and future residents.

Note that TAN 6, Paragraph 6.6.3 states:

“To minimise the potential for future conflict between neighbouring land uses, planning authorities should exercise particular care when considering planning applications for houses or other new protected buildings within 400 metres of established livestock units. It is important also for planning authorities to keep incompatible development away from other polluting or potentially polluting uses.”

It follows that the same particular care must be applied in the consideration of a new livestock buildings within 400m of existing residential housing. It’s entirely unacceptable that this advice is ignored in assessing the siting of a new livestock unit.

The residents of these properties will be exposed to visual intrusion, the noise of fans, traffic and all the activities associated with the IPU, to emissions of poultry dust (hazardous to health, according to the Health and Safety Executive), ammonia, smells and flies. The new access from the lane to the IPU will carry heavy vehicles directly in front of the bungalow, while Penarth Farm will be wrapped around on two sides by the poultry ranges and in full view of the sheds for which the existing barns will provide little screening – see aerial view below.

With respect to unpleasant odour, the Manure Management Plan map within the Method Statement and Pollution Prevention Plan (ref.4340360) shows manure spreading over an area exceeding 6 Hectares directly to the North of Penarth Farm and North West of “Eastern Bungalow” with other close areas to the West and South.

The cumulative impact of odour, dust particles and emissions from manure spreading together with the odour etc. from the free-range areas and the sheds themselves has not been considered.

Permission for Judicial Review has just been granted to a Shropshire resident close to the proposed Tasley Broiler Unit who argues that her home, 690m from the application, is surrounded by fields destined for regular manure spreading. It is claimed that Shropshire Council failed to consider the impacts of manure spreading on residents, citing article 3 of the EIA Directive”. (See Shropshire Council planning application reference 17/01033/EIA – grounds attached.)

The plight of the two properties here is clearly much worse. As in this Tasley case the Powys Officer cites noise and odour reports as “satisfying requirements” but has failed to consider the cumulative environmental impacts on living conditions.

We attach advice written by Kristian James, Principal Environmental Public Health Specialist, and Dr. Marion Lyons, Director of Health Protection, both of Public Health Wales, dealing with impacts on health of living close to an IPU. Note that both experts assert the need for provision by applicants of manure and dust management plans, which should include planning for 'adverse dispersion weather conditions'. Note that potential health impacts include '*exposure to infectious diseases, respiratory symptoms and lung function impairment*' and that '*people with pre-existing lung or heart disease, the elderly and children are particularly sensitive to particulate air pollution*' associated with poultry dust emissions. No dust management plan is provided.

We note that both the nearest residences are well within the highest 100% process contribution contour on Fig 6. of Ammonia Report (ref.4553251).

The site is not on the applicant's home farm, and the applicant has made a deliberate choice to site this intrusive development away from his own home, and immediately adjacent to two neighbours, despite the requirement for extra travel and the fact that the surrounding lanes can be impassable after heavy snow.

Traffic

Although the application contains some contradictory information (ES Pages 53, 6 and 12) concerning frequency of cleaning and storage or removal of manure, we assume that manure is removed from the sheds twice weekly, being loaded by elevator from the conveyor belts into an agricultural trailer and is then stored on site in a redundant silage tank. This shed emptying operation will therefore necessitate twice weekly visits to the site with an agricultural trailer. As the manure is stored on site but must be removed from the silage clamp for spreading whether on nearby or more distant fields, the spreading operations will necessitate further visits to the site with an agricultural trailer and/or spreading gear. Depending on whether manure is moved offsite by trailer or by manure spreader, and on the capacity of whichever vehicle is used, spreading operations may require an average of 1 or 2 more visits by agricultural vehicles per week. Each of these 3 to 4 visits (average) per week, to remove manure from the sheds or from the site, will require two traffic movements of large agricultural vehicles along the rural lanes leading to the shed.

The DAS page 7 states that:

'The traffic generated by a free range egg laying unit averages 2.4 lorry movements per week, including feed delivery, egg collection, bird delivery and bird collection.'

Assuming this information to be correct, as far as it goes, the total weekly large vehicle traffic generated is very significantly underestimated. Moreover, shed cleaning, vet visits, daily management visits, fallen stock removal visits etc. will also be required.

It appears that Highways consultation advice is based on the assumption that the sheds are located on the applicant's home farm. The advice given requires reconsideration to take account of the additional traffic which this off farm site necessitates.

While we are aware that road modifications to address road safety have been proposed, we would like assurance that the width of the rural lanes leading to the site has been considered and found adequate for the HGVs which will require access to the site.

We believe that the application underestimates the impact on other road users, which will include leisure users such as walkers (to Hungry Green from the village for example), cyclists and horse riders.

No Manure Management Plan reflecting the additional information

We can find no Manure Management Plan within the Method Statement and Pollution Prevention Plan (ref.4340360) with calculations as cited in the OR. (Fundamental site redesign has rendered the original MMP redundant.) There is only an updated plan of fields available. This omission is unacceptable, especially for an EIA development.

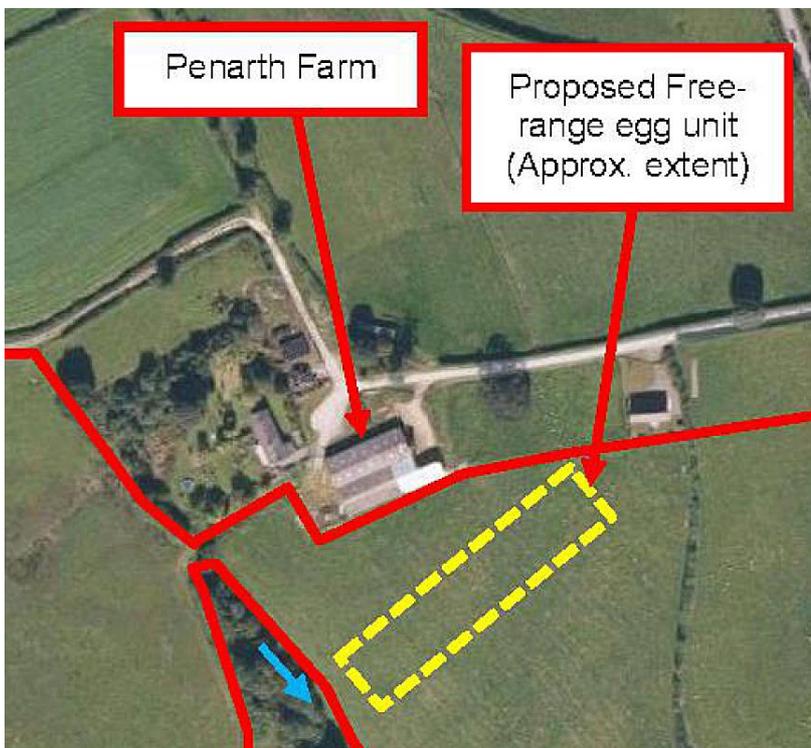
Landscape and Visual Impact Assessment

The applicant has not provided an assessment of landscape and visual impacts, an omission the Officer should have challenged. The site lies outside a designated landscape and so the responsibility for assessing the acceptability of landscape and visual impacts falls to the LPA, who should follow LANDMAP guidance in their assessment.

Landscape impacts are dealt with in the 2016 Officer's Report (pp 40-42) and have not been revisited. The Planning Officer states:

"Notwithstanding the scale of the proposed development, Officers acknowledge that the proposed building will be seen against the backdrop of the existing building complex and as such, potential landscape and visual impact is considered to be minimised."

This completely ignores the relative scales of existing agricultural buildings and the proposed new building, illustrated below:



(From Figure 3 Flood Consequences and Water Management Report)

The proposed new building is many times the size of the existing barns. The IPU will not appear as part of an existing complex of farm buildings, but as a very out of scale new addition to the landscape, industrial in its appearance. No assessment has been undertaken of the whole complex, with hardstanding, new access track and new splay onto minor lane, feed silos etc.

The officer also fails to use LANDMAP in an appropriate manner, referring only to the Visual and Sensory layer of LANDMAP (rated HIGH), and failing to draw attention to the OUTSTANDING Historic LANDMAP layer (aspect area RDNRL914). The Officer also fails to draw attention to the LANDMAP assessor's remarks in relation to the Visual and Sensory aspect area (RDNRVS127) remarks that this landscape is "*...one of the finest landscapes in the region*".

Landscape impacts of Intensive Poultry Units (IPUs) are substantial. At Bage Court, Dorstone in neighbouring Herefordshire, the impacts on landscape have been a reason for repeated refusal of a proposed intensive poultry unit and for the dismissal by the Planning Inspectorate of three separate planning appeals.

Impact on the setting of Penarth Motte, scheduled ancient monument

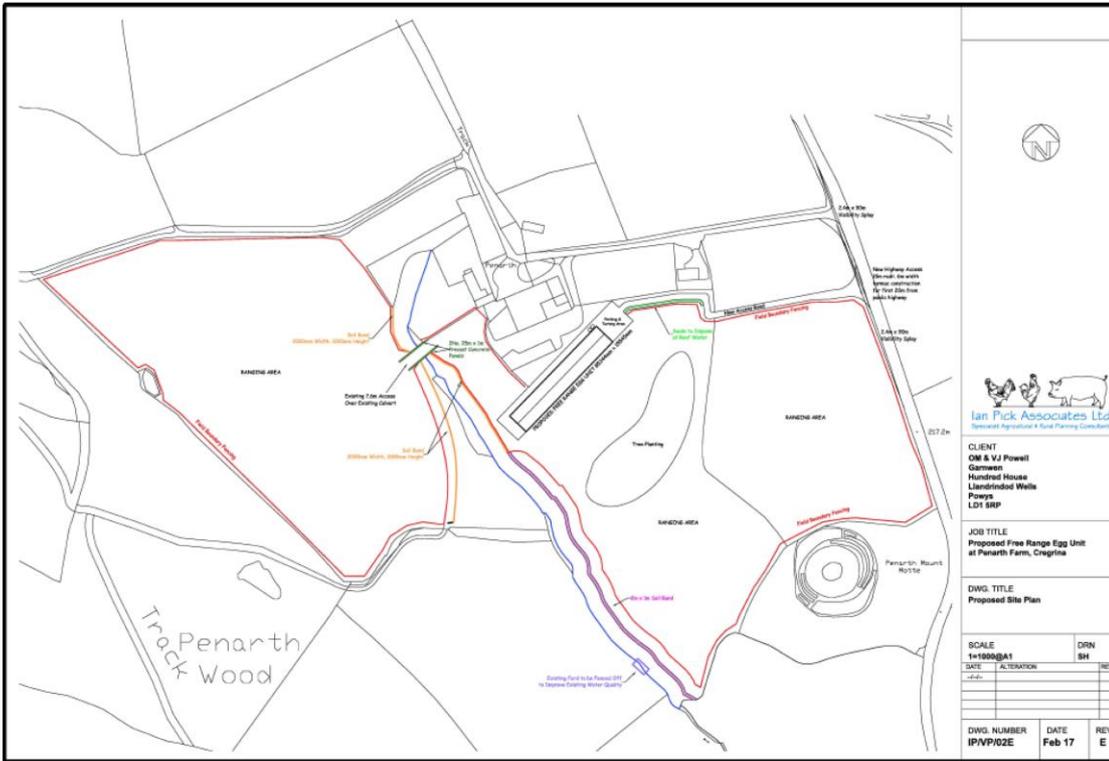
Local topography and the location of roads dictates that the best and most frequent views of Penarth Motte are experienced from the south, and while there are views from the east and west, the motte is not much visible from the north. The motte is raised above the immediately surrounding area but sits at a slightly lower elevation than the site. It follows that the best views of the motte, from raised ground to the south, will see it entirely eclipsed by a vast, modern, industrial building directly behind and above. CADW's assessment of impacts on the setting of the Scheduled Ancient Monument misinterprets the meaning of 'setting' and looks only at views from the failing to take account of views of the motte. This is incorrect and seriously understates the severity of an important impact.

Is this a suitable free range egg application?

In order to increase the range to the 2,500 birds/hectare range requirement, the chickens will have to cross a river. There are inconsistent maps of the range area in various documents.

The map included with the OR shows very limited space for the birds to pass between the western end of the shed and the river buffer and then cross the river into the (new) western part of the range. The spur of range to the north of the farm building includes the river according to Fig 1 Location map in the Flood Risk and Surface Water Management report (ref.4203892).

This range spur is missing in all other maps, including the developer's site location plan (ref. 4203840) and the orange area in the manure spreading plan in the Pollution Prevention Plan (website 4340360) both reproduced below.



The Range size is Uncertain

We cannot tell whether the range, which is hardly readily accessible to the birds, is even a nominal 6.4 Ha, especially given the undertaking in the OR (p90) that the range should be fenced 10m back from Penarth Mount and the watercourse set-back with bund and swale construction set out in Fig B-4 of the SWMP (ref.4203892). The 6.4 Hectares allows no rotation of range area and exceeds the 2,000 free range laying hens per hectare over the life of the flock set by RSPCA Welfare Standards for Laying Hens (p22).

Fig.3 the aerial photograph in the Flood Risk and Surface Water Management report (ref.4203892) shows the western range impinging on Penarth Wood whereas Fig 3 of the Ammonia Report (ref.4553251) shows the areas source (Ran-4) for the western range at the furthest point from the wood and the area sources do not accord with the range layout making it difficult to assess the remarkable difference between the preliminary and detailed ammonia concentrations at Penarth Wood.

Impact on Ancient Woodland

In September 2016 the Woodland Trust wrote to Powys Planning about this development to express concern about impacts on ancient woodland. The Woodland Trust recommended the planting of a shelter belt of trees at the edge of the range abutting the ancient woodland to alleviate the impact of ammonia emissions. It appears that no account has been taken of this advice, which we do not see discussed in the Officer's report.

The Precautionary Principle and White Clawed Crayfish in the tributaries of the Wye SAC

The HRA screening report concludes "Not *Likely* to be Significant Effects" however the required test is that the Competent Authority is satisfied *beyond reasonable scientific doubt*, using the best information, science and technical know-how, that the mitigation in the HRA would protect this particular SAC and relevant species. There is a Report by crayfish expert, Fred Slater (ref. 4056071), who must be regarded as the most expert source of information, with a recommendation that there should be a check by a licenced, experienced crayfish expert but this expert advice has not been heeded.

It must be rare that an intensive poultry farm range actually straddles a vulnerable river and the infiltration of manure products into the soil just 10m away on both sides of the river surely constitutes an extra risk.

We note that the details of construction of the river crossing has been relegated to a condition (C23) when it should have been required prior to determination, as should the subjects of Conditions 4, 5 and 21, as set out in TAN 5 4.3.2.

Conclusion: This application should be refused on the following grounds:

- **Unacceptable impacts on neighbours in very close proximity to intensive poultry unit**
- **Unacceptable traffic impacts**
- **No manure management plan**
- **Unacceptable landscape impacts**
- **Unacceptable impact on the setting of Penarth Motte, scheduled ancient monument**
- **Unsuitability of and uncertainty regarding ranging areas**
- **Impacts on ancient woodland and Woodland Trust advice disregarded**
- **Failure to apply the Precautionary Principle to conservation of White Clawed Crayfish and protection of the Wye SAC**

The Campaign for the Protection of Rural Wales (CPRW) established in 1928 is Wales' foremost countryside Charity. Through its work as an environmental watchdog it aims to secure the protection and improvement of the rural landscape, environment and the well-being of those living in the rural areas of Wales.

Yours sincerely,

Jonathon Colchester

Chair, Brecon & Radnor Branch
Campaign for the Protection of Rural Wales
Registered charity number 239899

cc. Dr. Mohammed Mehmet, CEO, Powys County Council

Attachments:

1. Grounds for Judicial Review, Tasley IPU, Shropshire Council planning ref. 17/01033/EIA
2. Pdf – comments from Kristian James, Principal Environmental Public Health Specialist, and Dr. Marion Lyons, Director of Health Protection, both of Public Health Wales