

Ceredigion County Council Planning Application A211093

Twin Broiler Units at Ty Nant, Tal-y-bont

Re-submitted 2022

TECHNICAL CRITIQUE of the Environmental Statement

to accompany the Objection from CPRW



**The Campaign for the Protection of Rural Wales
Ceredigion Branch and National Office**

Environment Information Services



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1 Author's relevant background and experience

- 1.1 I am **Geoffrey Ashton Sinclair**. I have a farming background and am a free-lance environmental consultant. In the last 50 years I have undertaken many practical and policy projects concerned with the rural environment, land use and, especially, upland landscape issues. From 1962-72 I was (eventually) the chief field officer of the **Second Land Utilisation Survey of Great Britain** specialising in mapping 90% of the semi-natural vegetation of the mountains, heaths and moorlands of England and Wales, an experience which allowed me to develop a wide-ranging practical knowledge of the countryside, and as a free-lance, to take on board an additional range of related projects. Among these was a lengthy collaboration with the then Ministry of Agriculture's Hills and Uplands team, which used my mapping data to assist in defining the Agricultural Land Classification for Grades 4 and 5 of its national data base throughout England and Wales.
- 1.2 Since 1972 I have been Principal of **Environment Information Services (EIS)**, operating throughout the UK but based in Wales where I work in partnership with my wife Mary – a Welsh farm-born career geographer – on a wide range of mainly rural land use issues. From 1964-77, initially as one of many adjuncts to my land use survey work, I provided the core evidence for the Exmoor Society's successful campaign to document and halt the loss of moorland and heath in the National Park. This resolved a controversy over the contested facts, and led to Lord Porchester's Public Inquiry and his formative Study of Exmoor, thus heralding a more inclusive approach to government policy for upland farming and landscape conservation, which then became a key interest for me and a focus of my work.
- 1.3 From 1976 – 82 I was the senior consultant on the **Upland Landscapes Study** – a major research project for the then Countryside Commission covering 12 areas in England & Wales, for which we published the full 300pp text in 1983 in parallel with the Commission's sequence of formal reports. I followed this by a series of projects for statutory and non-government bodies, focussing on land use and agri-environmental issues in the uplands of England, Wales and Scotland. A central theme was the need to devise alternative policies and safeguard financial support systems for farmers that would retain their livelihoods at the core of their communities and ecosystems by fusing the concepts of food production and environmentally sensitive land management. This resulted amongst others in **New Life for the Hills**, published in 1983 by the Council for National Parks - which I wrote jointly with the late Malcolm MacEwen - and **How to help farmers and keep England Beautiful**, and **The Lost Land**, an analysis of post-war land use change in England, published by CPRE in 1985 & 1992 respectively.
- 1.4 Since 1969 I have been a member of **CPRW**, initially via the Ceredigion Branch as a resident of Maesnant, Nant y Moch, Ponterwyd; between 1973-83 via the Montgomeryshire Branch as a resident of Allt-y-bladur, Glaspwll, Machynlleth; and since that date as a resident of Pembrokeshire and an active member of that county Branch. I am currently the national vice-Chair of CPRW and author of its agriculture policy - which takes as its starting point the need to ensure the production of Welsh food by means which sustain the environment, the local (and where relevant the indigenous Welsh) community.
- 1.5 I have twice been invited by the Planning Inspectorate to address its All-Inspectors' National Training Events. In fifty years of EIS I have examined and responded to hundreds of proposals involving Environmental Impact Assessments (EIAs) and have taken part in around 130 Public Inquiries as lay-advocate and witness I am therefore familiar with the requirement to scope and set out relevant issues in Environmental Statements, and compiled CPRW's critical response to the ES for the previous 2019 application at Ty Nant (which was refused consent by the County Council).

2 Introduction

2.1 The Decision-making context

This is an EIA application because of its likely impact on the environment due to its scale, nature and type of development, as set out in **Schedule 1** of The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 which **in every case** require a formal and adequately-scoped EIA. In this case this is specified in item 17 as '*Installations for the intensive rearing of poultry ... with more than 85,000 places for broilers or 60,000 places for hens*'. The proposal is for 110,000 places and thus must be assessed in the highest possible level of detail and scrutiny that UK and European legislation still provides. The submitted Environmental Statement (ES) refers to this in Chapter 1 para 1.4 but subsequently fails to stress the extreme sensitivity of this proposal in terms of the legislation, and thus, its incongruity in terms of the location chosen by the applicants. It is for these reasons that CPRW decided at its National Executive Committee that it would submit a national objection to the 2019 application in association with its Ceredigion Branch. This process is now repeated for the 2021 version – which is now divided into two parts – a) **this critique of the ES** plus b) a **formal Objection from CPRW** submitted in parallel as a separate document.

2.2 Documentation

I have retained copies of the 2019 ES and supporting material and have compared them in detail to those presented in 2021 for the current application. I noted previously that '*the submitted [2019] documents contained certain omissions and even fundamental errors which prevent full and proper assessment, and are in places error-laden and misleading. These should be rectified before the proposal can proceed to final decision*'. Notwithstanding the changes made to the substance of the proposal by the deletion of manure spreading from the broilers on the applicants' land and the introduction of its transportation to the Anaerobic Digestion facility at Penparc near Cardigan, many errors persist and new ones on a range of topics have emerged. Importantly, there still remain sporadic references to the previous manure spreading regime which should have been deleted. These have caused NRW to express confusion in its recent provisional Objection dated 11th February 2022 and to require clarification as to whether and why the Manure Management Plan still contains manure spreading elements related to the broilers. NRW maintain that a revised text should '*clarify the fate of the manure and/or slurry generated by the development*'. I concur with this and will indicate the apparently contradictory text and many other related errors as I trawl systematically through the documentation in the ES [below]. Irrespective of planning considerations justifying refusal, this application cannot proceed to determination - **except by refusal** - while these and a catalogue of other material errors remain. It is to be noted that the reason for refusal of the 2019 application still persists, namely that: '*The Local Planning Authority has been unable to assess the application in the absence of essential information relating to proposed development. As such the application is refused on grounds that it has insufficient information on which to base a considered decision*'.

3 Material errors and inconsistencies in the application

3.1 Application Form

Q7 *Are you supplying additional information or submitted plans, drawings or a design and access statement?* [YES]

But this time no longer mentions Drainage plan, Landscape plan, or DAS as in 2019

Q8 *Is a new or altered vehicle or pedestrian access proposed to or from the public highway?* [NO]

The answer should be YES as indicated at ES 2.2.3 'Highways' which states that *The site is accessed off a new vehicular access onto an unclassified road ...*

Q10 Trees and hedges

Are there trees and hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character? [NO]

Not borne out by the maps and illustrations – and thus avoids need for 'a full tree survey'.

Q14 Waste storage and Collection

Do the plans incorporate areas to store and aid the collection of waste and have arrangements been made for the separate storage and collection of recyclable waste? [NO] (as in 2019)

The detailed proposals of manure storage and transportation to Penparc contradict this answer, which should be [YES].

Q25 Pre-application advice

Has pre-application advice been sought from the local planning authority about this application? [NO]

This is very surprising, given the previous Reason for Refusal.

Q28 Agricultural Holding Certificate Town and Country Planning (Development Management Procedure) (Wales) Order 2012

None of the land to which the application relates is, or is part of, an agricultural holding

This appears to contradict the essence and purpose of the application.

3.2 The Environmental Statement

3.2.1 Heading

Despite being indexed as 'v3' the ES is still dated June 2019 and titled 'v1'

ES Chapter 1: Introduction

1.3 Site Location

It is inaccurate and misleading to state that: *The area is dominated by rural settlements including Talybont, Aberystwyth and Goginan*, when these include a university town, and are 5km, 15km and 18km by road respectively. Goginan is three valleys away, and none 'dominate' the area.

1.6 Method Statement and Assessment Criteria

Para 4 of the 2019 ES has been omitted – which stated that ... *The EIA has been carried out taking due consideration of guidance such as that contained within the Institute of Environmental Management and Assessment (IEMA) Guidelines*

This (perhaps accurately) diminishes the status and credibility of the document and provides no alternative authoritative methodological source.

ES Chapter 2: Scoping and Key Issues

2.2.3 Highways

The text only refers to consideration of the site's new junction with the existing unclassified road. The impacts of traffic generation along that road to Talybont should be scoped in, together with the journeys of vehicles carrying broiler manure along the A487 to the Anaerobic Digester at Penparc, near Cardigan.

2.2.4 Population / Scio-Economics

The cited population figure for Ceulanamaesmawr is for 2011, not 2001 as stated.

2.3 Scoping Tables

Many references to the spreading of manure remain, here and elsewhere, despite the change in the application to avoid this. Clarification, explanation and publication of any amendment is necessary, as is also requested by NRW in its Objection letter of 11th February 2022.

WATER – Groundwater quality – still contains the text below:

Land-spreading of waste - Contamination from infiltration arising from over-application

LAND – Landscape – still contains the text below:

Presence of manure - Change in character of landscape

Soils – still contains the text below:

Spreading of animal manure - Changes in soil nutrient levels and heavy metals

AIR - Local Air Quality – still contains the text below:

Storage/spreading manure - Release of gases to the atmosphere - Ammonia emissions

Regional / global air quality – still contains the text below:

Storage / spreading of manure - Release of gases to the atmosphere - Ammonia emissions

FLORA AND FAUNA - Terrestrial ecology – still contains the text below:

Storage / spreading of manure - deposition of ammonia onto vegetation

HUMAN ENVIRONMENT – Amenity

Vehicle movements - increase in number and frequency of vehicles - noise and vibration from vehicle movements

Accurate re-scoping required to include vehicle movements transporting the manure to the AD facility at Penparc

2.4 Consultations

Highways and Traffic – *The ES assesses the effects on the local road network of the development and includes details of existing and proposed movements, their timing and routing.*

Accurate re-scoping required to include vehicle movements transporting the manure to the AD facility at Penparc

Landscape and Visual Assessment – Appendix 15 of the previous ES which showed the location of the selected View Points is no longer included – without explanation

ES Chapter 3: Alternatives:

This text is written entirely within the context of the applicants' farm unit. Given the incongruity of the site in its environmental context, this conventional approach fails to address or justify the choice of location in a relevant context. It should be re-scoped to answer the question '*why here, in this remote and sensitive location?*' rather than just '*why on this particular field within the applicants' farm holding?*' The reason is obvious: no site on the holding avoids the locational problem of siting the proposal in this narrow valley served by a single-track minor road. The three other siting options 2-4 as set out at ES 3.2 are all sloping and appear to be set up as 'Aunt Sallies' to justify the selected 'Option 1'.

HEMA's Guidance ¹ reviews the concept of 'Assessing Alternatives' at section 7, but none of them fit the scheme described in the ES because of its inherent limitations. There is an argument that because the new variant avoids manure spreading on the farm unit, it could be considered a rational alternative to the original scheme. It is not, because it does not incorporate the consequences of that change by including the removal process of conveying the manure to the Penparc AD. Irrespective of its intrinsic defects it cannot be considered a fully-fledged alternative in planning terms.

¹ IEMA (Institute of Environmental Management & Assessment – Guidelines for Environmental Impact Assessment, 2004.

ES Chapter 4: Development description

4.1 Site Location

The final paragraph of 4.1.1 'Description of Site' states that: ***There are two residential properties within 400 metres of the proposed development.*** They are not individually specified at this point, but apart from similar text at ES 7.3.1 (see below) there is no systematic reference to **two** properties together, an assessment of impacts on either or both, or an explanation for this inconsistency.

It is nevertheless clear from maps and other ES material at Chapter 6 and elsewhere that the two properties are **Pant Coch** (to the west) and **Glanaber** (immediately south of the proposed sheds, and shown in the photograph of the additional viewpoint in the commentary in this document on ES section 7.7.1 below). To bring this material to the decision-makers, this document produces and assessment of resident impacts at **Appendix A, below.**

4.3.6 Routeing

'Route A: HGV movements will be restricted by design and management to connect to the Strategic Road Network along the A489'. This makes no sense because there is no realistic option along the valley road. It also mis-names the A487 (presumably from a previous application).

Furthermore., the movement (by whatever means) to transfer the manure for treatment at the Penparc AD is a fundamental part of the revised proposal and must be scoped-in and described as an environmental impact.

4.4 Management Cycle

There is no description of the disposal method and location of used litter or the disinfected wash water. As in the previous paragraph, the description of the cycle is incomplete because it does not include the removal and transport of the manure.

4.5 Waste Management

As previously, there is no description of the disposal method and location of mortalities (4.5.1), litter (4.5.2) or dirty water (4.5.3). As in the previous paragraph, the description is incomplete because it does not include the removal, transport and 'fate' of the manure.

ES Chapter 5: Planning Policy and other Legislation

5.2 European

5.2.1 refers to the Environmental Permitting (England and Wales) Regulations 2011 as if they were themselves a European Directive, and which contradictorily are said to be 'due to come into force in 2010'.

5.3 Environmental Permitting (England & Wales) Regulations 2011

Apart from the above out-dated reference, this would appear to be because the text should have referred to the 2010 Regulations, the 2011 version being concerned with radio-activity.

5.4 National Planning Policy

In its sub-heading the ES purports to review *Planning Policy Wales (Edition 11, February 2021) – Chapter 5 Productive and Enterprising Places*. In reality, it misleadingly and inaccurately repeats the text used in the 2019 application from PPW11's predecessor PPW10 (paras 5.6 1 to 5.6.11 inclusive). This is set out in the ES without the original paragraph numbers, save for 5.6.7, which betrays both the out-of-date source and the error. **This text should be withdrawn, and replaced** by the relevant updated and re-written text in PPW11 which occurs in the equivalent chapter entitled *The Rural Economy* – (and contains more-focussed and relevant planning guidance) as follows:

[PPW11 text below]

5.6 The Rural Economy

5.6.1 The rural economy must develop a wide base if it is to be adaptable and resilient to the challenges it faces now and in the future. Events such as the climate emergency, the coronavirus pandemic and exiting the European Union all bring economic and societal uncertainty, and the ability to respond flexibly to these issues will be key to the future success of rural areas.

5.6.2 Planning authorities should plan positively to meet rural employment needs by identifying policies in their development plans. By supporting the development of a broad range of employment opportunities in rural areas planning authorities can increase economic prosperity and help address the effects of rural decline or depopulation where it occurs. Greater opportunity can support and strengthen the future well-being and sustainability of rural communities.

5.6.3 Many commercial and light manufacturing activities can be located in rural areas without causing unacceptable disturbance or other adverse effects. Micro and small enterprises have a vital role to play in the rural economy, and contribute to both local and national competitiveness and prosperity. While some employment can be created in rural locations by the re-use of existing buildings, new development will be required in many areas.

5.6.4 To unlock the full potential of rural areas, planning authorities should adopt a positive approach to employment arising from foundation and innovative and technology based sectors, including research and development, in addition to employment arising from the traditional agriculture, forestry and leisure sectors. Proposals for diversification, new start-ups and micro-businesses should also be encouraged, where appropriate, to generate new job and wealth-creating opportunities.

5.6.5 Where a need is identified, planning authorities should allocate new rural sites for economic development in development plans.

5.6.6 New development sites are, in most instances, likely to be small and, with the exception of rural diversification and agricultural development to which separate criteria apply, should generally be located within or adjacent to defined settlement boundaries, preferably where there is public transport provision. However, some industries may have specific land requirements which cannot be accommodated within settlements. The absence of allocated employment sites should not prevent authorities from accommodating proposals for appropriate small-scale enterprises in or adjoining rural settlements, including small rural settlements. Planning authorities should include criteria based policy in development plans to consider such proposals when they are outside settlement boundaries. Whilst the protection of the open countryside should be maintained wherever possible, the expansion of existing businesses located in the open countryside should be supported provided there are no unacceptable impacts.

5.6.7 Although new businesses in rural areas are essential to sustain and improve rural communities, developments which only offer short-term economic gain are unlikely to be appropriate. Local authorities should encourage the growth of self-employment and micro businesses in rural areas by adopting a supportive and flexible approach to home working and associated change of use applications.

5.6.8 Planning authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation. They should also adopt a positive approach to the conversion of rural buildings for business re-use.

5.6.9 Care should be exercised when considering intensive livestock developments when these are proposed in close proximity to sensitive land uses such as homes, schools, hospitals, office development or sensitive environmental areas. In particular, the cumulative impacts (including noise and air pollution) resulting from similar developments in the same area should be taken into account. Rural Business Diversification

5.6.10 Planning authorities should adopt a positive approach to diversification projects in rural areas. Additional small business activities can often be sustainably located on farms and provide additional income streams. Diversification can strengthen the rural economy and bring additional employment and prosperity to communities.

5.6.11 Whilst every effort should be made to locate diversification proposals so they are well-served by public transport, it is recognised that certain diversification proposals will only be accessible by car. While initial consideration should be given to adapting existing farm buildings, the provision of a sensitively designed new building on a working farm within existing farm complexes may be appropriate where a conversion opportunity does not exist.

5.6.12 In terms of sustainable development it should be recognised that many small rural diversification proposals providing local services will actually reduce the journey length for users who would otherwise need to travel greater distances to access these services. Small rural diversification schemes can also contribute to the viability of a community by providing a focus for community life and hubs of economic activity.

5.6.13 Diversification activities come in many forms and include both agricultural and non-agricultural activities. Activities could include, for example, livestock and crop processing, non-traditional livestock and crop farming, tourism projects, farm shops, and making and selling non-agricultural products. Diversification can also include renewable energy proposals such as anaerobic digestion facilities or solar and wind installations, which will help to increase the viability of rural enterprises by reducing their operating costs. These schemes should be supported where there is no detrimental impact on the environment and local amenity

5.4.2 Technical Advice Note (TAN) 6

The cited text on *Development Related to Farm Diversification* is apparently from an out-of-date version of TAN6 – which was revised and re-issued in its current form in 2010. **Again, this text should be withdrawn, and replaced** by the relevant content from the extant version as follows:

3.7 Farm diversification

3.7.1 When considering planning applications for farm diversification projects, planning authorities should consider the nature and scale of activity taking a proportionate approach to the availability of public transport and the need for improvements to the local highway network. While initial consideration should be given to converting existing buildings for employment use, sensitively located and designed new buildings will also often be appropriate.

3.7.2 Many economic activities can be sustainably located on farms. Small on-farm operations such as food and timber processing and food packing, together with services (e.g. offices, workshop facilities, equipment hire and maintenance), sports and recreation services, and the production of non-food crops and renewable energy, are likely to be appropriate uses.

5.5 Local Planning Policy

5.5.1 Ceredigion Local Development Plan 2007-2022

The suite of relevant local policies is now cited, including *Policy DM18: Special Landscape Areas (SLAs)* which did not appear in the ES for the 2019 application. However, there is still no mention of the accompanying **Supplementary Planning Guidance (2014)** or that the proposal is located within **SLA 12: Northern Uplands** – extract below):



ES Chapter 6: Air Quality, Health and Climate:

Given its wide-ranging title, it is surprising that this chapter is now concerned solely with a technical assessment of ammonia emissions on fourteen discrete receptors at Sites of Special Scientific Interest (SSSIs) and internationally designated sites identified within 5 km of the site. It largely replicates Appendix 12 in 2019 (which strangely is retained for 2021- complete in that case with its list of references). It has an updated (by one year) and re-calibrated Table 1 of the critical levels and loads at the receptor sites, and updated wind roses (also by one year) which give very minor changes to the results set out in Table 4. Not unexpectedly, given the whereabouts of the receptors, the results are re-assuring to the applicants, because the so-called 'sensitive locations' and 'sensitive habitats' are so distant, physically different and scattered that the exercise may be best dismissed as a distraction.

However, the scope of original ES for the 2019 application reviewed relevant legislation including the Environmental Permitting Regulations 2010, the Habitats Directive, and what it called 'Other Conservation Considerations' - none of which now appear in the current chapter.

The 2019 text also covered '*the health of local people*' in its introductory text and continued to examine as sensitive receptors '*Locations where people may be present within a 500m radius*'. It identified just one property, **Pant Coch**, said to be 191m from the site to its residential curtilage. Apart from this property still being shown on the map forming Appendix 11, there is now no such text under this topic in Chapter 6.

ES Chapter 7: Landscape and Visual Impact Assessment

7.2.1 General Approach

In 2019 the process attracted criticism from CPRW because it relied upon the then outmoded 2002 2nd Edition of the Guidelines for Landscape and Visual Impact Assessment. [GLVIA2]. This has now been corrected to refer to the current 3rd Edition [GLVIA3] (still dating from as far back as 2013) but there is no sign that the procedure used within the ES has altered. In making the change of reference the ES text has even retained the stray final text [‘; and’], suggesting not only further carelessness but the possibility that there might have been an additional unidentified document.

7.2.3 Desk Study

The reference to LANDMAP cites the Countryside Council for Wales – which was abolished in 2013 and now forms part of National Resources Wales (NRW). There are no ‘cross-sections’ of the proposed development, as claimed.

7.2.4 Field Survey

This states that ‘*Field survey work also verified the appropriateness of the proposed assessment viewpoints*’. This is a necessary component of the ES, because as it states, ‘*It is also important to ensure that the selected viewpoints are a representative view, and demonstrate the maximum potential visibility of the proposed development for the selected location.*’ In 2019 the View Point locations were shown on a map in **Appendix 15** but this is now omitted from the current application. This may have been influenced by CPRW criticism of some of the locations from which there was no possibility of a view because of their location (see 7.7 below). The text states that ‘*observations were supported with photographs*’, but there are none in the ES.

7.2.5 Analysis and Reporting

‘*The baseline assessment is supported by Appendix 14.0 which illustrates the landscape context and relevant designations for the application site and study area*’. Despite the lengthy reproduction of 15 pages of text from LANDMAP in both ES 7.3.3 and Appendix 14, there is no analysis of how this mass of data relates to the comparatively small Zone of Visual Influence, and no maps to show where the Aspect Areas relate to potential visibility of the proposal. The claim that ‘*The baseline assessment, as a whole, therefore provides a robust description of the landscape and visual resource*’ is preposterous: the material is distraction text in an ill-thought-out attempt to blind respondents and decision makers with a welter of undigested data.

7.2.6 Assessment of Residual Landscape and Visual Impacts

This text describes a series of detailed steps summarising a series of landscape and visual assessments and culminating in a claim that ‘*The viewpoints selected are considered to be representative of the spectrum of receptors in the study area, located at different distances, directions and elevations relative to the proposed development.*’

7.2.7 Assessment Criteria

Despite the changed reference to GLVIA3, the text proceeds with the same detailed set of criteria as in the 2019 ES, deriving from text in its predecessor GLVIA2. It uses a process which has since been removed from the current edition. It was radically overhauled on the basis [Preface page ix] that ‘*The third edition supersedes earlier editions*’. The use of an out-of-date and functionally rejected methodology renders the LVIA unacceptable and untenable. Worse still, it is now presented or implied as if it were taken from or consistent with GLVIA3, when in reality it is neither.

A revealing example of this problem occurs in the text leading to 'Table 16' which begins *Definitions of magnitude are given within Guidelines for Landscape and Visual Impact Assessment (3rd Edition 2012)* [sic: not 2013]. In 2019 the same text was used but with reference to '(2nd Edition 2002)'. The text then continues in both 2019 and 2021 editions with the following: *Table 16 below provides the definitions of magnitude used for the purposes of this assessment.* This read in 2019 as if the text derived from GLVIA2 (which it does). But in 2021 it reads as if it is taken from or consistent with GLVIA3 (which it isn't).

7.3 Context of the Proposed Development

7.3.1 The Application Site and Immediate Surroundings

The location of the site is illustrated on Appendix [sic] 1 and 2. It consists of a pasture field. These (and other) maps also show an adjacent roadside property just below the site, labelled '**Glanaber**', which is clearly visible in the additional View Point illustrated in the commentary on ES 7.7.1, below.

There are approximately [sic] 2 properties within 1km of the site the closest of which is approximately 191 metres distant. This repeats the text at 4.1 and is the only other reference to **two** properties.

The site will be access [sic] by HGVs via the A489 at Talybont onto an unclassified road. This should say 'accessed via an unclassified road onto the **A487** at Talybont'.

7.3.3 Landscape Character

As noted at 7.2.5 above, this repeats the whole of a sequence of LANDMAP Aspect Area texts covering 15pp of text but without any interpretive or relational text.

7.4 Planning Policy Wales (Edition 11, February 2021) – Chapter 5 Productive and Enterprising Places

This heading replaces references in the 2019 ES to the then extant PPW10, but in removing paragraph numbers conceals the fact that the cited text is still from PPW10 and not from PPW11. In other words, the heading is not reflected by the text, which is now superseded. This replicates the same misrepresentation which occurs in quoted passages at 5.4 above. **Again, the relevant text should be withdrawn as indicated below, and replaced** by the appropriate updated text in PPW11.

The first para is the same as 5.4.1 in both PPW10 and PPW11. The next para is from PPW10 5.4.2 but ignores the additional material in PPW11 5.4.2, as follows:

PPW10 5.4.2 Economic land uses include the traditional employment land uses (offices, research and development, industry and warehousing), as well as uses such as retail, tourism, and public services. The construction, energy, minerals, waste and telecommunications sectors are also essential to the economy and are sensitive to planning policy.

PPW11 5.4.2 additionally states:

The Welsh Government seeks to maximise opportunities to strengthen the foundational economy, particularly the food, retail, tourism and care sectors which play such a prominent role throughout Wales; the planning system should be supportive of this aim. Similarly, growth in innovative, emerging technology and high value added sectors such as advanced engineering, renewable and low carbon energy, digital and bio-technology sectors are also strongly supported. Development plans should consider the role these sectors may play in terms of investment and job creation in their area.

PPW10 5.6.8 [Rural Business Diversification] ~~Planning authorities should adopt a positive approach to diversification projects in rural areas. Additional small business activities can often be sustainably located on farms and provide additional income streams. Diversification can strengthen the rural economy and bring additional employment and prosperity to communities. **This should be deleted.**~~

PPW11 5.6.8 actually reads as follows:

Planning authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation. They should also adopt a positive approach to the conversion of rural buildings for business re-use.

PPW11 now contains additional paragraphs 5.6.9 and 5.6.10 at this point – as follows:

5.6.9 Care should be exercised when considering intensive livestock developments when these are proposed in close proximity to sensitive land uses such as homes, schools, hospitals, office development or sensitive environmental areas. In particular, the cumulative impacts (including noise and air pollution) resulting from similar developments in the same area should be taken into account.

Rural Business Diversification

5.6.10 Planning authorities should adopt a positive approach to diversification projects in rural areas. Additional small business activities can often be sustainably located on farms and provide additional income streams. Diversification can strengthen the rural economy and bring additional employment and prosperity to communities

PPW10 5.6.9 [This is now PPW11 para 5.6.11]

Whilst every effort should be made to locate diversification proposals so they are well-served by public transport, it is recognised that certain diversification proposals will only be accessible by car. While initial consideration should be given to adapting existing farm buildings, the provision of a sensitively designed new building on a working farm within existing farm complexes may be appropriate where a conversion opportunity does not exist.

PPW10 5.6.10 [now PPW11 5.6.12]

In terms of sustainable development it should be recognised that many small rural diversification proposals providing local services will actually reduce the journey length for users who would otherwise need to travel greater distances to access these services. Small rural diversification schemes can also contribute to the viability of a community by providing a focus for community life and hubs of economic activity.

PPW10 5.6.11 [now PPW11 5.6.13]

Diversification activities come in many forms and include both agricultural and non-agricultural activities. Activities could include, for example, livestock and crop processing, non-traditional livestock and crop farming, tourism projects, farm shops, and making and selling non-agricultural products. Diversification can also include renewable energy proposals such as anaerobic digestion facilities or solar and wind installations, which will help to increase the viability of rural enterprises by reducing their operating costs. These schemes should be supported where there is no detrimental impact on the environment and local amenity.

7.6 Assessment of Residual Landscape and Visual Effects

Given the relatedly small area of visual and landscape impact, it is very strange to see references to far-flung features which are of little or no relevance, as in the summarising sections, 7.6 for landscape and 7.7 for visual effects. 7.6 refers among other distant areas to the landscape 'around Borth'; historic farmhouse and Victorian houses feature in the text; and Cors Fochno in the cultural landscape section. In the absence of a properly-focussed detailed assessment of the quite small area affected - and the incongruity this lends to the context of valleys, paths, lanes and hillsides - all this serves to deflect readers and users of the ES away from the matter in hand.

7.7 Assessment of Potential Visual Impacts

7.7.1 Visibility Analysis

The visibility analysis falls prey to this same distortion. Even for a development of this scale the absence of a ZTV (Zone of Theoretical Visibility) or its mirror image – a key Viewfield - is a grave omission.

Settlements

Misleadingly, it is stated that there would be no view from Goginan – 7km to the south and separated by five ridges and valleys.

Dispersed Residential Properties

The site or proposed development will not be visible to any other properties other than those described above. The problems with this claim is that there are no properties 'described above' and that there is no systematic assessment of impacts on residential properties. **This is therefore provided here in Appendix A, below.**

Public Rights of Way

There is no mention of the many areas of Open Access Land readily seen on the OS map extracts and providing links to linear routes. Moreover, there are no systematic references to the narrow local lanes, full of charm and interest, used in addition to local residents by walkers, cyclists, and small numbers of leisure motorists.

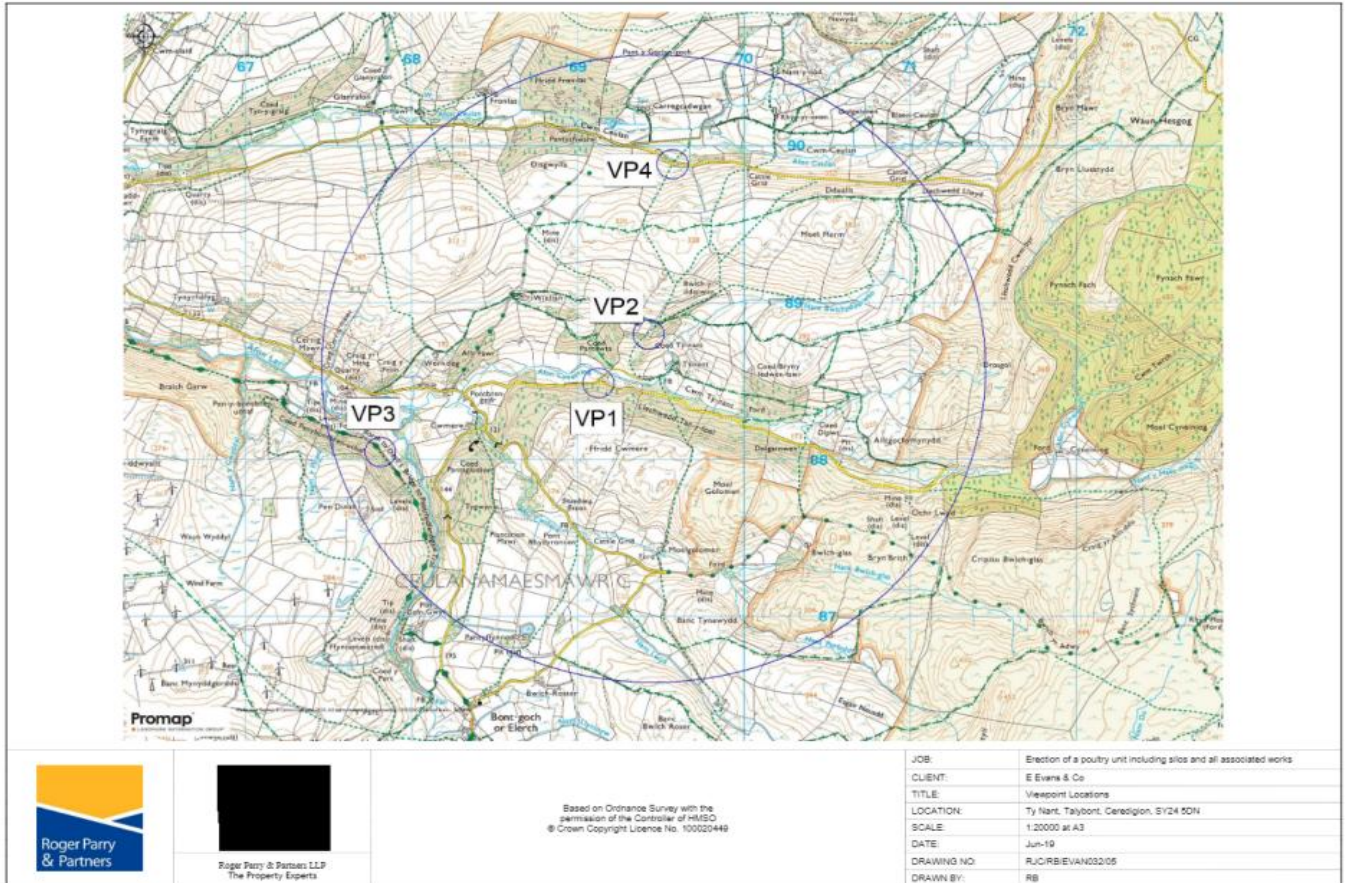
Viewpoint Assessment

This - it is troubling to read - was apparently verified in conjunction with the County Council. One hopes that they were not involved in such a frankly incompetent and misleading exercise. There is no ZTV (Zone of Theoretical Visibility) map, and no photographs. There is thus no 'view' shown from these so-called 'view points'. The locations of View Points were shown on a map as Appendix 15 in 2019, but this is now absent from the 2021 documentation. I have inserted the missing document, below.

By reference to this original map and to the grid reference supplied, it is clear that **VP4** (the most northerly) is located in Cwm Ceulan on the steep north-facing roadside along the road from Talybont to Nant y Moch. From this location, the proposal site lies to the south - completely concealed by a very steep 100m valley side. Consequently, visibility is **Nil** and the magnitude of effect is **Nil** rather than 'Slight' as stated. (ES Table 22). **VP4 should never have been used and should be deleted from the set in the ES.**

VPs 1 and 2 are closer and seem sensibly placed – **VP1** across the valley from 337m and **VP2** from above woodland at 224m. However, **VP3** further west on the Borth-Devil's Bridge Trail seems misplaced because the view appears to be blocked by the shoulder of the wooded hillside Llechwedd Tan-y-foel, some 30-40m (plus trees) above the line between the VP and the proposal site.

View Point Locations – 2019 Figure 15 as omitted from the 2021 ES



A further VP (below) has been illustrated in the response from Mr Jeremy Moore, and repeated (with permission) in the Objection from the Cambrian Mountains Society.



It shows the existing Ty Nant buildings and the proposed site in graphic detail, being the relatively pale green field with livestock grazing in its right-hand corner. At the left hand corner of the field can be seen the roadside house named **Glanaber**, as mentioned in 4.1 and 7.3.1 above and discussed further below. The proposed units would be larger and more visible than the two existing sheds (as well as having a cumulative impact).

The location is described as being from Open Access Land on Moel Golomen near to the Footpath 6/33 climbing southwards from Ty Nant (i.e. descending northwards in the photo). This would seem to be at approx. 2698 2879, at c275m AOD and c700 m distance from the site 70m below - as shown as VP 'X' on the omitted map, below.

Using this view, plus the two realistically placed View Points from Tables 20 and 21, the effect is much more significant than as stated in the ES and shown ~~in the~~ Table below. The reasons for disagreement are that the ES has applied a utilitarian approach to the sensitivity of road users unsuited to the nature of the locality, and has failed to adopt the sensitivity of path users set out in its own text. Magnitude should also be calibrated in a way which reflects the slow-moving or focussed quality of the views of receptors and the perceived incongruity of the proposed development. Both of these components are clear under-statements in the assessment of significance.

| VP | distance (m) | receptors | sensitivity | magnitude | Significance (notes) |
|-------------|--------------|---|---------------------------------|--|--|
| 1 | 337 | Walkers, ramblers, recreational road users, slow moving minor road users of all kinds | [Low] High | [Slight] Moderate Localised | [Slight] Major/Moderate Localised |
| 2 | 224 | Footpath users | [Low] High | [Slight] Moderate Localised | [Slight] Major/Moderate Localised |
| Extra VP'X' | 700 | Walkers, ramblers | High | Moderate Localised | Major/Moderate Localised |

Even if judged by the assessment procedures of GLVIA2 the errors above would not be accepted at that time, and should not allowed to stand now.

Additional material on residential impacts is shown at **Appendix A**, below.

7.9 Night Time Lighting

The assessment has identified that the site is located within a relatively dark, rural context with limited existing sources of light. This is agreed.

However, the site is located in an intensively farmed area [this is incorrect] and as such field operations and other activities take place during hours of darkness and use intense lighting for visibility (rather than security purposes).

7.10 Potential Cumulative Effects

The proposed development would add to existing agricultural developments in the locality. It would seem that the authors misunderstand the concept, unless this is meant to refer to the existing sheds, seen clearly in the additional View Point photo.

ES Chapter 8: Traffic

8.1.1 Scope of Assessment

The key issue is not so much whether the local road networks can accommodate the traffic associated with the site (as the increases proposed would be less than 1% of the total traffic on the local road networks) but the effect on local amenity.

This is an issue: the two are inter linked. What is the basis for the calculation of 1%?

As such, this assessment focuses on the traffic implication on individual villages affected by the proposal.

That is illogical and misleading.

8.5.2 Operation – Generated Traffic

The journey and transportation events described below are inevitable and integral consequences of the proposal and must be assessed as environmental impacts in the ES. To illustrate this concept by example, it is recognised that transportation of wind turbine components to proposal sites are necessarily scoped-in to EIA.

Manure

The poultry development would produce 1,440 tonnes of manure per annum. Manure is transported in 14.5 tonne loads by tractor and trailer; as a worst case, there would be 100 loads / 200 movements per annum.

This does not explain the route, destination and fate of these loads – almost 100 return miles along the valley, through Talybont and then the A487 to and from AD Penparc.

Bird Collections

Birds are collected by HGVs in loads of 6,650 birds. There would therefore be 11 loads / 22 movements per crop and 111 movements per year. A proportion of bird removal takes place during night time

This does not explain the route, destination and fate of these loads – along the valley, through Talybont and then substantial return miles to unspecified distant destinations via the A487 and beyond.

Conclusion

The ES has ignored the quiet nature of the existing locality plus the problems involved with meeting large vehicles in narrow one-way lanes. The experience for all other users would be irrevocably harmed. It has also failed to assess the impact and behaviour of the commercial vehicles and their journeys and destinations.

ES Chapter 9: Amenity

9.2.2 Planning Policy

Few planning policies relate directly to the specific amenity issues assessed in this chapter of the ES. Nevertheless, the issues are alluded to in several relevant policy areas regarding air quality and pollution control and general environmental protection

This is not so. Decision makers should take note of PPW11 paras 6.7.4 - 26

Framework for Addressing Air quality and Soundscape which is not referenced in the ES. In particular they should note 6.7.15ff which states that '*potentially polluting development includes commercial, industrial, energy and agricultural or transport infrastructure*'.

9.4 Baseline Environment and Sensitive Receptors

Subject to the narrow scope of 'Amenity' as defined in this Chapter the following is relevant in this context and for the general concept of residential amenity and impacts:

Potentially sensitive receptors within approximately 400 metres of the site were identified. The receptors listed in Table 26 are indicated on Appendix 11.

Both these sources define only one property – **Pant Coch** at 191m. This is incorrect. **Glanaber** is also shown on the maps forming Appendices 1, 2 and 16 together with material within Appendix 24 (Figures 4, 5 and 7, and a photograph at Plate 25).

ES Chapter 10: Ecology

This is a substantially reduced chapter compared to that submitted in 2019, largely due to the deletion of manure spreading and its replacement by transport to AD Penparc.

No comments.

ES Chapter 11: Noise & Vibration

This subject is covered independently by a detailed critique from a national expert of long standing, Mr Malcolm Hayes, who happens to live locally. He takes no position in relation to the merits of the proposal, but submits that '*the noise assessment is not sufficiently robust as to allow a decision maker to determine the potential impacts associated with noise*'. His criticisms are detailed and technical, concluding that the methodology used is out of date and may lead to an underestimate of impact. He concludes that the assessment is unfit for purpose and implies that it should be replaced.

As noted in relation to Chapter 9, decision makers should also take note of PPW11 paras 6.7.4 - 26 **Framework for Addressing Air quality and Soundscape** which is not referenced in the ES.

ES Chapter 12: Water Resources

This is a reduced chapter compared to that submitted in 2019, largely due to the deletion of manure spreading and its replacement by transport to AD Penparc.

No comments.

ES Chapter 13: Soils

No comments

ES Chapter 14: Heritage

This is now subsumed into a highly detailed [and fascinating] 51pp report on the Bethesda Independent Chapel compiled by Trysor consultants, forming **Appendix 24**, dated June 2021. It concludes that, on balance, significance in terms of the chapel's listed status would not be affected by the development - although it would have a High Negative impact on its **setting**, insufficient to affect its overall significance.

While this may be a fair conclusion in terms of balance, it does however, provide some useful insights into its relationship with the proposal. The report notes that:

7.2.1 The proposed poultry sheds would bring large structures closer to the chapel.... would have a High Negative impact on the view .. from the road approaching from the west.

8.1.1 A High adverse impact .. on views from the road to the west into which the gable end walls of two large poultry sheds would be introduced would change the character of the setting and dominate the small chapel building.

In the Conclusion at 9.1 (and apparently not elsewhere) the report states that the two poultry sheds would be 'some 50 metres to the north-northeast' of the chapel.

Appendix 24 also shows the location of the roadside house **Glanaber** at the maps forming **Figures 4, 5 and 7**, with a photograph of the property at **Plate 24**. This information is helpful in assessing potential impacts on Glanaber, which has not been specifically covered in the ES, and is assessed in this critique in terms of residential amenity at **Appendix A** below, together with a second property, **Pant Coch**.

3 Conclusion

As noted above, the ES is characterised by flawed and inconclusive assessments notably on the landscape and visual impacts of the proposal. It stresses that this is a relatively untouched intricate area of rural Ceredigion vulnerable to the introduction of proposals of this type.

The point at issue here, is that there is no locational imperative or justification to allow or encourage quasi-industrialised intensive developments of this nature to be located in the relatively remote heart of rural upland landscapes, subject to an existing range of protective designations. The logical location for intensive livestock units which do not have a farm-based requirement on the chosen site, is nearer to the supply of raw material and the demand for exported broiler meat. They have no planning justification in areas of this type, and – other than for applicants and employees – have no compelling benefits when assessed objectively and in terms of their environmental impacts.

In a separate self-contained submission CPRW therefore formally **objects** to the proposal and requests that it be **REFUSED** consent, noting also the contents of **Appendix A**, below.

APPENDIX A Residential impacts

There is no systematic coverage of this topic in the ES although it is a normal and expected part of the EIA process. The following sequence explains the lack of a concerted assessment in the ES by reference to the inapposite and contradictory material which touches on the topic (as noted in the Critique text above).

The **Design and Access Statement** (Appendix 19) states that:

There is one residential property within 400 metres of the proposed development at Ty Nant.

The final paragraph of ES 4.1.1 'Description of Site' states that:

There are two residential properties within 400 metres of the proposed development. They are not individually specified at this point, but apart from similar text at ES 7.3.1 there is no other systematic reference to **two** properties together, an assessment of impacts on either or both, or an explanation for this inconsistency.

It is nevertheless clear from maps and other ES material at Chapter 6 and elsewhere that the two properties are **Pant Coch** (to the west) and **Glanaber** (immediately south of the proposed sheds, and identifiable in the photograph of the additional viewpoint in the commentary in this document on ES section 7.7.1).

The 2019 ES text for **Chapter 6** (Air Quality, Health and Climate) also covered '*the health of local people*' in its introductory text and continued to examine as sensitive receptors '*Locations where people may be present*' within a 500m radius'. It identified just one property, **Pant Coch**, said to be 191m from the site to its residential curtilage. Although there is now no such text under this topic in Chapter 6, this property is still shown on the map forming **Appendix 11**.

7.3.1 The Application Site and Immediate Surroundings states that:

The location of the site is illustrated on Appendix [sic] 1 and 2. These (and other) maps also show an adjacent roadside property just below the site, labelled '**Glanaber**'. It continues: *There are approximately 2 properties within 1km of the site **the closest** [sic] **of which** [un-named] is approximately 191 metres distant.* That is the distance for Pant Coch cited elsewhere, yet it is apparent from all map sources in the ES that Glanaber is almost adjacent to the site. Clearly this assertion is incorrect and the implication to the unwary reader is that the 191m refers to Glanaber.

9.4 Baseline Environment and Sensitive Receptors states that:

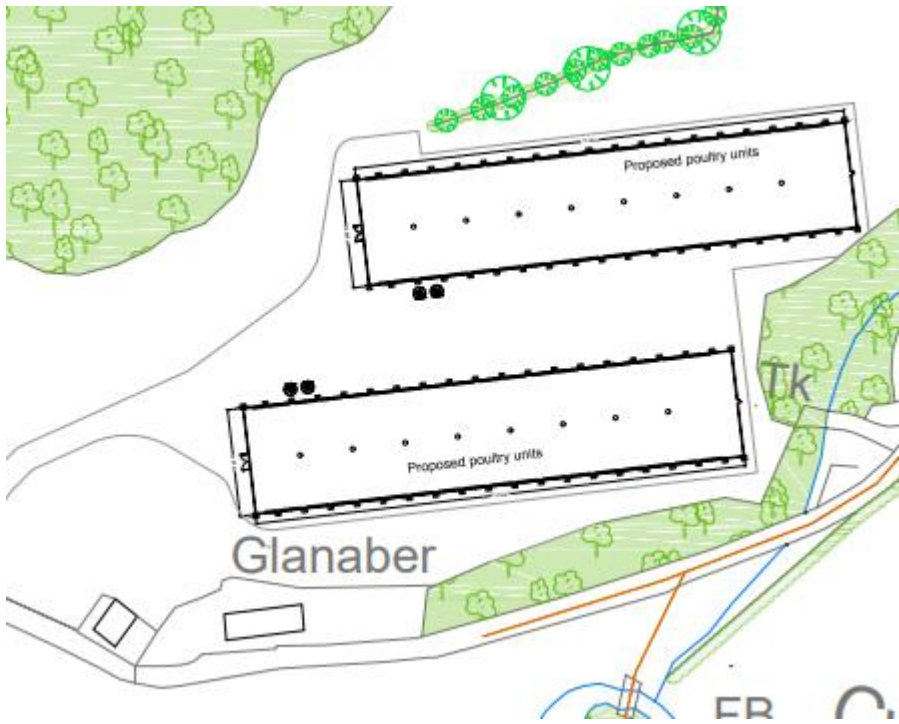
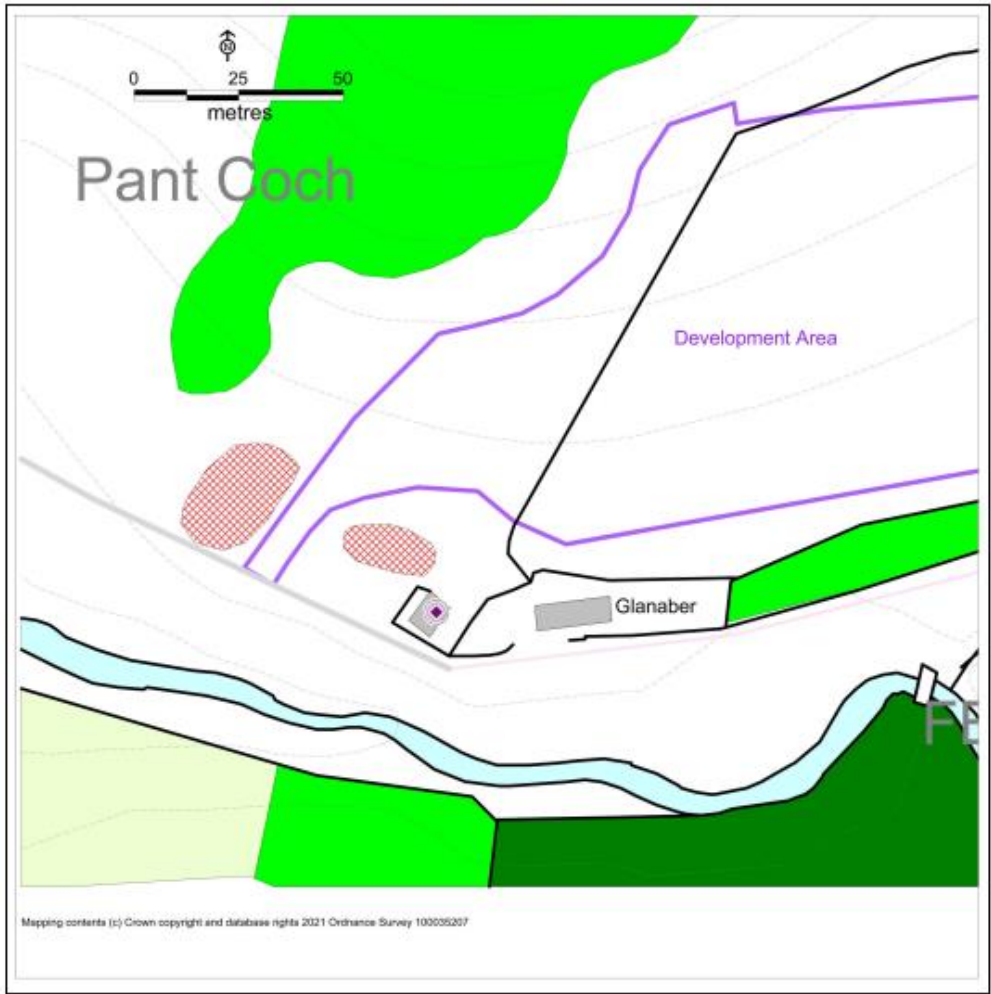
Potentially sensitive receptors within approximately 400 metres of the site were identified. The receptors listed in Table 26 are indicated on Appendix 11. Both these sources define **only one property** – **Pant Coch** at 191m. This is incorrect. **Glanaber** is also shown on the maps forming Appendices 1, 2 and 16 together with material within Appendix 24 (Figures 4, 5 and 7, and a photograph at Plate 25).



This omits **Glanaber** which is clearly visible in the additional View Point illustrated in the commentary on ES 7.7.1, where it can be seen very close to the site and next to Capel Bethesda. It is also shown on the maps forming Appendices 1, 2 and 16 together with material within Appendix 24 - Figures 4, [below] 5 and 7, and a photograph at Plate 25 [immediately below].



Plate 25: TYN2021_025. A view towards Glanaber along the road from near the chapel, looking east.



As Glanaber is literally next door to Capel Bethesda, the text is important in that it indicates (and apparently not elsewhere) that the two poultry sheds would be '*some 50 metres to the north-northeast*' of the chapel. From this and referring to the scale on the map above, it is clear that Glanaber would be barely **20m from and slightly below** the corner of the nearest unit. It would be dwarfed and dominated. Visual impacts would obviously be reinforced by other residential effects.

In the absence of any assessment or recognition in the ES, I conclude therefore that visual and amenity impacts on the residential amenity of the two properties are as follows:

| property | distance (m) | sensitivity | magnitude | Significance |
|------------------|--------------|-------------|-----------------|-----------------------|
| Glanaber | c 20 | High | Major | Major |
| Pant Coch | 191 | High | Moderate | Moderate/Major |

It may be argued that Glanaber is in the ownership or control of the applicants. There is no information in the ES that would suggest this, but it is a possibility. If that were to be so there is still no planning reason why it should be exempted from assessment. The reason for this is that the impacts apply to a component of the local housing stock, which in any case might be sold or transferred in the future.

The purpose of EIA is to assess independently of such factors. The role of the Local Planning Authority is to judge the results professionally as it sees fit.