

POWYS INTENSIVE POULTRY (IPU) UPDATE!

There has been huge press and conference coverage of intensive farming and river pollution over 2023, with plenty of focus on the river Wye. This continues with the [Observer article on 14/1/24](#). There has been less publicity about water quality in the Severn, the other great cross-border river, whose headwater catchment area covers the northern half of Powys. There has been much less publicity about the air-quality impacts of intensive livestock farming.

We hope you are ready for a longer read.

No new applications, approvals or refusals.

It is however it is not all negative, with no new Intensive Poultry applications, approvals or refusals in Powys during 2023.

Following requests for 'call-in' of the 13 outstanding Powys applications for Welsh Government determination, the government applied "Holding Directions" to all 13, one of which was immediately withdrawn by the applicant. Two 'call-in' requests were from unknown sources and 11 were from the Campaign for the Protection of Rural Wales (CPRW).

A Holding Direction prevents Powys County Council from giving consent but they can still refuse an application and further documents can still be submitted by the applicant or other parties. While many of these are displayed on the council's Powys Planning website, Powys refuses to publish any responses from the general public or non-Governmental Organisations (NGOs) who are not considered to be "Statutory Consultees".

Of the 12 remaining Powys applications listed as [Planning Decisions being considered by Welsh Ministers](#), 11 are awaiting sight of the Local Planning Authority Officer's Report and Upper Maenllwyd, in the Severn catchment, continues to be "under consideration".

[Natural Resources Wales](#) (NRW) is the primary Statutory Consultee for environmental impacts, responding to planning applications according to their published NRW planning remit. In practice, Decision-making is heavily influenced by NRW advice and following statutory environmental advice protects Local Planning Authorities (LPAs) in case of legal challenge. Approval is almost always granted if NRW is satisfied, regardless of any other issues outside the NRW planning remit but nevertheless within the LPA planning remit. These other issues include local nature assets, landscape, traffic impacts, unacceptable odour, and the impact on tourism.

CPRW has repeatedly put forward objections about IPU planning to Powys County Council on the following principal grounds:

- Out of date benchmark ammonia data.
- Past NRW Environmental Permits were allowed as evidence for subsequent planning compliance although planning and environmental permitting are different regimes.

- Failure to identify all relevant intensive livestock operations for “in combination” cumulative ammonia impact assessment.
- NRW has not insisted on the phosphate analysis required by its own guidance.
- NRW’s default position is to “object” unless the developer manure management and pollution reports were made subject to enforceable Planning Conditions, although we had clearly evidence, through Freedom of Information requests, that Powys County Council had never monitored or enforced any of these conditions.
- Biased and out of date ammonia data and a monopoly in ammonia consultancy reports with the majority undertaken by A. Smith Modelling & Data.
- The impact on local nature assets not within the NRW planning remit (e.g. Wildlife Trust reserves, traditional meadows, priority species and habitats etc.) were not considered.
- When manure is exported to Anaerobic Digesters, there is no guarantee that the digestate will not be spread in the same Special Areas of Conservation (SAC) or other catchment areas at risk.

We have summarised the comments made in NRW planning responses for Powys County Council applications under Holding Direction in the table below. These show a clear chronological pattern of improved scrutiny, further strengthened after the respective Welsh Government Holding directions were issued.

Compare Cornorian Fawr with 2022 & 2023 responses. The emphasis in the NRW responses is on impacts of ammonia on designated habitats and nutrient impacts on rivers. From May 2023 onwards, NRW has cast doubt on whether the chain of responsibility for manure and dirty water disposal can be relied on:

NRW is “not satisfied that the regulatory regimes covering spreading of manures, or resulting digestate to land, are adequate in preventing discharge of phosphorus to the river environment” & NRW is “not satisfied that... (arrangements/agreements submitted)... would be capable of exerting sufficient control over the fate of the contaminated water to avoid an adverse effect on an SAC”.

“not satisfied that... (arrangements/agreements submitted)... would be capable of exerting sufficient control over the fate of the contaminated water to avoid an adverse effect on an SAC”.

NRW has explained that the regulatory gap arises from the failure of the Welsh Agricultural Pollution regulations for water to control phosphorus and of the Environmental Permitting Regulations to control digestate not classified as waste ([see 23/1/24 Answer to Wye Nutrient Management Board](#)).

NRW’s own Mid Wales Area Statement says:

- ***While ammonia air pollution emissions have generally stabilised across the UK, they have increased significantly in Mid Wales largely due to this expansion in poultry numbers.***
 - ***Wales is now one of the largest producers of free-range eggs in Europe.***
 - ***This trend is continuing***
 - ***Ammonia is toxic to native plants and habitats.....***
 - ***Urgent measures are required to address this ongoing threat to our natural environment.***
- According to [Future Wales](#) (p78), this issue should be a material planning consideration.

We also have clear evidence of [ammonia impacts on human health](#), contributing to toxic PM2.5 particles, even in distant towns.

We are pleased that, at last, NRW has also started to look more closely at nutrients and insist on up to date ammonia data and in-combination assessments, no longer allowing use of previous Environmental Permitting submissions. However there is an in-built problem with ammonia models because Air Pollution Information Systems (Apis) figures are always out of date by between 2 and 3 or more years. They are based on a historic three year average and updated at varying intervals.

Since ammonia levels have been rising consistently in mid-Wales we are always assessing the impact of new ammonia sources against background levels which are well below today's actual levels. For example, Apis figures consulted both in March 2020 and Jan 2021 were based on measured levels from 2016-2018 (so representing midyear 2017): figures consulted in November 2022 cover 2018-2020 (representing midyear 2019): figures consulted after May 2023 cover 2019-2021 (representing mid-year 2020).

Today we are looking at the figures for 3.5 years ago. NRW requires applicants to take account of any new sources of ammonia emissions added or consented since the quoted Apis consultation date to see how far the modelled emissions from the application would tip background levels at designated sites over the critical risk values. Applicants should have always used the most up to date figures and then searched as far back as the reference years for "new" sources (as the Powys Ecologist pointed out for Upper Bryn IPU application).

The accounts of these "new" sources have almost always been flawed. But, even if correctly compiled, these "new" sources will not be sufficient to estimate the current background level. This is because intensive poultry applications are by no means the only ammonia emitting sources and the modelled emissions from shed and outdoor ranges demanded by NRW leave out a significant proportion of the ammonia emitted as a result of operating a new IPU.

There is an additional planning problem because, [in 2018, the Welsh Government Chief Planner](#) required planning departments to consider **cumulative impacts** of intensive livestock units but offered no suggestions how to do this other than a reference to NRW ammonia guidance. The case by case approach has allowed cumulative negative impacts on rivers, soils, landscape, local nature assets, residents well-being (health, traffic, odour, vermin, income insecurity) to escalate while Powys Planning, covered by NRW advice, continued to approve more and more IPUs. Even after publishing data on the failing river Wye SAC ([Wye SAC Compliance Report](#)), it took NRW from December 2020 until September 2022 to admit to the connection between IPUs and excess nutrients in rivers ([Wye Core Management Plan](#)).

Since January, under the Welsh Agricultural Pollution Rules for Water, existing IPUs are no longer allowed to spread nitrogen-containing manure at the rates agreed by NRW when they gained planning permission. What will they do with the excess? Or will they get away with the temporary get-out offer of notifying a crop-need for the excess?

There seems to be stalemate over planning decisions. The Welsh Government web-site says the Welsh Ministers are waiting for Powys officer reports on eleven applications. However Powys apparently regards Upper Maenllwyd (not Wye SAC catchment) "under consideration" as a test case and is waiting for the Welsh Ministers decision (Statement made to Wye Nutrient Management Board 17/1/24 by Powys Planning Lead) before producing reports.

In the meantime, NRW recommended refusal of Llwyngwylim in 2022 so why is it still undecided by Powys in January 2024.

- Since **mid-2015**, when **CPRW** began to raise concerns, Powys approved **152** separate applications for 5,680,649 more chicken-places.
- **24**, out of the **36** of those applications either withdrawn or refused, were resubmitted.
- Since **mid-2018**, when Welsh Government advised Powys to consider cumulative impacts, another **3,220,000** chicken-places have been approved.
- **12** applications for **718,000** more chicken-places are still in planning (listed in our table).
- NRW, the body responsible for sustainable management of natural resources, was satisfied by all the approvals so far.

There is too much pollution to air, soil and water and it may too late, for our rivers, biodiversity and future.

Christine Hugh-Jones and Margaret Tregear
CPRW Brecon and Radnorshire branch.

WELSH GOVERNMENT INTERVENTION IN POWYS IPU DECISIONS (all application references and documents can be consulted on [POWYS WEBSITE](#))

Application: Wye or Severn catchment. Type, bird nos., date, Powys ref.	Date WG HD issued. Current status	Date Apis ASM Isopleth consulted or	Apis background ammonia cited: micrograms of ammonia/metre ³	Manure disposal	Dirty washwater disposal	Latest NRW response	NRW most recent advice: unanswered problems and requested information still outstanding in 2024
Cornorion Fawr FRE 16,000 15/6/18 18/0083/FUL	11/5/23 waiting LPA officer report	March 2021 ASM	1.14	Gamber export	Gamber export	10/12/21	○ No objection if plans Conditioned
Upper Maenllwyd broiler 112,000 9/7/19 19/1069/FUL	7/2/23 under consideration	March 2021 ASM	1.6	AD Wykey Farm, Shropshire SY4 1JA	“specialised contractor” unspecified	8/7/22	○ Apis ref. out of date ○ Permit Evidence out of date ○ In- combination revision required
Trederwen Hall FRE 32,000 3/10/19 19/1490/FUL	11/5/23 waiting LPA officer report	Oct. 2020 ASM	2.64	spreading at 250kg N/Ha/yr	spread over farm grassland	18/2/22	○ Risk to Montgomery Canal SAC ○ In-combination required ○ Incorrect MMP ○ Is reduction of other stock in mitigation appropriate as planning condition?
Upper Bryn Farm FRE 32,000 27/12/19 19/2069/FUL	Not available waiting LPA officer report	July 2022 ASM	1.53	Gamber export	? NRW says “third party”	15/8/23	○ Regulatory regime does not protect SAC ○ Apis ref. out of date ○ In-combination revision required

Cwmafan, Builth broiler 100,000 20/0717/FUL	5/1/23 waiting LPA officer report	Jan 2019 ASM	0.79	Gamber export	Mayglothing twice a year	9/5/23	<ul style="list-style-type: none"> ○ Regulatory regime does not protect SAC ○ Apis ref. out of date ○ SSSIs may be at risk ○ Dirty water exceeds tank capacity
Dol y Dre, Ithon broiler 150,000 20/8/20 20/1226/FUL	11/5/23 waiting LPA officer report	“Latest Apis” Isopleth	?	Gamber export	Gamber export	15/8/23	<ul style="list-style-type: none"> ○ Regulatory regime does not protect SAC ○ Disagree with Powys HRA
Drewern Hundred House FRE 16,000 28/9/21 20/1756/FUL	11/5/23 waiting LPA officer report	Nov. 2022 ASM	1.52	Gamber export	Gamber export	12/10/23	<ul style="list-style-type: none"> ○ Regulatory regime does not protect SAC ○ Is reduction of other stock in mitigation appropriate as planning condition?
Llwyngwilym broiler 55,000 3/2/21 21/0059/FUL	11/5/23 waiting LPA officer report	“Latest Apis” Isopleth	?	Gamber export to AD unspecified	waste management company	21/9/22	<ul style="list-style-type: none"> ○ Refuse: risk to Nantwerth pastures SSSI
Llwyn Cutta FRbroiler 10,000 12/2/21 21/0263/FUL	11/5/23 application withdrawn on 12/5/23	Feb 2021 ASM	0.93	Gamber export	taken off-site in sealed tanker	4/6/21	<ul style="list-style-type: none"> ○ In-combination required
Bryn Thomas broiler 104,000 2/11/21 21/1826/FUL	11/5/23 waiting LPA officer report	July 2021 ASM	1.66	Gamber export	by tanker to waste water treatment works	6.12.23	<ul style="list-style-type: none"> ○ Regulatory regime does not protect SAC ○ Permit Evidence out of date
Ffosmascal FRbroiler 5,000 17/12/21 21/2308/REM,FUL	11/5/23 waiting LPA officer report	April 2021 ASM	1.19	Gamber export	Mayglothing export	22/8/23	<ul style="list-style-type: none"> ○ Regulatory regime does not protect SAC ○ In-combination required.

Rhosfawr Uchaf pullets 76,000 6/1/22 22/0015/FUL	11/5/23 waiting LPA officer report	Jan 2022 ASM	2.02	Export for spreading to Middleton Farm Oswestry	taken off-site in sealed tanker	28/7/23	○ Regulatory regime does not protect SAC (site not near SAC) ○ In-combination required.
Tan House FRbroiler 10,000 30/5/22 22/0854/FUL	11/5/23 waiting LPA officer report	Feb 2023 ASM	(average) 1.5 not correct for Feb 2023. **	spread on farm land. Gamber export of excess	Mayglothing export	12/10/23	○ Regulatory regime does not protect SAC ○ In-combination required.

* *Isopleth reports do not provide any background ammonia figures.*

** *ASM Apis fig. for Feb 2023 should have referenced 2018-2020 and not 2017-2019*

January 2024