

Powys Branches of Campaign for Protection of Rural Wales

Powys LDP Exam: Response to Action Point 16: Hearing Session 11

26/05/17

In accordance with Action point 16, Hearing Session 11: “CPRW to provide a draft policy on intensive agriculture” we set out below policy draft.

Note to Inspector:

Intensive livestock units, particularly intensive poultry farming units have increasingly transformed the Powys countryside during the life-time of the UDP causing increasing concerns to NRW, non-statutory environmental organisations, and residents. Our data-analysis (updated May 2017) shows that the consented Intensive Poultry Units in Powys represent 5.2 million birds. Since 1st May 2015, 63 proposals have been submitted of which 49 have been approved (45 under delegated powers and 4 at Planning Committee Meetings). 14 are still active. **None** have been refused.

Evidence of the scale of development and environmental impacts was submitted by CPRW Powys branches for Hearing Sessions 1, 2, 6 and 11 and is not repeated here. During various Hearing Sessions, and particularly at HS 11, CPRW suggested that the scale of ILU development warranted specific policy to draw applicants and Officer’s attention to the particular environmental risks, including increasing cumulative risks, and to minimise future environmental damage.

We drew attention to the requirement in PPW 9:

13.11 Development plans and improving the quality of water and air

13.11.1 Development plans are important vehicles for the promotion of environmental protection and should enable consideration of the effects which proposed developments, and transport demand associated with them, may have on air or water quality and the effects which air or water quality may have on proposed developments. Local planning authorities should take account of such quality objectives when preparing development plans and should work closely with pollution control authorities in the preparation of these plans and when determining planning applications.

13.11.2 Development plans should include strategic policies on the location of potentially polluting developments and should set out criteria by which applications for such developments will be determined, but they should not exclude provision for such projects or prohibit all applications to set them up. Plans may set out policies and proposals to ensure that incompatible uses of land are separated, in order to avoid potential conflict between different types of development. They should make realistic provision for the types of industry or facility that may be detrimental to amenity or conservation interests, or a potential source of pollution, ensuring resilience to climate change.

(CPRW B&R emphasis added.)

We also drew attention to the ecosystems duty placed on local authorities by the Environment (Wales) Act and to responsibilities for improvements in ground and surface water quality under the Water Framework Directive.

Our draft policy below is derived from the policy contained in the Monmouthshire LDP:

INTENSIVE LIVESTOCK/FREE RANGE POULTRY UNITS

RJ 1 Intensive livestock farming can be defined as a specialised system of livestock production where the livestock are mainly or entirely housed indoors with stocking densities and mechanised rearing greater than in traditional livestock farming. Feedstuffs may need to be imported and waste products disposed of to the extent that many of these units are not dependent on the farmland on which they are sited. Intensive livestock units include buildings in which cattle are kept over the winter months. Intensive indoor and free range poultry units have become an increasing feature of Powys' agricultural economy and pig production is increasing. Applications for agricultural buildings must clarify whether they are to be used for intensive livestock rearing.

RJ 2 Given their scale, intensive livestock and free range poultry units can be difficult to assimilate into the landscape. Units (including all associated development) should be sited so as to minimize their visual impact by avoiding exposed locations and, where practicable, locating them within or adjoining existing groups of buildings, and landscaping schemes should be an integral part of the project and throughout its lifetime.

RJ 3 Intensive livestock units may cause harm to residential and local amenity, the aquatic environment, highway safety and historic and cultural heritage, arising from visual intrusion, noise, pollutants, dust and odours and increase of traffic. Technical Advice Note 6 sets out that potential for conflict between neighbouring land uses may be reduced where intensive livestock units are not sited within 400m of a 'protected building' i.e. a non-agricultural building not on the same agricultural holding. Recontouring of agricultural land, increase in hard standing and compaction of any outdoor ranges may lead to an increase in flood risk. Archaeological and geological heritage may be harmed during construction, or by the management of any outdoor range areas. Units may also give rise to increased requirements for aggregate or stone, electrical infrastructure, water abstraction. All of these matters must be carefully assessed by the applicant and information provided to the LPA at the time of the application. Prior consultation may identify other potential impacts which will require assessment.

RJ 4 Airborne emissions and leachates from manure and slurry from intensive livestock units can adversely affect air, ground and surface water quality (including private water supplies) and lead to adverse impacts on biodiversity. Applicants will therefore be required to assess the environmental impacts and sustainability of each new unit or extension, including the impact of any outdoor range areas and the disposal of manures, slurries or the arisings from any disinfection, veterinary treatment or cleaning of units.

RJ 5 The environmental impacts of intensive livestock units, including their cumulative impact with previously consented or existing units, need careful assessment. Appropriate siting can minimise such impacts and the reasons for choice of site should be given in the report. Applicants should also demonstrate how the intensive livestock unit will contribute to the aims of sustainability. All proposals for intensive livestock units will be expected to incorporate measures to limit their potential impacts nevertheless, applicants are reminded that it may not be possible to make every site acceptable.

RJ 6 The intensive rearing of poultry or pigs is subject, above certain thresholds, to the Pollution Prevention and Control (England and Wales) Regulations 2000. Applicants should contact Natural Resources Wales at an early stage to discuss how these regulations will affect their proposals.

RJ 7 Applicants and the Local Planning Authority shall have regard to the latest advice from Natural Resources Wales. Applicants and the Local Planning Authority shall also, where applicable, have regard to the specialist and/or local knowledge of environmental non-governmental organisations, such as the Rivers Trusts and Wildlife Trusts.

RJ 8 Policy XXX seeks to achieve a balance between the economic production of food and the protection of amenity and the environment (in conjunction with the use of planning obligations and conditions).

RJ 9 Proposals shall also comply with other relevant plan policies.

RJ10 Technical Advice Note 23 sets out relevant tests to be applied where economic development may cause environmental or social harm. The principles of sustainable management of natural resources, sustainable development and the biodiversity and resilience of ecosystems duty, as set out in the Environment (Wales) Act 2016 and Well-being of Future Generations Act 2015, are applicable to the determination of proposals for intensive livestock units.

Policy XXX - Intensive Livestock and Free Range Poultry Units

Intensive livestock units, including those required for poultry, and any extensions to such units, will be permitted provided that, individually and in combination with existing units, they meet the following criteria:

- a) the unit will not cause significant deterioration of air or water quality, including ground and standing water and river systems, in either the construction or operation phases;**
- b) where units will depend on extraction from ground or surface waters, the impacts of such abstraction must be assessed and shown to cause no significant adverse effect;**
- c) the unit and the manure and/or slurry arising from the proposal does not cause significant risk to protected wildlife sites in either the construction or operation phases;**
- d) the new or extended unit does not have significant impact on the surrounding landscape or visual amenity;**
- e) the unit and any associated infrastructure, for example, feed bins, wash tanks, manure stores, slurry tanks and lagoons, uses appropriate design and technology to minimise the nuisance of visual intrusion, dust, smell and noise to non-agricultural neighbours and to ensure that these do not pose significant environmental risk;**
- f) no unit, alone or in combination with other units, causes significant adverse effects on the local highway network;**

g) any additional key worker accommodation exceptionally required to enable such a unit to operate, will be subject to the relevant policies of the Plan and in addition and prior to its determination, be justified on the basis of a demonstrable functional and financial need, within the overall submitted application details.