



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CX20-121
Eich cyf/Your ref: P-05-815

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By email to the clerking team at SeneddPetitions@assembly.wales

28 February 2020

Dear Mrs Finch-Saunders,

Petition P-05-815 Control Rapidly Expanding Intensive Poultry Industry in Wales Petition Committee 21 January 2020

Thank you for your letter of 12 February 2020 and sharing the additional information raised by petitioners (P-05-815) at the Petitioner Committee meeting held on 21 January 2020.

From your letter the Petitioner Committee is asking us to respond on the points relevant to NRW. We note that this petition raises concerns about the adverse environmental and health impacts of poorly controlled poultry farm units in Wales, the slow progress being made by the Town and Country Planning (Intensive) Agriculture Working Group (set up by Welsh Government) and the review of Environmental Permitting thresholds. Regarding the discussion and specific points raised in the petition we comment as follows:

- 1. Ask the WG to co-operate with NRW in providing a strengthened Planning Policy Wales (PPW) and NRW guidance about ammonia/phosphate impacts on habitats both for “top-tier” tier designations and for “lower tier designations” and other important habitats, including ancient woodland and veteran trees.*

While the petitioner has sought the views of Welsh Government (WG) or Welsh Ministers (WMs) in response to this question, we provide the following comments:

Natural Resources Wales (NRW) and other interests are invited to attend the Working Group to help Welsh Government develop a new Technical Advice Note (TAN) in planning for (intensive) agriculture. We provide advice to minimise the adverse effects of intensive agriculture through the national planning framework and to help WG confirm changes to Planning Policy Wales and TANs. We will review our own guidance once the new TAN has been published.

For this year we will be reviewing our Guidance Note 20: Assessing the impact of ammonia and nitrogen on designated sites from new and expanding intensive livestock units (Guidance Note 20). Provisions will be made to support the assessment of sensitive species and habitat locations in addition to Natura 200 sites, changes to thresholds and screening distances. For example, changes in number of broiler units and places for hens so that they are aligned with requirements set out in the Environmental Impact Assessment and Habitat Assessment Regulations, which help to reduce the adverse impacts of emissions. Our review of guidance will be subject of public consultation in March/April 2020 and there will be an opportunity for our partners and customers to provide comments on our proposed changes to guidance.

2. Ask NRW/WG to set out who is responsible for assessing cumulative impacts, given that:

- a) *development ammonia consultants are saying they cannot do this*
- b) *NRW say it is for LPAs to make the analysis of in-combination impacts*
- c) *LPAs expect to rely on NRW advice and cannot produce adequate accounts of the clusters of units in question and their emissions*

The planning authority is responsible for determining planning applications and in so doing will decide which and how in-combination and cumulative effects will influence their planning decision on a development, and they will also decide on the information to be submitted by an applicant. As a consultee we advise on the potential effects from a development scheme based on the environmental interests listed in our consultation topics document (Development Planning Advisory Service: Consultation Topics (September 2018) is published on our [website](#)). This includes providing advice on potential cumulative and in-combination effects. In the consideration of cumulative impacts, the location of other developments either granted planning permission or subject of an Environmental Permit should be considered.

While local planning authorities are better placed to provide advice and information, they hold on the location of development schemes with planning permission, we can provide advice on the location of sites that have an Environmental Permit. This information can be made available on request.

We also refer you to our letter 17th August 2018 (ref. CH-031) where we confirmed that NRW introduced tighter air quality thresholds in April 2017 to support our regulatory role. These thresholds have been supported by Guidance Note 20. Appropriate staff from NRW and local authorities in Wales have received training in using this guidance. The guidance requires that new units are assessed in terms of background and cumulative impacts so that any relevant permission issued will include appropriate conditions to minimise adverse environmental consequences. Our current guidance is also being considered by WG and its Working Group, which is helping to prepare a new TAN on planning for (intensive) agriculture. Further, NRW would be willing to support WG in preparing guidance to support a strategic approach to minimise adverse impacts on the environment and human health.

*3. Ask the Minister for EERA and NRW to outline the evidence they have been working together to consider about lowering Environmental Permitting thresholds. (Refer to CPRW response** to letters from Ministers Welsh Assembly Petitions Committee Meeting 21/1/20)*

We refer you to our letter 17th August 2018 (ref. CH-031) where we comment that there are opportunities for WG to better manage the proliferation of poultry units, their emissions and adverse impacts on the environment. There appears to be opportunities for WG to review evidence, thresholds and controls, which apply to Environmental Permitting Regulations, and also through the development planning and management processes. In our previous response we commented on the merits of changing the regulatory thresholds to include units below 40,000 bird places (either through permitting or the application of general binding rules). We identified that as an initial step it would be for WG to consider the current impacts that may be occurring across Wales, which have not yet been quantified.

By way of update, in 2019 NRW commissioned consultants to look at extending the application of Best Available Techniques to a wide range of farming activities. The study was limited to ammonia releases and used recognised cost of harm figures for mass releases of ammonia. We are currently evaluating the evidence and once we complete this exercise, we can decide if the evidence is robust and if we can share these studies with other interests.

The Town and Country Planning (Intensive) Agriculture Group, which has been set up by the WG are represented by members from different interests including NRW, local planning authorities and CPRW. The Working Group has been set up to support the drafting of guidance (Technical Advice Note - TAN) on planning for intensive agriculture. Once published this TAN will be a material consideration in development planning and management decisions. While the proposed timetable for preparation has slipped there has been much discussion on the scope of the new TAN and this has included the defining and meaning of intensive agriculture, identification of key material planning considerations and confirmation if there is up-to-date evidence available to support considerations and Working Group recommendations. Notably discussions have identified several gaps in research and evidence, difficulties in managing intensive farming and land spreading of manure, challenges in enforcing requirements, and the limited resources of public bodies and other interests to address matters.

4. Ask the Minister to ensure incorporation of the “polluter pays” principle into WG regulation of agricultural pollution and apply this to all IPU operators (whether or not they opt into extra environmental services for enhanced payments).

While the petitioner has sought the views of WG or WM in response to this question, we provide the following comments;

We refer to our letter of 17th August 2018 where we confirm that any non-compliance with permit conditions will be investigated and appropriate enforcement is undertaken where corrective measures and timely actions are required by a site operator. Appropriate enforcement action is also carried out for reported pollution incidents with costs being

recovered from the polluter. NRW is supportive of the polluter pays principle and that it continues to be set out in Welsh law.

5. Ask the WG to reconsider its unsustainable blanket support for intensive poultry farming and to require and fund proper mapping of intensive livestock units across Wales matched to updated background ammonia/nitrogen levels in order to define areas where a threshold has been reached and no more units are acceptable.

While the petitioner has sought the views of WG or WM in response to this question, we provide the following comments;

We are currently working to ensure our Guidance Note 20 requires that background concentration of ammonia is considered when applying for an Environmental Permit and when providing advice in response to planning consultations. We refer to our comments above where our review of Guidance Note 20 will be subject of public consultation and there will be opportunities to comment on the proposed changes.

We are supportive of identifying areas where tighter controls would be required due to local sensitivities. We are also developing maps containing details of sensitive species across a range of habitats, which will support WG planning advice and local authority planners.

6. Ask NRW whether they will address the problem in Area Statements, particularly for Mid-Wales. The statement from CPRW also comments that “forth coming Area Statements could be a tool for controlling development and protecting rivers in areas which are already suffering unacceptable impacts. NRW has not provided any clear answers about whether Area Statements can or will address the issue of impacts of IPUs on biodiversity.”

The Area Statements will be published at the end of March 2020. The Area Statements in themselves will not limit development or prioritise the issues to be addressed by other formal mechanisms. Area Statements will focus on high-level issues specific to that area and identify a need for partners to work together. For example, in identifying and addressing air quality problems the WG, local authorities and Public Health Wales will need to identify the appropriate response. One of the main themes of the Mid-Wales Area Statement will be on land management and sustainable agriculture. This Area Statement will recognise the following opportunities;

- Increasing the sustainability of farming, enabling our farmers to be custodians of the land and being able to implement change on the ground (with support from the WG’s ‘Sustainable Land Management Scheme’)
- Providing equal opportunities for all managers of the land
- Providing space for both agriculture, food production and nature
- Improving the management of our soils, water and air including the prevention of pollution and enhancing our resources, and
- Sustainable land-based economy and diversification of agriculture

I trust the above information is helpful in your consideration of the questions raised at the Petition's Committee.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Ceri Davies', with a stylized flourish at the end.

Ceri Davies
Executive Director for Evidence, Policy & Permitting
Natural Resources Wales

cc. [REDACTED]