Cyswllt Amgylchedd Cymru | Wales Environment Link

Julie James MS
Minister for Climate Change
Welsh Government
Tŷ Hywel
Cardiff Bay
CF99 1NA

20 January | 2023

Cc: Lesley Griffiths, Minister for Rural Affairs

Dear Minister,

Re Planning Application: Powys 20/0717/FUL, Cwmafan, Llanafanfawr, Builth Wells

Wales Environment Link does not usually comment on individual planning applications as our focus is at a national policy level. However, you may recall we have previously called for a moratorium on the approval of units for intensive poultry rearing in Powys due to the wider impacts of agricultural pollution and raised phosphate levels in the Wye catchment. Natural Resources Wales (NRW), in its recent Core Management Plan for the River Wye SAC, accepted that IPUs are contributing to adverse water quality in the River Wye. We have been made aware that WG have made a holding direction and are considering calling in this application. In our view, such a consideration takes the application beyond the scope of an individual planning application and into a policy level application. The strength of feeling of our members on this planning application is such that we felt compelled to write to you about it.

The application in question concerns our members for the following reasons:

1. The work of the RePhoKus group led by scientists at Lancaster University has shown that many of the soils in the Wye catchment are already saturated with phosphorus and contributing to the phosphorus loading of the river.

2. The planning system, the first point of regulation for agricultural emissions, is not working to protect the environment on SAC rivers or the environment generally. We are concerned that the cumulative effect of developments is causing serious harm. Applications might undertake to remove all manure and all dirty waters from a catchment or provide some other form of disposal, such as an AD plant, thus allowing a planning authority to grant planning permission, but inadequate monitoring does not provide the long-term certainty required for environmental protection.

3. Recent publicity has focused on the effects of development and increased phosphorus on the aquatic environment, but the effects are not confined to phosphorus or the aquatic environment. There is also the effect of ammonia emissions on biodiversity, particularly in relation to lower plants, lichens and ancient woodlands. Only the proportion of ammonia emissions which come directly from the sheds are assessed for planning purposes. Each intensive livestock unit brings added environmental risks from pesticides, cleaning agents and traffic emissions. On the specific issues involved we would refer you to CPRW's letter of 6th January 2023 sent to Lewis Thomas of the WG Planning Directorate and copied to you.

4. There are periods when the effects of excessive phosphate levels on the Wye are exacerbated by low flows and high water temperatures. Such periods are likely to become longer and more frequent in the light of climate change.

We were pleased with your letter dated 20th December 2022 headed "COP15, Biodiversity Deep Dive, Section 6 Duty and the Planning system" to Chief Planners emphasising the essential role of the Environment (Wales) Act 2016 Section 6 Biodiversity duty of Local Planning Authorities. Planning Policy Wales is clear that "Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity. In doing so planning authorities must also take account of and promote the resilience of ecosystems...". (6.4.5)

We hope that this direction to local authorities creates a step change in them delivering on their role to protect and enhance biodiversity. However, we remain concerned about the responsibility gap that we have previously raised with you regarding NRW's history of lack of objection to such applications. Our concern remains on the grounds of planning conditions that are frequently not properly monitored or enforced by either NRW or the local planning authority. A lack of objection from NRW is often deemed a sufficient basis for approval on ecological grounds even though only some of these impacts fall within NRW's planning remit.

We strongly believe that applications such as this one should not be approved given the serious problems with agricultural pollution in the Wye catchment. We believe it would go against the legislative and policy direction of travel that is being set by the Agriculture (Wales) Bill, which sets Sustainable Land Management Objectives, and the development of a Sustainable Farming Scheme for Wales. We all wish to see a thriving agricultural sector in Wales but would not wish to see agriculture added to the list of those industries in Wales which left a legacy of lasting pollution and reduced biodiversity. The legacy of copper smelting in the Lower Swansea Valley and coal production more generally in South Wales are examples of this.

We ask that you call this application in and reject it on the basis that it will very likely exacerbate an already serious situation in the Wye catchment.

Yours sincerely,



Arfon Williams
Chair, WEL Land Use Working Group

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