

ATISN 19180 ITEM 021

Iles, Nicholas (CCRA - Planning)

From: [REDACTED]
Sent: 10 July 2023 15:49
To: [REDACTED] (CCRA - Planning)
Subject: Ceredigion Planning Application no A211093
Attachments: Calling-in request additional.doc

Dear Nick,

I am attaching a further comment to add to my Call-in request relating to Application no A211093 in Ceredigion. I hope you will consider it at the appropriate time.

I hope I have the correct email and department this time!

With best wishes,

[REDACTED]

[REDACTED]

[REDACTED]

Call in Request to the Welsh Government Planning Directorate

We write to request the calling in of Ceredigion County Council Planning Application A211093

<https://ceredigion-online.tascomi.com/planning/index.html?fa=getApplication&id=59974>

This request has been prepared by a [REDACTED] to the proposal. The proposal is for a development with potentially such significant and far reaching consequences that it can only be adequately considered by the Welsh Ministers.

The application is for a very large Intensive Poultry Unit (IPU) comprising of two sheds of around 113x24.5x 6.2m and with a turnover of around 800,000 birds per year in seven 'crop cycles'. The proposed site is on a farm about 2.5 miles from the village of Talybont and roughly the same distance from the village of Bontgoch.

The application was submitted two years ago under reference no. A190916 but refused at the time because of omissions in the information supplied by the [REDACTED] and statutory bodies. <https://ceredigion-online.tascomi.com/planning/index.html?fa=getApplication&id=57771>

Both applications produced hundreds of objections (302 in the current application), some extremely detailed, and submitted by individuals and organisations including many with specific specialist knowledge. There is also a petition objecting to the proposal with over 6000 signatures <https://www.change.org/p/ceredigion-county-council-say-no-to-bontgoch-intensive-broiler-chicken-factory-farm>

We are requesting that this application be called in for two main reasons. Firstly, the potential impacts which would extend well beyond the county borders into Wales and UK wide, and secondly, the ability of Ceredigion County Council to determine the application in a proper manner. We set out these considerations in more detail below.

1 Why this application is of more than local significance

1.1 Wide ranging environmental impacts

The potential environmental impacts of this proposal in such a sensitive area could have serious knock on effects on air and water quality, biodiversity (both flora and fauna), and river and wetlands networks throughout Wales and into/from England.

The application site is in the Northern Uplands Special Landscape Area. The site also borders the Afon Cyneiniog which eventually empties into Cardigan Bay via the Leri and the Dyfi estuary which is a highly protected NNR, SAC, SPA, SSSI and Ramsar site. The development is proposed within 5km of Cors Fochno, part of the Ramsar site and of national and

international significance, an area of primary raised bog which is unique in many of its features and supports a rich and irreplaceable flora and fauna.

The geomorphology, flora and invertebrate faunas are of national importance. The site supports the only regular wintering flock of Greenland white-fronted geese in England and Wales, and is a key site in Wales for breeding waders. The site supports significant tourist trade, recreational and educational usage. (see Appendix A)

<https://rsis.ramsar.org/RISapp/files/RISrep/GB66RIS.pdf>

CPRW guidance states:- *The EU Water Framework Directive (WFD), transposed into UK legislation via the Water Environment (WFD) (Eng. & Wales) Regs 2003, was introduced to bring about improvements in the ecological and chemical condition of ground and surface waters. The Habitats Regulations (Conservation of Habitats and Species Regulations 2017) consolidate EU directives for the protection of EU designated sites i.e. Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar wetlands. Under the Habitats Regulations, development can only be allowed where the competent authority has made certain beyond 'reasonable scientific doubt' that the integrity of an EU designated site will not be harmed.*

The proposed site is also within 5km of 10 SSSIs and within the Dyfi Unesco Biosphere. *The Dyfi Biosphere includes several important nature reserves, lowland wet grassland and salt marshes, ancient woodlands, lakes, national trails, coastal paths and mountains - some of the finest examples of special landscapes and wildlife areas in Europe.*

<https://www.showmewales.co.uk/thedms.aspx?dms=3&venue=1033362>

The proposed site is also very close to a number of designated Ancient Woodlands which include Coed Cwm Einion, SAC and SSSI - an ancient, semi natural mixed broadleaved woodland and Pen Llyn a'r Sarnau SAC – an area of sea coast and estuary that support a wide range of different marine habitats and wildlife.

<http://lle.gov.wales/catalogue/item/AncientWoodlandInventory2021/?lang=en>

This habitat is listed as of Principle Biodiversity Importance under Section 7. Such habitats are extremely sensitive to ammonia pollution.

Intensive poultry operations are linked to biodiversity damage. [REDACTED] principal air quality adviser at NRW, says: *"The rise of IPU's in the region is totally unprecedented and in areas (like Powys), we know the ammonia is coming from poultry – its levels have reverted to those in 1990. The rapid expansion of the poultry industry poses the greatest short-term threat to biodiversity in Wales that I have experienced in over 30 years."*

<https://www.theguardian.com/environment/2020/apr/07/life-in-the-poultry-capital-of-wales-enough-is-enough-say-overwhelmed-residents?fbclid=IwAR2jXnZdXgctBv-8Ksrv>

This application is therefore critical because the impact of the decision will go well beyond local interests and involves sites of irreplaceable biodiversity value. It is effectively a test case and will create a precedent in a highly sensitive and internationally significant area. Pollution of the watercourses and rivers would have serious consequences for the entire river, coastal and estuarine systems of mid Wales and beyond. This is amplified by the

cumulative impact of proliferating intensive livestock units (particularly IPUs) in bordering counties as well as existing and potential developments within Ceredigion itself (we expand on this below).

1.2 Pollution

Much has been made of the proposal to remove manure from the IPU to anaerobic digesters [REDACTED]. The implication is that this will answer any concerns around pollution from waste disposal. This overlooks a number of serious problems however.

Many farmers send manure to anaerobic digestion (AD) units ... The disposal of liquid and solid digestate from these units (containing the same levels of phosphate as manure) is another disconnect in the process, and not taken into account in cumulative impacts.

<https://alisoncaffyn.co.uk/wp2/wp-content/uploads/2021/11/IPU-Research-briefing-4-water-pollution-Alison-Caffyn-Nov-2021.pdf>

The ADs are about 50 miles away which will involve hugely increased traffic and transport issues, and resulting emissions, over a considerable distance. The ES claims that the manure (estimated to be 1,440 tonnes per annum) will be transported by 'tractor and trailer'. However, no guaranteed contract with either of the ADs is included with the application and there is no certainty that they will be able to take the amount of waste resulting from this and other IPUs/ILUs in the area. It is the LPA's responsibility to satisfy itself that a legally binding contract is in place to ensure that the proposed destination for the disposal of the waste litter can be verified, so the question is why is there no contract available to view on the Council's website? Any 'sensitive' information can be redacted and should not be used as an excuse not to publish.

Further, there have already been a number of serious incidents from ADs in the area involving leakages into the River Teifi (one incident alone causing the death of an 8 mile stretch of the river):

The future of a Welsh river is looking "very grim" after it was hit by a second serious pollution incident within the space of seven months.

Following on from last December's spill in the Tregaron area of Ceredigion - which itself was described as "catastrophic" by a conservation charity - more pollution has now seeped into the River Teifi following a new and separate incident.

Effluent from an anaerobic digestion plant, believed to be located on Gelligarneddau farm in the Llangybi area, was released into a stream last week before flowing into the Afon Dulas, which enters the River Teifi in Lampeter. <https://www.walesonline.co.uk/news/wales-news/future-welsh-river-very-grim-13177296>

There have also been incidents of ADs contributing to the current problems of pollution in the River Wye, including this one to its tributary the Afon Llynfi.

NRW was unable to mount a prosecution for the summer pollution incident of 2016 because it was reported days after it occurred, making it much harder to pinpoint the source.

However, there had been a smaller pollution spill on the Llynfi earlier in 2016 - and NRW on that occasion prosecuted a local anaerobic digester [REDACTED] for spreading organic matter during inappropriate times and unsuitable weather. This caused nutrient levels to rise and then enter the river, affecting the water quality.

The River Llynfi is a site of special scientific interest and located within a special area of conservation - the latter designation in particular providing a high degree of protection.
<https://www.walesonline.co.uk/news/wales-news/powys-river-pollution-environment-wales-21189907>

Chicks, bedding, feed and labour for each of seven 'crop cycles' along with disposal and transport of 'finished' birds, contaminated litter etc etc will be organised and brought in and out by multinational(s) over the border, again with huge increases in large traffic movements and emissions.

There are further sources of environmental contamination. The Environmental Statement in the application contains many inadequate assessments of potential polluting emissions which we explore further in Section 2 below.

The agents for the meat processing companies aggressively market these schemes at agricultural shows and through 'cold calling' on farmers. The IPU business model typically requires the farmer to make the investment in the infrastructure and deal with the planning procedure. Permission is much more readily granted to a local farmer than if the application was made by one of the multinationals. <https://theconversation.com/revealed-true-cost-of-britains-addiction-to-factory-farmed-chicken-158555> (see Appendix B)

The birds remain the property of the processing company throughout - from the hatchery to the IPU at 3 days old and then back to the processing factory as "finished birds" at the end of each 'crop cycle' The farmer never owns the birds but bears all the risks – bird mortality, increasing fuel costs, disease breakdowns, etc while the processing company avoids responsibility for the impacts generated by the IPU.

This business model makes the IPU effectively a fattening plant and effluent disposal unit, creating problems for rural Local Authorities to clean up and finance. This particular proposal would provide no local benefits except to one family, yet negatively affect local residents, communities and tourism, both within the local and the wider mid Wales environment. This will include despoiling the clean rural landscape and air quality and polluting rivers and water courses. The consequences for aquatic and other wildlife, woodlands, habitats, and the delicate balance of the environment may prove disastrous.

1.3 Precedent, cumulative impact and the need for clarification by the WG

The "Intensive Poultry Unit phenomenon" has already blighted counties like Powys, Hereford and Shropshire where Local Planning authorities have recognised too late the

significant detrimental impact the proliferation of IPU's has had on the environment and on Local and National Planning policy objectives, as well as the government's Wellbeing of Future Generations (Wales) Act 2015 goals. Herefordshire has experienced appalling problems with phosphates in rivers which led to a moratorium on one catchment. Ammonia emissions have harmed sensitive SSSIs in Shropshire. Impacts in Powys, including damage to the Usk and the Wye, have been serious.

The Environmental Audit Committee's report 'Water Quality in Rivers' contained the following statement about the Wye: *"Intensive livestock and poultry farming is putting enormous pressure on particular catchments, such as the one feeding the River Wye. As many as twenty million chickens are being reared there and their waste may be raising the river's phosphorus levels. Planning permission seems to be granted for individual units without any cumulative assessment being made of the overall impact of all the intensive farms in the area"*.

County borders do not of course provide a barrier to cumulative impacts. Expecting or allowing Ceredigion CC to consider the application only as an immediate local issue masks the cumulative destructive and nationally significant impact throughout mid Wales and the borders. Cumulative impact is moreover not limited to Schedule 1 developments such as this one. Many smaller livestock units have escaped planning controls and scrutiny altogether as a result of expansion or under Permitted Development Rights. There is an example of this on the same small access lane which serves Ty Nant farm where a large dairy enterprise is being planned and constructed on a neighbouring farm. This has not been subject to any planning permissions but will involve additional problems of waste, smell, noise, greatly increased traffic on a small rural lane etc in the close vicinity of the Ty Nant development. Furthermore, run off from both developments would be discharged into the same watercourses at roughly the same location.

All these issues around ILUs (Intensive Livestock Units) need to be urgently clarified by the Welsh Government to address the increasing number and size of units.

CPRW (Council for the Protection of Rural Wales) has recently made the following comment:

*Technical Advice Note 5 'Nature Conservation and Planning' (2009): Summary of issues around conservation in the planning system, designated sites and protected species. Note: this TAN has not been updated to reflect the formation of NRW in 2013, or legislation and guidance since 2009. Following CPRW Brecon & Radnor's Petition to Welsh Government for control of impacts of ILUs (2018), **Welsh Government committed to the production of a Technical Advice Note on Intensive Livestock Developments. The outbreak of Covid has halted work on this TAN.***

As long as DCCs see applications for IPU's simply as welcome diversification for farmers, Wales will continue to be exploited by the poultry meat Industry. Increased production capacity at the main processing factories has led to the need for more IPU's to service them. Farmers are offered incentives and the multinational companies concerned are aggressively marketing the units to farmers through cold calling, agricultural shows etc. The poultry industry is clearly looking for new IPU sites in Ceredigion and the rest of mid Wales A grant

of planning permission in this outstandingly unspoiled area would be a green light for further applications in Ceredigion and further into mid Wales. (see Appendix B)

The poultry industry has taken advantage of weak regulatory and planning regimes in order to expand what is a very profitable business. <https://theconversation.com/revealed-true-cost-of-britains-addiction-to-factory-farmed-chicken-158555>

1.4 Climate change

There are many climate change implications and impacts on environment, human health and wellbeing affecting Wellbeing of Future Generations goals:

This Act commits public bodies to 'sustainable development', having regard to 'the importance of balancing short term needs with the need to safeguard the ability to meet long term needs, especially where things done to meet short term needs may have detrimental long term effect'. Well-being goals include 'A resilient Wales' which 'maintains and enhances a biodiverse natural environment with healthy functioning ecosystems' and 'A globally responsible Wales'. Public bodies must also have regard to the 'national indicators' which include: 14. The Ecological Footprint of Wales. 43. Areas of healthy ecosystems in Wales. 44. Status of Biological diversity in Wales. 45. Percentage of surface water bodies, and groundwater bodies, achieving good or high overall status.

This touches on all the issues raised by this application. They are matters of grave concern to Wales as a nation, and its people, and will have implications for generations to come.

1.5 Impact on tourism

The site is in an area of high recreational value used extensively by surrounding communities and visitors. It is a significant part of Ceredigion's tourism industry, recognised for its unspoilt landscapes and proximity to both the coast and Cambrian Mountains. Tourism contributes significantly more than agriculture to GDP of Wales and to the Ceredigion and mid Wales economy.

The Dyfi Biosphere includes several important nature reserves, lowland wet grassland and salt marshes, ancient woodlands, lakes, national trails, coastal paths and mountains - some of the finest examples of special landscapes and wildlife areas in Europe. And in addition has a community that cares about, and for, this special place.

<https://www.showmewales.co.uk/thedms.aspx?dms=3&venue=1033362>

It is vital to remember, however, that tourism and agriculture are closely linked.

It is important to appreciate the symbiotic relationship between tourism and agriculture. Our main attraction for the majority of our visitors is the perceived quality of our landscape and our environment..... That perceived quality is subject to threats and challenges and the right policies and actions have to be taken to safeguard that quality. Although in National Income terms the GVA to the Welsh economy from tourism is over four times that of

agriculture, the point is that without a viable agriculture industry following the right environmental policies, the tourism industry cannot be sustained in the long term.

<https://business.senedd.wales/documents/s500003159/AAB%2012%20Wales%20Tourism%20Alliance.pdf>

At [REDACTED] have diversified into award winning innovative self-cater accommodation, relying heavily upon the rural unspoilt setting. The smell alone from the IPU will have a significant effect on them and the wider recreational activities for which the area is well used.

The area is particularly important for walkers and riders who take advantage of the scope offered by this beautiful valley with its crisscrossing footpaths and bridleways. The presence of such an intrusive and inappropriate development in the midst of open and unspoilt countryside, with all the attendant impacts in terms of smell, flies, noise, HGV traffic on rural lanes – let alone mid and longer term environmental impact - will have a ripple effect on the whole area's current status and reputation as an unspoilt tourist destination.

1.6 Avian influenza and disease transmission

Given what is now known about the many outbreaks of Avian Influenza at other Intensive Poultry Units, and Avian Influenza variants, this proposed poultry unit would potentially have the capacity to spread the virus. It is known that migratory and wild birds play a part (act as reservoirs) in the spread of the disease. The proposed intensive production unit is a risk to the local wild bird population itself, and local wildlife. A short distance down river at Cors Fochno and the RSPB nature reserve there are an abundance of migratory birds. An Avian Influenza outbreak at the plant could provide a risk of spreading the virus across the UK and beyond.

2 Why CDCC cannot adequately determine the application

2.1 Policy void

The proliferation of these units, along with their exponential increase in size and scale, has brought them into the category of 'industrial installations' before local planning guidance has caught up with the implications and impacts involved. This has led to a 'policy void.' IPUs are still being processed by LPAs as 'agricultural' when they bear no resemblance to farming as most would know it.

There is a policy void. The repercussions of allowing intensive poultry units to proliferate have been ignored in favour of facilitating the expansion of agribusiness..... I found that the local authorities had neglected (intentionally or not) to develop supplementary planning guidance which would have clarified the situation for everyone....Decisions were therefore made largely with reference to vague objectives in national planning policy such as "sustainable development" and boosting rural economies, and over 95% of applications

between 2000 and 2020 were given permission. I found that the planning committees have been dominated by local politicians who are embedded in local agricultural networks and tend to accept the farming lobby's arguments or be cowed by the dominance of major economic actors such as Cargill..... Local communities have lost trust in the planning system and local authorities' ability to make sound decisions.

<https://theconversation.com/revealed-true-cost-of-britains-addiction-to-factory-farmed-chicken-158555>

The proliferation of IPU's in other areas of Wales has been facilitated by this perception, on the part of local planning committees, that IPU's are 'supporting local farming'. Councillors on planning committees in rural authorities such as Ceredigion simply do not have enough knowledge or experience of considering intensive industrial units on this scale. When the local Community Council met to consider their response to the application in question, a number of highly misleading and inaccurate statements were made by councillors – eg 'It's local food for local people', 'if NRW says it's all right, that's good enough for us'. This last comment completely overlooks NRW's restricted remit in such cases and that the 'permitting license' extends only to the narrow confines of the site itself, and therefore crucially does not absolve the CC of responsibility for wider impacts. As NRW themselves state in their guidance **"The grant of a permit should not influence the planning decision and vice versa"** (NRW permitting guidance) (See Appendix C)

We were even told, incorrectly, by the [REDACTED] that "NRW are the only ones who can veto this, otherwise there's nothing we can do."

Planners and planning committees were advised to accept an environmental permit as proof that there will be no unacceptable pollution. However, the (NRW) permitting process appears to be a deskbased exercise assessing only technical specifications of the development. <https://alisoncaffyn.co.uk/wp2/wp-content/uploads/2021/11/IPU-Research-briefing-4-water-pollution-Alison-Caffyn-Nov-2021.pdf>

It is essential that the application is seen for what it is, rather than being nodded through by the DCC simply because it would provide 'diversification' for a local farmer. As we will see below, Ceredigion DCC have already demonstrated their tendency to ignore 'material planning considerations' in making their decisions. While the local authority is ignorant of, or does not take account of, appropriate planning policies and responsibilities the application can only be properly considered by the Welsh Ministers.

2.2 Audit Wales report

Ceredigion Development Control Committee is currently under review by Audit Wales after a lengthy history of known problems. These include:

- Ignoring Planning Officer advice/recommendations in up to 71% of cases, while the national average is between 7-9%.
- Failing to take Wellbeing of Future Generations legislation into account.
- Making decisions not based on 'material planning considerations'

- Using an outdated Local Development Plan from 2013
- Failure to follow up with appropriate enforcement.
- Lack of resources to follow up with effective monitoring.

https://www.audit.wales/sites/default/files/publications/ceredigion_council_planning_services_review_english.pdf

All of these issues (some very long standing) obviously affect public confidence in the ability of CDCC to make proper decisions in such an important case. Whatever the Planning Officer recommends, the DCC are highly likely to determine the application not according to material planning considerations but according to a known bias in favour of 'agricultural' development.

Cllr [REDACTED] said that there was a "tension between national planning policies and infrastructure and the needs of rural communities"..... [REDACTED] said some of the decisions taken are "a problem for them in Cardiff but not for us" (Cambrian News 27 January 2022)

2.3 Absence of community consultation

There has been an absence of community consultation around this proposed development even though it would impact significantly on the local and surrounding communities. No attempt has been made to canvas opinion, even amongst those who are closest to the site and would be most strongly affected. Councillors have however portrayed opinion in the village and surroundings, inaccurately, as 'evenly divided.' In fact there is virtually complete opposition to the proposal amongst the residents of local communities. There are 302 objections on the Planning Portal (many highly researched and detailed) as opposed to 27 letters of support. There has also been an online petition which has gained 6000 signatures and a petition on the Senedd website calling for a moratorium on IPU's.

There has been a tendency amongst those supporting the proposal to inaccurately equate support for farmers, the language and the culture with support for IPU's. This is particularly concerning when the Ward councillor is allowed to speak at DCC meetings for an unlimited time, whereas others (including objectors) are only allowed 3 minutes. This has also been raised as an issue in the Audit Wales report.

2.4 Inadequate ES

The reliance by local councillors on the EIS in this application is worrying as it is inadequate, deficient and misleading. It fails to mention many relevant planning policies and guidance. It uses outdated information, statements clearly copied and pasted from another EIS, and incorrect and outdated modelling. Its numerous errors and incorrect data have been highlighted by respondents and objectors to the Planning Application and some have pointed to the fact that a permission granted on the basis of this EIS would be challengeable.

2.4.1 Nitrates

The application states that manure will (usually) be taken to an Anaerobic Digester at Penparc (50 miles away) but overflow contaminated 'wash water' will simply be added to slurry for disposal on the land. It states that the proposed site is not in an NVZ (Nitrate Vulnerable Zone) and therefore does not come under the regulations:

(from the EIS)

12.4.4 Hydrogeology

The site is not located within a designated Surface Water Nitrate Vulnerable Zone (NVZ) under the Nitrates Directive.

12.7.2 Legislative Framework

The leaching of nitrogen from fields to watercourses has severe implications upon water quality. Consequently the nitrate pollution prevention regulations 2015 have been introduced to implement the European Community's Nitrates Directive, to reduce nitrogen losses from agriculture to water. They designate areas where nitrate pollution is a problem, known as Nitrate Vulnerable Zones (NVZs). The applicant's farm has not been designated as an NVZ area.

We understand however that the whole of Wales will shortly be designated as an NVZ. Further, as we outlined earlier in Section 1.2 (Pollution) there is no AD guaranteed contract in the application so the robustness of the proposed manure export plan is in doubt.

2.4.2 Ammonia

The Environmental Law Foundation have supplied us with a professional ammonia assessment of this proposal which shows the inadequacy of the assessment provided by the [REDACTED] which has used outdated and inaccurate tools and criteria. ELF have concluded:- *The ammonia modelling provided by the applicant has failed to address the most significant sources of emissions from the proposed development as it uses out of date screening thresholds, and the assessment has failed to model nitrogen deposition at all. The applicant has failed to model for the full impacts of the development, the model findings demonstrate that the development poses a significant air quality risk to the Cors Fochno SAC, several SSSIs and other habitats and species. Habitats Regulations Assessment and in-combination assessments are consequently required. Ceredigion County Council is in no position to judge the merits of this application without the proper evidence before it. (see Appendix D)*

2.4.3 Air quality and odour

There is no proper odour assessment, even though this is known from other units to be one of the main problems for local residents and visitors alike. The ES contains many unjustified statements regarding odour in an attempt to minimise the problem. There are no figures of baseline or peak odour levels.

(From the ES)

3.1 Air Quality Local air quality is dominated by traffic sources including the A487, A44 and A4159. There are no Air Quality Management Areas within the vicinity of the site

The proposed site is surrounded by woodlands, open countryside, rivers and streams and tiny rural lanes. The nearest main road is 3 miles from the site.

2.4.4 Traffic

The application provides no Transport Plan, nor any indication of proposed routes for ingress and egress. Without this, the members would be unable to identify and consider major impacts of the proposal even though this should be part of their remit. Access for the many HGV movements and service vehicles would necessarily be via tiny lanes and through the villages of Talybont and Bontgoch. They would travel on the largely single track C1019 with obvious associated problems and impacts for other traffic, residents and the character of these scenic and biodiversity rich rural lanes. The proposal indicates that HGVs will also travel at night. It is estimated that traffic movements to service the IPU would generate 48,000 additional miles per year.

2.4.5 Noise

The EIS provides no adequate Noise Assessment. It states *The noise environment in the area is dominated by road traffic sources from the two surrounding highways.*

Mr [REDACTED] however, comments in his letter of 4th February 2022 to Ceredigion Planning Department

"I do consider that the noise impact assessment is not sufficiently robust as to allow a decision maker to determine the potential impacts associated with noise. As a summary overview of the noise and vibration section, this seems to have been cut and pasted from another noise assessment since there are references to noise sources which do not readily occur for this site in question."

Mr [REDACTED] then provides a detailed professional noise assessment (see Appendix E) and concludes *"Therefore, the minimum that is required is that a noise assessment that is fit for purpose is provided and which provides sufficient information for the decision maker to be able to determine the true impact of the proposal. This is not currently possible from the information provided with respect to noise within the ES"*.

2.4.6 Landscape and biodiversity

The EIS completely fails to recognise the unique features, status, amenity, visual or biodiversity value, of the surrounding landscape in which the development would be sited.

(From the ES): *The site is typified as intensive pasture land and is not within any recognised international or national areas protected for ecology. The proposed development will*

therefore have no detrimental effect to wildlife or the surrounding ecology as the area is already a highly intensive agricultural piece of land

The site is surrounded by agricultural land, outlying land uses include residential to the West at Talybont. Isolated farm units scatter the landscape

The site lies within a rural area with the chosen site not being included within any areas designated for their landscape character and quality.

This is so far from any recognisable portrayal of this particularly beautiful and varied environment that one can only imagine that whoever produced it has never visited or even bothered to minimally research the area.

In Landmap the area is described as a "*strong, intimate and varied woodland valley*" with an overall conclusion that it is a '*distinctive and coherently defined landscape with an array of visual elements providing interest*', with a high value. The visual assessment makes no mention of the woodland present in the area. The development is sited within the Ceredigion County Council's designated Special Landscape Area 12 where development will only be permitted provided '*that it does not have a significant adverse effect on the qualities and special character of the visual.....landscape*'. (DM18)

2.4.7 Ancient woodlands and protected species

There is no protected species survey and no acknowledgement of the proximity of ancient and semi ancient woodlands, let alone any consideration of the biodiversity impacts on these. A very knowledgeable objector has written at some length of the extremely rare species of lichen (also the existence of a rare species of orchid) occurring within these woodlands and their sensitivity to ammonia emissions. (see Appendix F)

Another experienced ecologist states: *Both the bog and the Ancient Woodlands are within top 2 categories of Ammonia emissions shown in Figure 5 of the Applicants Ammonia Report. Therefore, until the impact of Ammonia emissions of the surrounding habitats and species are properly assessed, and a comprehensive ecological survey has been undertaken, I cannot agree with the Applicants conclusion that "No impacts of major or intermediate significance on habitats are judged to be likely"* (Mick Green, ecologist, objection letter to the application).

2.4.8 Cultural and historical heritage

The ES states: *The chosen site itself has no apparent cultural heritage or archaeological interest.* This is extraordinary, in view of the fact that a protected historical asset – a Grade 2 listed Chapel – is less than 50m away from the units themselves and is indeed the subject of a separate assessment which itself outlines its cultural significance. In spite of the obvious impacts - visual (the units would completely dwarf the chapel), noise, noxious smells, amenity, spiritual meaning etc – the ES concludes that any detrimental impact would be negligible.

To put this into context, we have included (**see Appendix G**) a first hand account given to us by a local resident who has lived in the village for 34 years, explaining the meaning this chapel holds for her and others.

2.4.9 Impact of deficiencies in the ES

The EIS in this case will not enable the members of the DCC to fully identify and consider the issues involved in this planning application. Some of the likely impacts may appear at first sight to have purely local significance. However they involve irreplaceable treasures of national and even international significance which must not be simply disregarded in the pursuit of 'diversification' at any cost.

The Chief Planning Officer has advised in letters (2018 and 2019) *that* • *LDPs should include policies on intensive livestock development* • *Local planning authorities determining intensive livestock applications must assess the cumulative impacts, and* • *Local planning authorities must consider the proximity of intensive livestock units to 'sensitive land uses'*. Ceredigion CC cannot, crucially, address the 'cumulative impact' of large numbers of ILUs when looking only at the immediate vicinity of this one application.

Other LPAs have incurred additional and substantial costs as a result of similar developments. Ceredigion apparently does not have the resources nor the inclination to effectively monitor problems of this scale, or to take effective enforcement action. Audit Wales further noted in its report of October 2021 that "longstanding weaknesses remain in relation to positive enforcement action."

3 Conclusion

The proposal in question, while benefitting only one local family, potentially involves devastating impacts on irreplaceable assets of national and international significance. It risks harm to river and estuarine systems which will have knock on effects throughout mid Wales and beyond. It involves a serious deterioration in amenity value and wellbeing in an area currently known for its beauty and tranquillity, for residents and visitors alike. It would inevitably impact on the mid Wales tourist economy.

Crucially, Ceredigion Development Control Committee will not have the knowledge, the proper information or the determination to scrutinise the application with the thoroughness it requires.

For all the reasons we have set out in this request, we respectfully request the Welsh Ministers to call in the application for determination.

12th May 2022

APPENDICES

Appendix A

*The Dyfi estuarine complex is of outstanding physiographic interest. It includes sandbanks, mudflats, saltmarsh, peatbogs, river channels and creeks, with an extensive sand dune complex across the mouth of the estuary. Cors Fochno (also known as Borth Bog) lies on the south side of the Dyfi estuary and forms a component part of the Dyfi Biosphere Reserve. Although a substantial part of the former peatland complex has been taken for agriculture, the surviving core area supports the largest expanse of primary near-natural active raised bog in an estuarine context within the UK. Extensive areas of patterned mire support bog-mosses *Sphagnum* spp. with greater sundew *Drosera anglica*, white beak-sedge *Rhynchospora alba* and bog-rosemary *Andromeda polifolia*. The extensive cover of bog-myrtle *Myrica gale* and maritime margins with black bog-rush *Schoenus nigricans* are distinctive features of this site. Areas of domestic peat-cutting peripheral to the dome are now actively regenerating and support a significant area of active bog vegetation. Degraded raised bog also occurs widely around the periphery of the active core. Included here are a range of vegetation types in which peat formation has been arrested as a consequence of intensive drainage followed in places by peat removal and/or agricultural management. The vegetation cover of these areas is varied and includes grazed and ungrazed *Molinia* – *Myrica* swards, reed *Phragmites* stands, rush *Juncus* pasture, wet woodland and scrub, drier areas of acid grassland and bracken *Pteridium aquilinum*, and improved grassland over archaic deep peat.*

<https://rsis.ramsar.org/RISapp/files/RISrep/GB66RIS.pdf>

Appendix B

Avara Foods in Hereford has invested over £6.5m into new technology and site improvements and further recent investments have led to greatly increased production capacity. The plant in Wrexham run by Maelor, has been given permission to expand capacity to about 1 million birds a week and many of the IPU applications in the last few years in North Wales, Shropshire and Cheshire have been to supply that plant. The new factory in Eye, Suffolk run by Cranswick has increased production from 500,000 birds/week to 1.4m birds/week, leading to an increase in IPU planning applications in the last two years.

<https://theconversation.com/revealed-true-cost-of-britains-addiction-to-factory-farmed-chicken-158555>

Appendix C

Where the IPU falls within the permit regime (over 40,000 birds) CDCC remains responsible where any parts of the development fall outside the remit of the permitting regime – see below. CDCC should take these responsibilities into account when determining applications.

Respective responsibilities are set out in advice given by Natural Resources Wales in relation to application P/2014/0009vii: “The Water Framework Directive (WFD) places a duty on your Authority to have regard to River Basin Management Plans. This means that a Local Authority should ensure when determining an application that they are meeting with the ‘no deterioration’ objective of the WFD. In considering the application, you should therefore ensure that it has sufficient information to conclude that the proposal (plan) will not result in any deterioration of waterbody status or prevent a waterbody from achieving Good Ecological Status. The same duty will apply to us when issuing any environmental permit but we will only consider WFD in the activities we regulate. Therefore, issues such as the construction stage, associated development (such as access tracks) and landscaping will not be assessed during a permit application and WFD not considered by us in the process. We recommend you discuss potential mitigation measures that can ensure you meet your WFD duty with your ecologist, for example securing a Construction and Environmental Management Plan if planning permission is granted.” From the same letter: P a g e 5 | 23 “The Planning Authority is the Competent Authority under the Habitats Regulations (HR) for planning permissions.... This [HRA] should be done in advance of issuing any planning permission and should assess direct, indirect and cumulative impacts. If/when an environmental permit is applied for, we will also be a Competent Authority under the Habitats regulations.”

NRW guidance (permitting)

Appendix D

from Environmental Law Foundation letter to Ceredigion CC, 14 April 2022

Ammonia Assessment

The assessment models only emissions from the ventilation fans on the roofs of the buildings and consequently this only accounts for a fraction of the ammonia that would be emitted from the development. According to research by Nicholson, Chambers and Walker (Ammonia Emissions from Broiler Litter and Laying Hen Manure Management Systems) only 28% of ammonia emissions arise from broiler housing, with the remainder emitted during manure storage (15%) and land spreading (57%). The ammonia concentrations and nitrogen deposition arising from the development will

consequently be much greater than indicated by the model and cannot at this stage be properly considered because of the lack of information about manure storage and disposal.

The ammonia model cites out of date background information from the Air Pollution Information System (APIS), providing ammonia levels of 0.99 $\mu\text{g-NH}_3/\text{m}^3$ and nitrogen deposition of 18.76 kg N/ha/y. The report advises the data is from November 2019, but this is the date the information was downloaded from APIS. At that time, the data will have been the mean for 2015-2017. APIS' most recent data shows Ammonia at 1.06 $\mu\text{g-NH}_3/\text{m}^3$ and nitrogen deposition 19.46 kg N/ha/yr. This is the mean for 2017-2019 and indicates a significantly higher level of these pollutants than the baseline used in the model. Ammonia levels on the site are now above the lower critical level of 1.0 $\mu\text{gNH}_3/\text{m}^3$ and nitrogen deposition is above critical loads for most nitrogen vulnerable habitats and species.

The report has not provided background levels for protected sites that would receive the additional ammonia/nitrogen loads. Current APIS data (2017-2019 mean) shows that nitrogen deposition to the Cors Fochno Special Area of Conservation (SAC) is already above the lower critical load range for raised and blanket bogs at 7.14 Kg N/ha/yr. (Critical load range 5 - 10 Kg N/ha/year). At Mwyngloddfa Nant-y-Cagl SSSI, the lower nitrogen critical load of 8 kg N/ha/yr is also exceeded by 3.5 kg/ha/yr. And at Craig y Pistyll SSSI, nitrogen deposition is more than double the lower range of 5 kg N/ha/yr at 11.48 kg N/ha/yr.

Despite this, the modeller for the [REDACTED] has not carried out modelling for nitrogen deposition - either alone or in accumulation with other development. The report justifies this decision by referring to Natural Resources Wales (NRW) thresholds for ammonia deposition, which are now out of date. NRW's current guidance says: "In some areas of Wales, the amount of ammonia is already at, or above the levels that are harmful to some of the species in the sensitive sites. If the background level is at or above the critical level, then you must carry out detailed modelling."

Appendix E

"No measurements of the existing sound environment at neighbouring noise sensitive receptors have been undertaken therefore there is no knowledge of the existing sound environment.

Predictions of operational noise have been undertaken with no proof or evidence that the assumptions made relate to anything that is to be installed at the site.

The failure to justify the assumptions made with respect to source noise levels may have significantly underestimated the potential noise impact associated with the proposed sheds at the nearest neighbouring noise sensitive receptor moving the assessment from a Negligible to Major Impact for noise associated with the proposed extract fans and from negligible to at least minor for sound breakout from the sheds themselves.

There is no attempt to determine whether sleep disturbance may occur which is associated with HGV movements during the night. The levels given within the ES imply that some properties situated close to the access route may result in occupants being disturbed and awoken.

When considering the potential for sleep disturbance for night-time deliveries there is no consideration of the Night Noise Guidelines for Europe issued by the WHO in 2009."

letter of objection, Planning Portal

Appendix F

"If a thorough desk study had been undertaken it would have been noted that the proposed site is very close to a number of designated Ancient Woodlands (<http://lle.gov.wales/catalogue/item/AncientWoodlandInventory2021/?lang=en>) and this habitat is listed as of Principle Biodiversity Importance under Section 7. Such habitats are extremely sensitive to ammonia pollution. A report from The Royal Society (The Impact of Ammonia Emissions from Agriculture on Biodiversity. Guthrie et al.2018. Rand Europe / Royal Society.) states that "Woodlands are impacted by ammonia in a number of ways. Trees themselves may initially have an increased growth rate due to ammonia pollution, via increased nitrogen in the soil. However, in the longer term the soil becomes nitrogen-saturated, resulting in nutrient imbalances and acidification, and ammonia pollution then becomes damaging to growth and development. Ammonia can also significantly alter the diversity and composition of woodland ground flora and other vegetation." Ancient Woodlands contain a large diversity of mosses and lichens. The same report states that "Many lichens are particularly susceptible to ammonia deposition" and that "sensitive lichen speciesare quickly lost from locations with even modest ammonia concentrations"

In his own objection Mr [REDACTED] a renowned expert on lichens has stated "In order for Ceredigion District Council to discharge its obligations under the new biodiversity duty in the Environment Act (Wales) a competent and comprehensive environmental impact assessment of the proposed poultry unit is needed in order to properly assess the impact of the development on nitrogen-sensitive species of lichens, lichenicolous fungi, and other fungi and organisms in the vicinity of the development.

In Policy DM20 of the Ceredigion Planning Policy Paragraph 8.179 states that "Ancient woodlands are irreplaceable habitats and these along with semi-natural woodlands are of high biodiversity value which should be protected from development. Further loss of these habitats must be avoided and applications for woodland developments which would result in significant damage to these important woodlands will be refused." I consider that there is a strong possibility of significant damage to the woodlands therefore the application must be refused.

In addition to the woodlands the rare Bog Orchid is found on a nearby bog. This is one of only 6 sites for this species in Ceredigion. (Flora of Cardiganshire, A Chater. 2010) "

letter of objection, Planning Portal

Appendix G

"In the 1990s I attended a local child's christening in the listed Capel Bethesda, Ty Nant. The service was held in Welsh with a mixed Welsh and English congregation. Afterwards we had a picnic outside by the river. It was a memorable experience and it is still a place that I hold dear. The christening and the location helped me to realise that I live in a very special village rich in community, language, history and culture. Experiences like this have inspired me to remain living here, learn Welsh and to contribute to this community. I would be very sad to see this beautiful landscape changed and marred by huge metal structures which no amount of screening could disguise, and by related equipment, traffic, noise, and smells that are complained of in association with intensive poultry units elsewhere. Ordinary people who come across IPUs when walking in the countryside, relate their shock at the sheer size of the units and at the noise, smell and flies that come with the housing of more than a hundred thousand chickens."*

*Royal Commission for Ancient and Historic Monuments documents say that Capel Bethesda is a small, stone building in the Vernacular style, and of the long-wall entry type. The façade has two outer doors. It is Grade II listed, as a good example of a small rural chapel. Preaching started in the area in 1807 and the first Capel was built in 1850, at a cost of £70 covered mainly through collections, and was rebuilt in 1881.