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**CPRW** a Maesyfed  
Brecon &  
Radnorshire

***Brecon and Radnor Campaign for the Protection of Rural Wales***

*Chair: Jonathan Colchester. Correspondence to Secretary: Dr Christine Hugh-Jones.*

***To Jeremy Walters and Ceri Jones,  
NATURAL RESOURCES WALES re PAN-018463***

Dear Natural Resources Wales (Jeremy Walters and Ceri Jones),

We have seen the Llanshay Farm application for an EP for 200,000 broilers in 4 sheds, which would constitute a “substantial variation” to the previous permit for 110,000 broilers in 2 sheds. The previous permit EPR/AB3593ZL, was granted on 18/09/17.

The applicant for PAN-018463 claims no ammonia assessment is necessary as the four buildings will all have scrubbers fitted and this represents an 82% reduction in emissions compared with the level for the development awarded a permit in 2017.

NRW has agreed to this.

Approval of Powys application 19/0743FUL for a 110 broiler unit at Llanshay Farm was subject to application for Judicial Review by Sustainable Food Knighton. Ammonia emissions and the lack of cumulative assessment together with other sources of these, as required by NRW 2017 guidelines, were included in the Pre-Action Protocol letter for Judicial Review.

Powys County Council conceded: permission was quashed and the Environmental Statement was subsequently resubmitted to include scrubbers on each of two poultry houses. A new ammonia report “APPENDIX 4 REV A. AMMONIA REPORT-364079” dated 5/2/21 was provided, with results assuming scrubbers in place. This new application (under the same planning reference number) was approved by Powys on 11/11/21. To our knowledge, the sheds have not been built out.

We believe the Developer should have applied to NRW for a variation to the 2017 Permit as the description of the development and regulation required had changed from the situation represented by EPR/AB3593ZL as a result of adding scrubbers. As evidence that the development had changed, we note that the application PAN-018463 includes a document on Inno + Pollo-M 1 stage ammonia scrubbers whereas the application PAN-001433 included no reference to the ammonia scrubbers which were subject to condition in the Powys Planning consent.

The Developer is now claiming that a 4-shed, 200,000 bird unit with scrubbers should avoid ammonia assessment because it is less polluting than a 110,000 bird unit without scrubbers although the latter has been superseded.

If the assessment were made, it would inevitably show an increase in emissions (in the order of 82%) as a result of increasing the bird numbers and adding two sheds.

### 3.2 Background ammonia levels and nitrogen and acid deposition

The background ammonia concentration (annual mean) in the area around the site of the proposed poultry unit and the wildlife sites is  $1.14 \mu\text{g-NH}_3/\text{m}^3$ . The background nitrogen deposition rate to woodland is  $26.64 \text{ kg-N/ha/y}$  and to short vegetation is  $14.84 \text{ kg-N/ha/y}$ . The background acid deposition rate to woodland is  $1.66 \text{ keq/ha/y}$  and to short vegetation is  $1.08 \text{ keq/ha/y}$  (APIS, February 2021).

The most recent background level (2018-20) quoted on APIS for the nearest ammonia sensitive woodland (location no. 53) is  $2.06 \text{ mg m}^{-3}$ .

#### Query by Location - Results

Habitat: Broadleaved, Mixed and Yew Woodland

Grid Reference: 331834,271990

Grid Easting: 331500 to the 1km mid point (metres)

Grid Northing: 271500 to the 1km mid point (metres)

Pollutant: Ammonia

Critical Level:

①

$1.0 - 3 \mu\text{g m}^{-3}$

Concentration:  $2.06 \mu\text{g m}^{-3}$

①

Data Year: 2018 - 2020

Exceedance:  $[1.06]$  to  $[-0.94] \mu\text{g m}^{-3}$

This represents 180% of the level recorded from the APIS site in Feb.2021. Given this increase over two years, the actual level today is likely to be significantly higher.

NRW should be comparing a 200,000 bird unit with scrubbers with a 110,000 unit with scrubbers. The Developer should submit a full ammonia assessment as required by NRW 2017 guidelines which also require the cumulative impact of surrounding intensive livestock units to be assessed.

The permitting process should be subject to HRA. We have seen evidence that there was an HRA for the original permit although the HRA itself does not seem to be on the NRW Public Permit Register. Freshwater pearl mussels, found in the Clun SAC/SSSI are particularly sensitive to nitrogen (Freshwater Habitats research presented by Jeremy Biggs) and so nitrogen deposition should be taken into account.

It is simple common sense that like should be compared with like. We regard the strategy of comparing a new development with scrubbers to an outdated proposal for development without scrubbers, which could never have been built, as frankly deceptive. NRW has a duty to properly protect the environment from ammonia pollution and should reconsider the applicant's argument.

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