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By Email

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Dear Hywel

**Intensive Agriculture Planning Working Group**

Many thanks for another interesting discussion last week. Afonydd Cymru's concern is that agricultural pollution continues to rise across Wales but at a disproportionately higher rate in areas of agricultural intensification, to the detriment of rivers and the natural resources that should attach to them. This is aided by a suitably lax interpretation of the requirements of the Water Framework and Habitats Directives, and more recently, the letter from Head of Planning referring to the need to take into account the in -combination (or cumulative) effects of any decision made.

If there is a purpose in having any sort of planning system, it is surely to filter out and prevent applications that harm society and Future Generations, as well as creating a Prosperous Wales. Extending further the intensification of agriculture fails the latter comprehensively, by, depressing farm gate prices, (typically of milk and eggs), reducing investment in farm infrastructure, polluting air and water, increasing cost of water purification and increasing the output of harmful greenhouse gases plus depressing Biodiversity and destroying our fisheries. If Government ever goes beyond simply declaring a climate change emergency and advances towards actually doing something about it, intensive agricultural planning would be one of the first areas that should be addressed (hopefully after regulating pollution itself)

The planning system is the first opportunity to prevent agricultural pollution. NRW do not have the resources to effectively police every farm in Wales and their efforts are often concentrated on detecting offenders retrospectively. This is too little too late. By this stage the slurry is in the stream and the damage has been done. Such pollutions are often the result of farm infrastructure that is not fit for purpose, is poorly maintained or has not been expanded to cope with increased herd size.

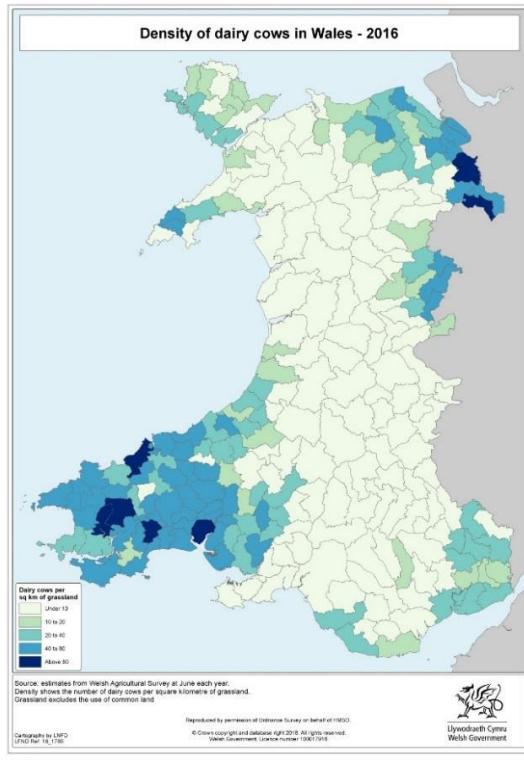
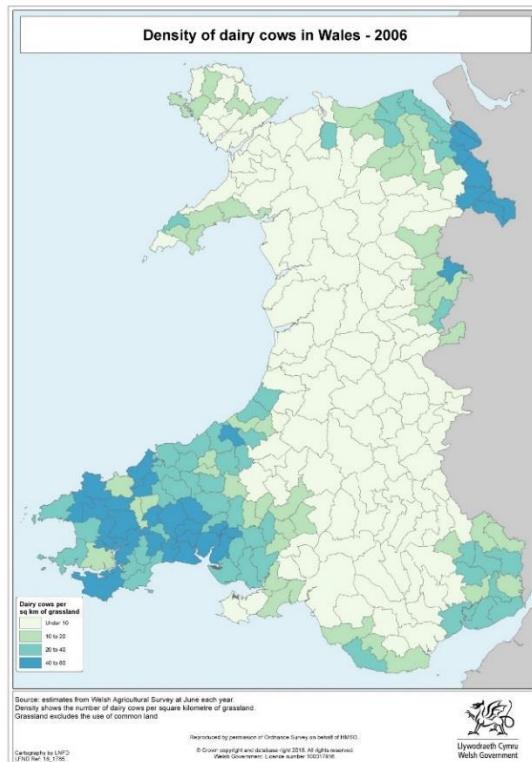
Scrutiny by planning departments can ensure that infrastructure is fit for purpose, appropriate limitation of use as well as taking into account in combination effects.

In addition, we have concerns about the backdoor approach of the use of Retrospective Planning Consent. Seldom is retrospective consent refused in the context of agriculture and this is in marked contrast to planning systems for the rest of us. This must surely cease.

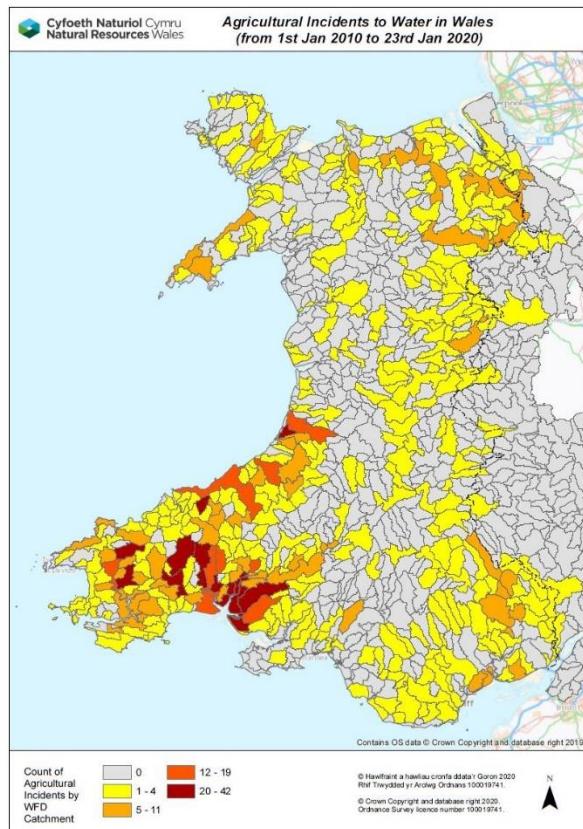
Permitted Development is another ‘Get out Jail Free’ excuse for breaching the in combination requirement and this too should cease. Case by case assessment is yet another means of conveniently overlooking it too.

Wales has insufficient area and types of land to spread all the slurry/poultry manure **currently** produced. We see the danger of this group in providing a ‘fig leaf’ for the continued environmental destruction by tinkering with the planning process and ultimately circumventing the needs for proper scrutiny of the result of applications: another situation where process will Trump outcome.

We enclose below maps showing the increase in the density of dairy cows in a decade:



Please compare this with the pollution incident map below, just published and note this does not include the effects or extent of diffuse pollution



The same is of course true for poultry units especially in Powys where little or no concern has been given to the damaging, in combination effects of what is essentially diffuse pollution.

Resolution will require accurate and reliable advice on these effects from NRW to avoid adding to an existing poor situation and in its absence, there should be an assumption against giving any consent. If this requires more funding then so be it. This precautionary approach is a requirement of our existing laws

Finally we enclose the Dutch Judgement. While it may seem that Brexit might in the future allow the continued breach of environmental laws, there may be a requirement to comply if we are to make trade agreements with the EU.

The rivers Teifi, Tywi and Cleddau in the south west plus the Wye and Usk in the mid and south east are all Special Areas of Conservation, ie subject to Habitats Directive Legislation and targets which currently they all fail. No surprises that agricultural pollution (especially Dairy and Poultry) plays the major role in causing this.

Yours sincerely

Dr Stephen Marsh-Smith OBE

Executive Director Afonydd Cymru

#### Summary of Afonydd Cymru's proposals for the TAN

1. Retrospective Planning consent for Agri building should not be used as a backdoor method of gaining consent. Prospective applicants should be advised of this.
2. Permitted Development should be removed from the system altogether as Wales is now saturated with pollution producing units
3. Applicants should specify the actual use of any building for which consent is sought: assessment of combined effects is not possible otherwise
4. Case by case consideration should not replace the assessment of in combination effects
5. In all areas where air and water quality are at risk, a full (ie of all contributing sources) assessment of in combination effects should occur.