



Campaign for the Protection of Rural Wales  
Brecon and Radnor Branch  
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4<sup>th</sup> October 2017

Gwilym Davies (Professional Lead, Development Management)  
Tamsin Law (Case officer)  
Planning Services  
Powys County Council  
The Gwalia, Ithon Road  
Llandrindrod Wells, LD1 6AA

**Objection to P/2017/0325: Proposed erection of 2 no. Poultry buildings for broiler breeder rearing, four no. feed bins, new access track, improvements to existing entrance, creation of one new passing place installation of septic tank and associated development.**

Dear Planning Officers,

Brecon and Radnor Branch of CPRW is dismayed to see that the Officer's Report recommends approval of this application. We only heard that this EIA application was coming to committee on 5/10/17 yesterday. We were not anticipating this because we believed there were outstanding discussions to be had with Radnorshire Wildlife Trust who advised you in their Objection of 5/5/17 that they had not been notified of the proposal. We do not consider that the Officers Report assessment is complete for determination.

Your authority should be familiar with the typical NRW disclaimer attached to planning responses which advises seeking advice from Wildlife Trusts. Surely, this is all the more urgent when a Wildlife Trust Nature Reserve is at risk.

**Natural Environment and Rural Communities (NERC) Act (2006)**

Please note that we have not considered possible effects on all local or regional interests. Therefore, you should not rule out the possibility of adverse effects on such interests, which would be relevant to your Authority's general duty to have regard to conserving biodiversity, as set out in section 40 of the Natural Environment and Rural Communities (NERC) Act (2006). This advice includes any consideration of the planned provision of "linear" and "stepping stone" habitats. To comply with your authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, your decision should take account of possible adverse effects on such interests. We recommend that you seek further advice from your authority's internal ecological adviser and/or third sector nature conservation organisations such as the local wildlife trust, RSPB, etc. The Wales Biodiversity Partnership's web site has guidance for assessing proposals that have implications for section 42 habitats and species ([www.biodiversitywales.org.uk](http://www.biodiversitywales.org.uk)).

We note that the Officer's Report does not even mention RWT, simply stating that an objection was received claiming that the development may have significant impact on Sideland Nature Reserve. This objection is not discussed further in the assessment. Under "Biodiversity and Ecology", which is bizarrely subtitled "*SSSIs and Montgomery Canal*", Sideland Radnorshire Wildlife Trust and 57 parcels of Ancient Woodland are acknowledged but the OR adds that "***no impacts upon the features of this site are expected as a result of ammonia concentrations either alone or in combination with other similar installations***". Not only does the report not specify which site it is discussing, but the statement about "***no impacts***" is untrue of the application emissions according to NRW's own response. In addition, the Developer's own Ammonia Report p20 shows significant impacts on parcels of Ancient Woodland.

This response says with respect to Cwm-Rhocas SSSI that the SSSI grassland has already changed in ways consistent with an increase in nitrogen deposition which is already 68% of the critical load of 10gN/ha/yr and they would object if they were considering the application under their new thresholds.

NRW have advised you that they "***do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance***". The assessment of these interests, which includes Sideland Reserve and the 57 parcels of Ancient Woodland is the duty of your authority. NRW refers you to their checklist guidance on their responsibility, which makes the limitations on their response quite clear.

**Sideland reserve** is described on the RWT website:

## Sideland

A small broadleaved woodland

### Map reference

SO 104 638

### Great for...

ancient trees  
birdwatching  
lichens and mosses  
wildflowers

### A small woodland with a good display of spring flowers.

The wood has a varied tree mixture, ash is dominant with *pendunculate* oak, downy birch and rowan all frequent. In the past wych elms were clearly dominant with many surviving as younger saplings. Older elms remain as dead or decaying trees, with great importance for wildlife especially invertebrates. The understorey is mainly hazel with blackthorn locally dominant. The ground layer consists principally of an extremely abundant *bryophyte* (moss and liverwort) flora. Flowering plants including dog's mercury, herb paris, wood anemone, sanicle and early-purple orchid along with bluebells creates a stunning display of colour in the spring. Of particular importance in the wood are adders-tongue fern, common twayblade and broad-leaved helleborine. The bark of living and dead wych elms and the ancient oaks support a number of nationally scarce lichens. *Bactrospora corticola* is found on oak along with the nationally rare *Chaenotheca stemonia*; *Opegrapha ocochelia*, *Agonimia allobata* and *Lecania cyrtellina* are all found on elms. Birds are very conspicuous, with both green and great-spotted woodpeckers breeding. Other typical woodland

species nesting on the site include treecreeper, willow warbler, pied flycatcher, redstart, marsh tit and bullfinch. Mammals include high densities of both wood mice and bank voles. Invertebrates include the notable tortoise beetle *Cassida hemisphaerica*, more common in southern England, feeding on ragged robin and champions. The local snail-eating ground beetle *Cychnus caraboides* and carrion beetle *Silpha atrata* are also found within dead timber. The rhinoceros beetle *Dynastinae* also occurs. Butterflies include ringlet and orange tip.

Your authority should be aware that lichens are particularly susceptible to ammonia emissions and “nationally scarce species” must be taken into consideration in your assessment.

Under the Environment (Wales) Act., PCC is a public body which must promote Sustainable Management of Natural Resources, and in so doing, it must (4)

- (a) manage adaptively, by planning, monitoring, reviewing and, where appropriate, changing action;**
- (b) consider the appropriate spatial scale for action;**
- (c) promote and engage in collaboration and co-operation;**
- (d) make appropriate arrangements for public participation in decision-making;**
- (e) take account of all relevant evidence and gather evidence in respect of uncertainties;**
- (f) take account of the benefits and intrinsic value of natural resources and ecosystems;**
- (g) take account of the short, medium and long term consequences of actions;**
- (h) take action to prevent significant damage to ecosystems;**
- (i) take account of the resilience of ecosystems, in particular the following aspects—**
  - (i) diversity between and within ecosystems;**
  - (ii) the connections between and within ecosystems;**
  - (iii) the scale of ecosystems;**
  - (iv) the condition of ecosystems (including their structure and functioning);**
  - (v) the adaptability of ecosystems.**

And (6)

- (1) A public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions.**
- (2) In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular the following aspects—**
  - (a) diversity between and within ecosystems;**
  - (b) the connections between and within ecosystems;**
  - (c) the scale of ecosystems;**
  - (d) the condition of ecosystems (including their structure and functioning);**
  - (e) the adaptability of ecosystems.**

The OR considers that the planting arrangements are sufficient to off-set any adverse impacts although they are only expected to reduce the impact by 25%. In discussion with BRB-CPRW and a renowned local authority on lichens, senior NRW officers dealing with nitrogen impacts have queried the efficacy of tree screens because the trees do not grow to sufficient size before further damage has been done.

We are not commenting in detail on other aspects of the application in this response because we consider the issue of ammonia emissions and the RWT reserve to be of such critical importance. However we note

that the EHO has set conditions for working hours for the fans, and just raise the question of how this can possibly work on hot summer evenings.

**In summary, Brecon and Radnor CPRW considers that this application should be refused on the grounds of risk to a Powys nature reserve and Ancient Woodlands. We also consider that PCC has not fulfilled its statutory duty in assessing this application and determination should be deferred.**

A handwritten signature in black ink that reads "Christine Hugh-Jones". The signature is written in a cursive, flowing style.

Dr Christine Hugh-Jones Secretary: Brecon and Radnor Branch  
Copy to Jonathan Colchester (Chair)