

Tamsin Law
Planning Services
Powys County Council
Neuadd Maldwyn
Severn Road
Welshpool
Powys
SY21 7AS



1st August 2019

Dear Ms Law,

Planning Application 19/0938/FUL | Erection of a broiler installation and silos, formation of a vehicular access and associated works | Frochas Farm Frochas Welshpool Powys SY21 9JD

With reference to the above planning application, Montgomeryshire Wildlife Trust **objects** to this proposal.

Priority species

The proposed development footprint is within 600m of Y Frochas Common, one of just eleven sites in the whole of Wales supporting the rare Pearl Bordered Fritillary butterfly, *Boloria euphrosyne*, a Section 7 species. Y Frochas forms part of a nationally important population of this butterfly, comprising five sites in the Welshpool area, the only remaining metapopulation of its kind left in the whole of Wales. The site supporting the largest single population is less than 2km away. These sites also support the Small Pearl-bordered Fritillary, *Boloria selene*, another Section 7 species.

The larval stage (caterpillar) of the Pearl Bordered Fritillary feeds on violets, primarily *Viola riviniana*. This plant has been shown by multiple scientific studies, to be sensitive to Nitrogen deposition. Anything which affects the caterpillar's foodplant, will affect the survival of the butterfly. Indeed, one study showed that nitrogen enrichment from agricultural fertilizer increases the mortality of six common Lepidoptera species, including the Small Heath (another Section 7 species).

The Ammonia report only assesses the potential air pollution from the proposed sheds, ignoring that generated by the proposed manure spreading operations. The Manure Management Plan shows the applicant's intention to spread manure on their land immediately adjacent to Y Frochas, bringing the source of Nitrogen deposition much closer than the Ammonia assessment suggests.

Montgomeryshire Wildlife Trust is very concerned about the potential negative impacts of this development on this nationally important Pearl Bordered Fritillary population. Any increase in Nitrogen levels in the local area is likely to cause a decrease in *Viola riviniana* plants and could therefore cause the local extinction of this priority species. This would be contrary to LDP Policy DM2, as well as Section 7 of the Environment (Wales) Act 2016.



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European Protected Species

On the application form, the applicant has stated that no protected and priority species are within or adjacent to the proposed development site. This statement is clearly false, as demonstrated by the applicants own supporting documents. Also, the Aderyn Planning Viewer highlights records of 45 priority species within 1km of the proposed development. The Preliminary Ecological Assessment provided by Arbor Vitae provides insufficient information for the Local Authority to assess the impact of the development; the survey was carried out during the winter, on 16th January 2019 and only considers the construction footprint and not the whole area affected, including the proposed manuring area.

There are four records of Great Crested Newt, *Triturus cristatus*, a European Protected Species and Section 7 species, within 1km of the proposed development. The Preliminary Ecological Assessment evaluated two ponds within 250m as having 'average' suitability for the species, but concludes that the development is unlikely to harm any Great Crested Newts. No assessment has been made as to the potential impacts on the habitat for Great Crested Newts; a material consideration for a European Protected Species.

Great Crested Newts use ponds to breed, but spend much of the rest of the year on land. Whilst the majority of adults stay within around 250m of the breeding pond, they can travel much further, distances of 1000m or more. The Preliminary Ecological Assessment provides insufficient information for the Local Authority to understand the potential impacts on Great Crested Newts. The development cannot be determined without further information on the Great Crested Newt population in this area. Surveys should include the entire development footprint (including the manuring areas).

There are numerous bat records within 1km of the proposed development; four records of *Myotis*, one record of Lesser Horseshoe, *Rhinolophus hipposideros*, 2 records of Brown Long-eared, *Plecotus auritus* and 24 records of pipistrelles (both Common Pipistrelle, *Pipistrellus pipistrellus* and Soprano Pipistrelle, *Pipistrellus pygmaeus*). All bat species are protected as European Protected Species and yet, no bat surveys have been undertaken. The Preliminary Ecological Assessment identifies a veteran oak tree as a possible roost site, but there is no consideration of the effects on bats of the proposed lighting scheme. Lesser Horseshoes, Brown Long-eared and some *Myotis* species, in particular, are known to avoid lit areas. The EIA report states that "*The main building's gable ends will be lit externally with a single low-wattage fitting of low intensity lighting during normal working hours in winter months.*", and that "*There will be no round the clock external lighting of the site and no use of high intensity security lighting.*". However, it also states that the proposed development will be a 24 hour, 7 days a week operation, indicating that lighting will be required much more than suggested. Any new lighting will impact on any bat species present and therefore bat surveys are required before the Local Authority is able to determine the application.

There is one record of Otter, *Lutra lutra*, within 1km of the proposed development, another European Protected Species. Otters are known to be affected by water pollution, as it affects their food supply. The Pollution Prevention Plan fails to mention manure as a potential pollutant and therefore is not fit for purpose.



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Nationally important sites

Section 6.5.3 of the EIA states: *“The contribution of emissions from the proposed process to nutrient nitrogen deposition at sensitive habitats is less than the relevant air quality standards and critical load values. It is concluded that emissions from the proposed facility will have no significant adverse effects on designated sensitive habitat surrounding the proposed poultry installation, and a more detailed assessment is not required.”* However, the Ammonia report states: *“At Gungrog Flash SSSI the process contribution to the annual nitrogen deposition rate would be very slightly above the Natural Resources Wales lower threshold (1% for a SSSI) of the Critical Load of 10.0 kg-N/ha/y.”* This report only assesses the pollution from the sheds and does not consider the manuring operations, but even that demonstrates that the development proposals are likely to have an adverse impact on the conservation value of a nationally protected site. As the proposal fails to demonstrate how it contributes to the protection, enhancement or positive management of the site, nor how the benefits of the development clearly outweigh the special interest of the site, it is contrary to LDP Policy DM2.

Locally important sites/Section 7 habitats

There are two Local Wildlife Sites within 1km of the proposed development site; Y Frochas and Moel-y-Garth. Y Frochas is dealt with under the ‘priority species’ section above. Moel-y-Garth is a large area of broadleaved ancient woodland and is dealt with under the ‘Trees, woodland and hedgerows’ section below. These development proposals are likely to have an adverse impact upon these sites. The documents provided fail to demonstrate how they conserve and enhance the natural heritage importance of the sites, nor how the benefits of the development outweigh the natural heritage importance of the sites. There are also no proposed mitigation and/or compensation measures provided to benefit the sites and therefore the proposed development is contrary to LDP Policy DM2.

The Manure Management Plan maps include an area mapped as semi-improved acid grassland on the Aderyn Planning Viewer. In addition, some of the proposed manuring areas are outside the Aderyn search, which is limited to 1km around the sheds. Further information is required prior to determination.

Trees, woodland and hedgerows

On the application form, the applicant has stated that there are trees or hedgerows within the proposed development site, but have provided no Tree Survey as specified by the Local Authority. A Tree Survey is required prior to determination.

5.87% of the land area within 1km is ancient woodland, including 2.68% NRW priority woodland (Aderyn Planning Viewer). This includes Moel-y-Garth Local Wildlife Site, mentioned above. Ancient woodland is particularly susceptible to air pollution from these sorts of developments. It is also worth noting that this part of Wales supports many lichen species which only grow because of the clean air.

The Powys LDP – Biodiversity and Geodiversity SPG, October 2018 states:

“Applicants need to demonstrate how they are taking into account any ancient woodland that their proposal may affect.” None of the supporting documentation provided with



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this application considers the impacts on the ancient woodland in this area and therefore cannot proceed to determination.

Given the quantity and close proximity of ancient woodland to this development, further advice on this matter should be sought from NRW, ensuring the cumulative impacts of this, along with other developments of this kind, are properly assessed.

Additional comments – biodiversity enhancement

The proposals outlined in the Preliminary Ecological Assessment report are, in our opinion, insufficient to mitigate a development of this scale, let alone enhance it. The report states that 150m of hedgerow and 1ha of trees will be planted. It also recommends the installation of a Barn Owl box on the veteran oak tree, also identified as a potential bat roost; this should not be done, as it may damage the tree and any roost(s) present.

As demonstrated in this letter and by the Aderyn Planning Viewer results, this is an area of high biodiversity. As you know, the Local Authority has a statutory duty under Section 6 of the Environment (Wales) Act 2016 to promote and seek enhancements to biodiversity. If given Consent, the proposed development is highly likely to lead to a loss of biodiversity and the Local Authority would therefore be in breach of this legislation.

Additional comments – environmental permit

The proposed development has been granted an Environmental (IPPC) Permit from NRW, dated November 2018. However, there is a discrepancy between the permitted number of crop cycles and that indicated by the applicant in the supporting documents. The Design and Access Statement states 7.5 cycles per year and the EIA, 7.6 cycles per year; the Environmental Permit is for 6.5 cycles. Following communication with NRW on the matter, they have stated: *“The permit is correct with the number of cycles per year being 6.5. This is what the ammonia model was based on. This is for the whole operation. With regards to the maximum potential of the permit, if the operator wishes to expand further they will need to apply to vary their permit. Until then, the operator cannot operate above the permitted number.”* This serious matter needs clearing up prior to determination, including ensuring that ammonia modelling has been carried out for the correct number of crop cycles.

Conclusion

As demonstrated above, this proposed development fails to demonstrate how it protects, positively manages and enhances biodiversity and would unacceptably adversely affect European Protected Species, Section 7 habitats and species, nationally important sites, locally important sites and trees, woodland and hedgerows of significant public amenity, natural or cultural heritage. Further, given the nature of the development and the inadequate pollution prevention plan, it would also likely adversely affect the achievement of the Water Framework Directive’s overarching objectives. Should planning application 19/0938/FUL be given approval in its current form, it would be contrary to Powys LDP Policy DM2. **Montgomeryshire Wildlife Trust therefore objects to this proposal.**



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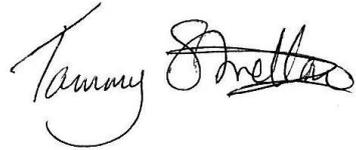
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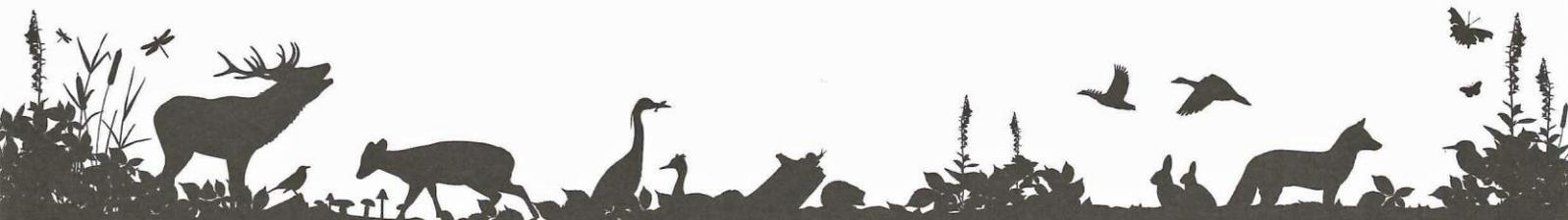
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If there is any other information Montgomeryshire Wildlife Trust can help with, please do not hesitate to contact us.

Yours sincerely



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