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**Applicant:**  
**MIDLAND PIG PRODUCERS LTD**

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Date: 17/11/2011

Your Ref: 9.1563.5  
**Reg No: CW9/2011/0002**

Dear Sir,

#### **Town and Country Planning Act 1990**

**PROPOSED ERECTION OF A 2,500 BREEDING SOW PIG REARING UNIT WITH GRAIN STORE, FEED MILL, FEED HOPPERS, MESS BLOCK, WATER TREATMENT BUILDINGS TOGETHER WITH STORAGE BUILDINGS FEEDING AN ASSOCIATED ANAEROBIC DIGESTION FACILITY, SERVICE BUILDING, DIGESTATE AND METHANE GAS STORAGE TANKS SUPPLYING AN ELECTRICITY GENERATION FACILITY AND INCORPORATING A VISITOR CENTRE, 4 AGRICULTURE WORKERS DWELLINGS AND GARAGING, STRATEGIC LANDSCAPING, INCLUDING THE FORMATION OF BUNDS, A SURFACE WATER ATTENUATION POND, AND RAINWATER RETENTION AREA WITH SITE PARKING FACILITIES, WEIGHBRIDGES, SECURITY FENCING AND ASSOCIATED INFRASTRUCTURE UNDER DCC CW9/0311/174 AT LAND OFF UTTOXETER ROAD FOSTON**

I am writing to inform you that at its meeting of 1 November 2011, the Council's Planning Committee resolved to object to the proposed development as described in the submitted details for the following reasons:

#### Landscape and visual impact

Environment Policy 5 of the Adopted Local Plan requires that agricultural development (a significant proportion of which this is) be of an appropriate scale; not detract from views across the countryside nor have an adverse impact on landscape or heritage features. Environment Policy 1 seeks to ensure that outside settlements, new development in the countryside is not permitted unless it is essential to a rural based activity or unavoidable in the countryside and countryside character, landscape quality, wildlife and historic features  
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are safeguarded and protected. It is the view of the Council that both of these policies are compromised by the proposed development. The size and scale of the combined hybrid industrial/agricultural development would be overbearing, dominate the landscape and would constitute a significant detrimental intrusion into the countryside. No amount of landscaping or bunding could mitigate this intrusion to any meaningful extent. Although the ES examines visual intrusion and concludes that the intrusion is mitigated to an acceptable degree, this was undertaken during the months when foliage was not depleted as it would be during the winter and therefore the mitigation claimed is inaccurate. One must conclude that in the case of a development of this magnitude in this location, no amount of bunding and/or planting could ever result in sufficient alleviation of the catastrophic effects caused by the development to the landscape. It must also be the case that a development of this nature is not unavoidable in the countryside. The buildings and processes as described are much more akin to those found in industrial development and therefore a 'need' for this open countryside location cannot be demonstrated.

Of equal import is the proximity of the proposed development to the listed buildings at Foston Hall to the west. Although apparently compromised by its current use and recent developments, the District council in granting permission at the site has always tried to ensure that the functional prison developments required have been largely reversible and therefore one must consider the future potential uses of the buildings and their setting. Environment Policy 13 of the Local Plan requires the decision maker to consider preserving the setting of listed building. Clearly, a development the size and scale of that proposed could never be said to preserve the existing open countryside setting of the adjacent listed buildings which would have a particularly marked effect should the use as a prison ever cease and a new more conventional use be sought which would take advantage of its setting. Thus it is more relevant to consider the future preservation of the listed building put in jeopardy should the development be permitted. PPS5 reinforces this approach at paragraph HE7.2. It must be the case that other sites with less restrictive constraints further from receptors and known heritage assets should be examined before permission is granted here.

Thus the development would not comply with any of the development plan policies cited.

### Environmental effects

It has not been sufficiently demonstrated that the effects of unquantifiable noise, odour, and underground vibration would not give rise to serious environmental effects arising from the operation of the processes proposed. It is true that much evidence has been submitted in support of the science behind the processes to be employed on the site necessary for its tolerable operation. Notwithstanding all this, there appears to be sufficient doubt in the mind of the public body whose responsibility it is to ensure that public health is protected. In the summary of its letter to the County Planning Authority, the Health Protection Agency states that:

The application does not provide detailed analysis and risk assessment of potential point source and fugitive emissions to air, of: odour; particulate matter; ammonia; bioaerosols; or emissions from the proposed CHP plant.

Detailed consideration of these emissions will be required as part of the Environmental Permit application for the site, and will enable the HPA to comment on the potential for risk to health. Since this information has not been included within the Environmental Impact Assessment, we are not able to provide any further comment, as there is insufficient information upon which to base an opinion.

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With regard to its detailed assessment of the potential impact of bioaerosols for example, its states that:

*Recent research<sup>3</sup> has found that those living up to 150m downwind of an intensive swine farming installation could be at risk of adverse human health effects associated with exposure to multi-drug resistant organisms.*

*It is anticipated that further evidence on the potential of installations to result in bioaerosol emissions, and of the potential health effects of these emissions on nearby communities, will become available over the next few years. This is a research area for both the EA and the HPA.*

The application does not include detailed discussion or risk assessment of potential for emissions of bioaerosols.

It is therefore perhaps not surprising that the local community is less than certain and is fearful of the potential environmental and health effects of the development which are far from known and this is especially concerning when the responsible public body can give no comfort at this stage. As such there is little or no confidence in the permitting process that is operated by the Environment Agency. Indeed, it is in such cases that the courts have acknowledged that the public perception and the ensuing fear can be a material consideration. In *Newport Borough Council v. Secretary of State for Wales and Browning Ferris Environmental Services Ltd (1998)* it was held to be lawful to refuse planning permission for a waste treatment plant in the face of local objections founded (erroneously) on anxieties concerning public safety. The Court of Appeal decided that such anxieties were a material consideration and that it was an error of law to hold that the genuine fears on the part of the public, unless objectively justified, could never amount to a valid ground for refusal. This means, of course, that mere perceptions of possible harm can be overriding in the planning process and such is the case here.

Concern has also been expressed about the situation in the event of an emergency on the site such as an outbreak of foot and mouth disease. In such case it would be likely that a total shutdown would be necessary. It is difficult to accept that in such a situation, 24 hour access to the prison could be maintained. An evacuation of a fully stocked plant is also unrealistic as suggested in the submitted Crisis Recovery Plan. The Plan, for all its other considerations, does not consider the possibility of on site destruction of all animals. In such cases during the last outbreak, mountainous pyres were necessary. Should this be required when the site is fully stocked the impact could be catastrophic and it is difficult to understand how this would operate in the case of 25,000 pigs.

Little regard also appears to have been had to the presence of Foston Hall Prison's c.300 inmates and their visiting families which it is feared could give rise to human rights issues.

### Access and transport

This area of concern brings into question the whole sustainability and green credentials of the development. In addition to the predicted 18,500 tonnes/annum of feed required to enter by road, in order to maintain sufficient levels of operation of the anaerobic digestion facility, an additional 45,000 tonnes/annum of kitchen and garden waste would also have to be imported. Overall, it is estimated that the development would generate some 172 traffic movements per day. In the event of a closure of the main A50, as happens from time to time, much of this traffic could be diverted through local villages and residential areas. The Local Planning Authority considers that this material, step change to the levels

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of heavy vehicle movements in the area, would be bound to give rise to ever greater incidences of congestion and accidents (particularly at the nearby Sudbury roundabout A50 junction with the A515) –not to mention the increase in noise arising from this junction with the requirement for constant deceleration and acceleration.

In conclusion, it is the council's view that the proposed facility due to its size, scale, its siting beyond the built-up limits of a settlement, its industrial function, nature and appearance would be an incongruous feature in this countryside location (in conflict with PPS 1, 4 and 7) and would have a marked detrimental effect on the setting of the adjacent listed buildings at Foston Hall (contrary to PPS5). The Council does not believe that the proposed landscape and planting works would adequately mitigate against the harm created by this large development and its associated activities particularly during the winter months: which impact has been inadequately assessed by the applicant. The proposals would result in an intrusive development into the open countryside contrary to local, regional and national planning policy for the reasons set out above. The substantial increase in traffic generation could lead to serious problems on the adjoining and surrounding road network and additional noise generation. In terms of pollution control, it has not been demonstrated that there can ever be any guarantee that pollutants from the development would not affect the amenity of adjacent residential properties through noise, odour (and other air borne pollutants), and potential underground vibration. As such the genuine and substantial public fears over the potential long term health impacts on nearby residents is a material consideration sufficient to amount to a good reason to justify refusal.

Yours faithfully

Stuart Batchelor  
Head of Community & Planning