

31 March 2010

Your Ref: 09/1040/FUL

Dear Sir

**APPLICATION FOR PLANNING PERMISSION BY NOCTON HEATH DAIRIES FOR DEVELOPMENT
NORTH OF DUNSTON HEATH LANE AND WEST OF B1188, NOCTON HEATH, LINCOLN**

I am writing to submit Compassion in World Farming's objection to the above planning application.

Our objection has been prepared for us by our Agent, Mr Raymond Cole, of Blake Laphorn, who is acting on our behalf in this matter.

Compassion in World Farming is a registered charity. We campaign peacefully to advance farm animal welfare and end factory farming practices. For more than 40 years, farm animal welfare has been our sole focus and we offer our expertise in this area if it might be of value to your deliberations on this issue.

I would be grateful for your consideration of our submission regarding this planning application and please do feel free to contact me if I can help further.

Yours sincerely



Philip Lymbery
Chief Executive

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APPLICATION FOR PLANNING PERMISSION BY NOCTON HEATH DAIRIES FOR DEVELOPMENT NORTH OF DUNSTON HEATH LANE AND WEST OF B1188, NOCTON HEATH, LINCOLN.

I am writing on behalf of Compassion in World Farming, a registered charity with a vision of a world where all farm animals are treated with compassion and respect and where cruel factory farming practices are brought to an end.

We have examined the above application for planning permission, as displayed on the Council's website, and have the following representations to make on behalf of our client.

General

The scale and nature of the proposals are such that it is open to question whether this is industrial rather than agricultural development being proposed on this site. While 'dairy farming' falls within the meaning of 'agriculture', as set out in section 336 of the Town and Country Planning Act 1990, it is unlikely that the type of activity proposed in this application was in the minds of those who originally drafted the definition contained in the legislation.

It is stated that the unit would be more than four times the size of any unit in the UK today. Whether or not the proposed dairy needs to be this size is unclear. The supporting statement submitted with the application makes reference to a business plan (in paragraph 5.29) but this does not appear to be publicly available.

The planning policies at national level against which the proposal is to be considered are found in PPS1: Delivering Sustainable Development (2005), PPS7: Sustainable Development in Rural Areas (2004) and PPG13: Transport (2001). PPS1 identifies sustainable development as the core principle underpinning planning, while PPS7 sets out the principles for development in rural areas including the following:

- "Accessibility should be a key consideration in all development decisions. Most developments which are likely to generate large numbers of trips should be located in or next to towns or other service centres that are accessible by public transport, walking and cycling, in line with the policy set out in PPG13, Transport. Decisions on the location of other developments in rural areas should, where possible, give people the greatest opportunity to access them by public transport, walking and cycling, consistent with achieving the primary purpose of the development."
- "New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all."
- "All development in rural areas should be well-designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness."

At the local level, relevant planning policies are to be found in the adopted North Kesteven Local Plan (2007). The most significant policy to be applied to the proposals the subject of this application is Policy C2 – Development in the countryside. It states,

"Planning permission will be granted for development in the countryside (as shown on the proposals map) provided that it:

1. Will maintain or enhance the environmental, economic and social value of the countryside;
2. Will protect and, where possible, enhance the character of the countryside;
3. Cannot be located within or adjacent to a settlement; and

4. Will not attract or generate a large number of journeys, and is located to provide opportunities for access by public transport, walking or cycling."

Accessibility

The Environmental Statement shows that the total predicted number of daily vehicle movements is 135 when the unit would be operational and a maximum of 150 at the peak of the construction phase. The effect of these additional movements, including 10 bulk milk tankers, on existing traffic flows and on highway safety is stated to be negligible.

However, the Environmental Statement notes that the railway station at Metheringham is 2.8 miles from the site and that the closest bus stop is 0.7 miles from the application site. It states that the rail and bus services offer the potential for staff and visitors to use public transport when travelling to the unit. In our view, this is wholly unrealistic. The railway station and the bus stop exceed the threshold distances that most people are prepared to walk to access public transport. Moreover, while there is a footway on the eastern side of the B1188 between the site and Nocton Rise, footways elsewhere in the area are generally limited to within village locations. Indeed, the Environmental Statement concludes that the opportunity for walking to the site is limited. It also finds that opportunities to encourage cycling to the site are limited.

The Travel Plan states that it is proposed to run a private minibus service to transport workers from Lincoln to the site for their shifts. It adds that, due to the unsocial hours of operation, it would not be possible for workers to use public transport for two of the three shifts. This also demonstrates that public transport is not a realistic mode of travel to and from the site.

According to the Environmental Statement, "provisions for on-site car parking are proposed within the development scheme, but will be limited as demand will be low". In contrast, the application form indicates that 74 car parking spaces will be provided on site, suggesting that provision will not be limited, nor will demand be low.

Design

The application site is situated in an open rural landscape which is characterised by its elevation, openness and large intensively farmed fields. (Environmental Statement paragraph 2.1.1)

The proposed development would result in the construction of 98,986m² of buildings and approximately 5000m of internal access roads. Eight cattle accommodation buildings would be constructed (each measuring 318m in length, 31m in width, 4.6m to the eaves and 10m in height to the ridge). The other buildings include a maternity building, hospital building, two dairy parlours, two covered holding areas, feed storage building, anaerobic digestion units, farm office and agricultural workers dwellings. The visual impact of the development would primarily arise from the large cattle accommodation buildings, feed building, parlours and anaerobic digester.

It is stated that the external materials used for the cattle accommodation buildings have been chosen to assimilate the new structures into the landscape with dark green fibre cement sheets used for roofing materials. The anaerobic digestion towers are to be painted a dark green and will be semi-buried into the hillside to reduce their overall height and minimise their impact on the surrounding landscape. Mitigation measures include the planting of a belt of trees which would run along the southern edge of the main development area to break up the impact of the bulk of the new buildings and to screen the lit interior of the building during the night. It is also proposed to thicken the existing line of trees which runs along the track to the north of the main unit. The proposed landscaping measures would be planted in the first growing season after the final accommodation building has been completed (2012).

Notwithstanding these measures, the Environmental Statement concludes that the new development will have a "minor negative effect" on landscape after the mitigation measures have become established as the rooftops of the unit and anaerobic digester will still be visible in the landscape. What a "minor negative effect" means is this:

"The proposals:

- do not quite fit the scale, landform and pattern of the landscape;
- although not very visually intrusive, would impact on certain views into and across the area;
- cannot be completely mitigated for because of the nature of the proposal itself or the character of the landscape within which it is located; and
- conflict with local authority policies for protecting the local character of the countryside."

(Environmental Statement, Table 11.4)

The relevant policy here is Policy C18 of the adopted North Kesteven Local Plan (2007). It states:

"Planning permission will be granted for development, only if it will:

1. Reinforce local identity and
2. Not adversely affect the character or appearance of its surroundings;

and

3. Existing site features that contribute positively to the character or appearance of the area are retained, and satisfactorily incorporated into the design;
4. The proposal responds satisfactorily to its context in terms of its layout, scale, massing, height, density, detailing, external appearance, and the use of materials, and
5. The proposal has a cohesive character, and adds interest and vitality to its surroundings."

The proposed development will not reinforce local identity as is clearly acknowledged in paragraph 4.16 of the supporting statement.

The preceding paragraph of the supporting statement acknowledges that the development will have an adverse effect on the surroundings, albeit a minor one. The policy, however, does not define the magnitude of the effect; simply that it must not be an adverse one.

Having failed to satisfy the first two criteria, there is no need to continue to examine the proposals against the remainder. The proposals are contrary to Policy C18.

Water Sustainability

We note that the proposal requires the construction of a second reservoir to the south of Nocton village and that this is to form the subject of a separate application for planning permission. We understand that water is also to be abstracted from an underlying aquifer, subject to the consent of the Environment Agency. The determination of the current application for planning permission should therefore be treated as premature pending the outcome of a separate application for the construction of a reservoir and the Environment Agency's agreement to further abstraction from the underlying aquifer.

The supporting statement indicates that, currently, it would not be economically viable to capture rainwater from all of the large areas of roof at the unit. We are told that this is primarily due to the falls across the site and the estimated costs associated with installation of the necessary pipework and infrastructure in an area with limited soil depth. However, it is stated that the viability of rainwater harvesting will be further investigated in the light of water demand and changing costs. The cost associated with the installation of pipework is likely to be more favourable if included at the outset, rather than being fitted at a later date.

The proposal is currently unsustainable in terms of its demand for water.

Justification for dwellings

Justification for the agricultural workers dwellings may well satisfy the tests contained in PPS7, because of the scale of the proposed dairy and a business plan made available to the local planning authority. However, if the scale of the dairy is unacceptable, which in our view it is, then justification for the dwellings is likely to be weaker too.

We conclude that the site is not a sustainable location for employment generating development on this scale. The size and the design of the proposed buildings fail to reinforce local identity. Even after 15 years and establishment of the landscape mitigation measures there will be an adverse effect on the character and appearance of the area. In addition, the proposal is dependent on the successful outcome of a separate application for planning permission for the construction of a reservoir and the granting of an abstraction licence by the Environment Agency.

You will be familiar with the statutory requirement that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". Development proposals must be considered against the relevant policies in the plan as a whole and not just those for a specified use or development proposal. In our view, the proposal the subject of this application does not fully comply with adopted local plan policies T1 – Accessibility to developments, DC1 – Agricultural or forestry development, C2 – Development in the countryside, or C18 – Design, for the reasons stated above. There being no other material considerations to justify a decision contrary to the development plan, the Council is respectfully requested to refuse this application.

We would be grateful if you would let us know when the application will be reported to the Council's Planning Committee.