

Document 1

**(F) Reasons for Appeal on behalf of Midland Pig Producers Limited (“the appellant”)
in respect of Foston Pig Unit**

(EPR/LP3930FA/A001)

1. Introduction

- 1.1 This appeal is in respect of the decision of the Environment Agency (EA) to refuse an application for an environmental permit for the following proposed development (“the proposed development”):

“...an intensive pig unit and anaerobic digestion (AD) plant with subsequent biogas combustion for the treatment of pig manures and slurries generated by the intensive farming activities, and mixed with imported maize and spoiled wheat straw.”

- 1.2 The proposed development would comprise a 2,500 sow pig unit, equating to approximately 25,000 pigs on site including progeny and producing approximately 1,000 bacon pigs per week. It would include 4 dry sow units, 2 farrowing units, 2 grower units and 6 finishing units. Waste materials would fall continuously into the below floor tanks which will be ‘flushed’ every 48 hours. The waste materials would then be piped directly to the anaerobic digestion (AD) plant. Each building would be flushed within a timed sequence to ensure a continuous flow of slurry is fed into the AD plant. The buildings associated with the proposed development have been designed to contain any odours and other air pollutants, with air extracted to dedicated odour control systems.
- 1.3 The proposed development has been designed in accordance with the “Green Circle Production System”, with a reduced odour pig unit producing high quality fertiliser for local third party farmers to grow crops, which would then be used to feed the pigs. An anaerobic digester would be used to process the pig slurry together with maize and straw bedding to produce the methane used by generators creating electricity and heat. The electricity would be used to run the pig units, visitor centre, mess block, service building, processing plant and feed mill on site. Any surplus energy would be directed back into the grid for general consumption. The heat produced from the AD plant in the form of hot water would also be used to both heat and cool the pig unit through heat exchange units. There is also future potential to heat other local amenities such as Foston Prison.
- 1.4 The application was originally submitted to the Environment Agency and received and accepted as duly made on 29 March 2011. Correspondence was subsequently entered into between the appellant and the EA as well as a number of meetings being held which culminated in a final revised application being submitted by the appellant to the EA on 22 October 2014. The October 2014 submission supersedes all previous submissions.

2. Notice of Refusal

2.1 The EA issued a Notice of Refusal to the appellant in accordance with the Environmental Permitting Regulations (England and Wales) 2010. The Notice of Refusal is dated 10 February 2015 and was submitted to the appellant with the decision document under cover of a letter dated 18 February 2015.

2.2 The EA gave the following reason for refusal in the Notice of Refusal:

“We are not satisfied that the activities can be undertaken without resulting in significant pollution of the environment due to odour which will result in offence to human senses and impair amenity and/or legitimate uses of the environment.

In addition, based on the information that has been provided to us to date, we are not currently satisfied:

That the risk from bioaerosols is acceptable

That the impact on ecological receptors and in particular, Puddingbag Covert, Fishpond Plantation and the Churchleys local wildlife sites is acceptable

That the proposed discharge to Dale Brook is acceptable

That the impact of emissions of ammonia on human health is acceptable.”

2.3 Within the decision document at page 17 (first paragraph), the EA state that in relation to odour they are not satisfied “*in principle*” that the proposed development contains adequate measures for odour control and that, as a result the risk could not be minimised sufficiently to allow these issues to be addressed through pre or post operational conditions:

“Whilst we understand that some final matters of detail may need to be refined during final design the Applicant needed to provide enough detail for us to be satisfied that in principle there will be adequate measures in place to prevent an unacceptable risk of odour pollution beyond the installation boundary. The Applicant has not done that. The deficiencies in the application are so significant and the buffer distance between the Installation and receptors is so small that based on the information submitted there are no conditions that could be included in a permit that could make the proposals acceptable.”

3. Reasons for appeal

3.1 Whilst the appellant does not agree with the reasons for refusal, their wording is clearly expressed. Further, the appellant understands that the Notice of Refusal contains all of the reasoning for refusal of permission upon which the Environment Agency will rely.

3.2 In response, the appellant will demonstrate that:

- the proposed development has been designed in a way which encompasses the most advanced measures currently available for intensive pig rearing

including the prevention of fugitive emissions and incorporation of odour control;

- sufficient information has been provided to demonstrate that in principle there would be adequate measures in place to prevent an unacceptable risk of odour pollution beyond the installation boundary notwithstanding the proximity of receptors;
- the proposed development can be built, commissioned and operated without resulting in any risk of significant pollution of the environment due to odour which will result in offence to human senses and impair amenity and/or legitimate uses of the environment;
- In particular, it will be demonstrated that:
 - the risk from bioaerosols is acceptable
 - the impact on ecological receptors and in particular, Puddingbag Covert, Fishpond Plantation and the Churchleys local wildlife sites would acceptable
 - the proposed discharge to Dale Brook would be acceptable
 - the impact of emissions of ammonia on human health would be acceptable;
- measures designed into the proposed development represent (or exceed) Best Available Techniques (BAT);
- any further information regarding monitoring and operational control which the Environment Agency states that it requires may be adequately addressed through the imposition of pre-operational conditions in the normal way;
- the design of the proposed development, coupled with the imposition of appropriate pre-operational and operational conditions, mean that the proposed development would be acceptable in all respects and a permit should be granted without delay.

4. Concluding remarks

4.1 The appellant is of the opinion that in this case, refusal of a permit has been unreasonably withheld.

4.2 Based on the materials contained within the application documents and comprehensive technical evidence to be provided at the forthcoming inquiry, the appellant will demonstrate that the permit should be granted without delay.

Document 2

(G) Choice of Procedure

(EPR/LP3930FA/A001)

The appellant is firmly of the view that this matter should be heard by an Inspector at a public local inquiry for the following reasons:

- expert evidence will be of a technical and complex nature;
- documentary evidence will be voluminous;
- evidence will need to be tested through formal questioning by an advocate in order to assist the Inspector in reaching clear conclusions;
- the Inspector will need to be in a position to question expert witnesses and to test evidence which can best be done in the forum of a public local inquiry; and
- public participation in this appeal is expected to be high.