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10 January 2011

Dear Sir

RE: Planning Application No. 10/1397/FUL | Erection of an intensive dairy unit 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 takes the form of a comprehensive report jointly commissioned by ourselves and the World Society or the Protection of Animals and produced by environmental specialists Atkins. There has been additional input from our legal advisors, specialists in planning law, and from ourselves, a registered charity with more than 40 years experience in promoting farm animal welfare.

The report, we believe, speaks for itself in terms of the inaccuracies and omissions in the current planning application and what we consider the gross disregard for the true environmental impact of what would be the UK's largest industrial dairy facility.

Whilst it has been made clear to us during the lengthy history of the Nocton Dairies application that concerns for environment and local amenity carry more weight than those of animal welfare we would ask you to consider that 1) Nocton Dairies' planning application includes a separate animal welfare statement; and 2) throughout the proposal animal welfare is used to justify many of the proposed aspects of the proposed facility. Nocton Dairies have, therefore, made animal welfare a material consideration in this application. We ask you not to ignore this fact.

As I am sure you know, the Treaty on the Functioning of the European Union (TFEU, commonly known as the 'Lisbon Treaty') requires Member States to "*pay full regard*" to animal welfare in agriculture. Article 13 provides that:

"*In formulating and implementing the Union's agriculture, fisheries, transport, internal market, research and technological development and space policies, the Union and the Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage.*"

With reference to the proposed mega-dairy farm at Nocton Heath in Lincolnshire, not only should the TFEU be taken into account when the application for planning permission is considered, but also reference should be made to the Animal Welfare Act 2006 which provides that an animal's needs shall be taken to include "*its need to be able to exhibit normal behaviour patterns*".

cont/d…

Patrons: Bishop John Baker ● Alexandra Bastedo ● Jilly Cooper OBE ● Penelope Keith OBE
Bruce Kent ● Joanna Lumley OBE ● Sir Peter O'Sullevan ● Jonathon Porritt CBE ● Princess Alia Al Hussein of Jordan

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In our view the Act casts doubt on the legality of such zero-grazing farms since cows kept indoors for extended periods of time cannot possibly exhibit normal behaviour patterns.

We continue to raise our concerns with Government and, as you are aware, we have also made an application for this matter to be called in by the Secretary of State for Communities and Local Government so that the many complex and unavoidable social, environmental, economic and ethical issues which arise from this proposed industrial dairy can be considered in the fullest possible way. We await developments and trust, in the meantime, in your full and careful consideration of the comprehensive material presented here.

Compassion in World Farming campaigns peacefully to advance farm animal welfare and end factory farming practices. Farm animal welfare is our primary focus and we offer our considerable 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 (which includes the points raised in this letter) regarding this planning application and please do feel free to contact me if I can help further.

Yours faithfully

Philip Lymbery
Chief Executive

Encl:
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CIWF_Nocton_Objection_Appendix_A_Comparative_Viewpoints_3of3.doc