

P-04-536 Stop Factory Dairy Farming in Wales – Correspondence from the Petitioner to the Committee, 20.06.14

World Animal Protection

20th June 2014

Dear Petitions Committee,

Following the recent High Court judgement, World Animal Protection (formerly known as WSPA) would like to update its response to the letter received on 6th May 2014 from the Minister for Housing and Regeneration in the Welsh Assembly Government regarding Petition Number P-04-536 ‘Stop Factory Dairy Farming in Wales’. This submission supersedes our previous submission (28th May).

Our response falls into two parts, firstly responses to the substantive points made in the Minister’s response and secondly extracts from some case studies that provide evidence from our research into a number of factory dairy farms in South and West Wales. These case studies contain information we have gathered from talking to local people who are experiencing the problems that arise from living near a factory dairy farm. We would be happy to provide further details from these case studies to the Committee, to respond to the Minister’s view in his letter that there is no evidence to suggest that planning policy and guidance needs to be revised.

It was the Minister’s decision to grant planning permission for Lower Leighton Farm against his Planning Inspector’s advice and contrary to policies in the Unitary Development Plan for Powys that prompted World Animal Protection to petition the Welsh Government. We continue to have serious concerns about the inadequacy of existing planning policy and guidance in Wales in relation to factory dairy farms.

Factory dairy farms are more akin to industrial units than the pasture-based dairy farms traditionally found in Wales, with cows instead housed indoors with minimal or no grazing. Instead they rely on feed being brought in and waste taken out requiring round the clock operation. This type of large scale, intensive, indoor

livestock farming has been prevalent in the US for at least 30 years. The significant increase in problems arising from factory dairy farms in the US have been comprehensively reported on by the independent Pew Commission on Industrial Farm Animal Production (PCIFAP). The Commission was formed to conduct a fact-based and balanced examination of key aspects of the farm animal industry. The Pew Commission report ¹ found: poor animal welfare resulting in high culling rates, environmental pollution, negative consequences for the economic viability of other dairy farmers, impoverishment of the amenity of local communities and impacts on their health and wellbeing.

In March 2013, World Animal Protection (then WSPA) wrote to all 22 local authorities in Wales and asked them if they had planning policies in place to help determine planning decisions on intensive dairy farms. Half the local authorities replied. None of them had a specific policy to help make decisions on planning applications for intensive factory dairy farms.

Planning applications for new and from existing farms suggests the number and size of factory dairy farms is growing in Wales. Our research identifies a worrying trend for existing farms to expand first and then seek retrospective planning permission later

World Animal Protection believes factory dairy farms can be detrimental for animal welfare, and are unsustainable in economic, social and environmental terms. Wales now has a statutory sustainable development duty and therefore there is an urgent need to review how planning policy and guidance on factory dairy farms could impact on this duty.

We are grateful to the committee for considering our petition and we urge you to consider holding an inquiry into whether existing planning policies for factory dairy farms in Wales are fit for purpose. We believe the Committee is best placed to address the concerns of the 9,246 people who signed the petition calling for this issue to be looked at in more depth.

We believe due to the cross-cutting nature of this issue across several Governmental departments that such an inquiry would be of much benefit and that

¹ <http://www.ncifap.org/reports/>

the committee is in the strongest position to carry such an inquiry out. We believe the information we set out in this response makes a strong case for why the planning policies need to be reviewed to improve the decision making process for intensive indoor dairy farm applications.

Yours faithfully,

Ian Woodhurst

Campaign Manager
World Animal Protection

World Animal Protection's response to points in the letter from the Minister for Housing and Regeneration to the Petitions Committee

Sustainable development

The Minister states in paragraph 3 of his letter:

The Welsh Government is seeking to stimulate the investment and innovation needed to create the conditions to support long-term economic growth in rural Wales. It will use the next Rural Development Programme (RDP) to increase sustainability, resilience and diversity, and manage our natural resources efficiently in order to create a more prosperous future for Wales. It will also seek to put in place conditions to allow farm businesses to grow, become more efficient and economically viable with less public financial support. The Welsh Government does not have a policy on the scale of a farming enterprise and will continue to support farms of all sizes.

World Animal Protection is pleased to read that the next Rural Development Programme will aim to increase sustainability, resilience and diversity and for natural resources to be managed more efficiently to create a more prosperous Wales. However, we are concerned that the Welsh Government could put into place measures that assist some farm businesses to grow into factory dairy farms, when there seems to be little evidence to support the positive impacts it is claimed these farms will bring to Wales. This is particularly worrying as we believe existing planning policy and guidance is unable to adequately take into account problems arising from the size and scale of factory dairy farms.

Planning Policy Wales Edition 6, February 2014 states: *"The planning system manages the development and use of land in the public interest, contributing to the achievement of sustainable development. It should reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land, and protecting natural resources and the historic environment. A well functioning planning system is fundamental for sustainable development"*.

World Animal Protection is concerned that despite the statement above local authorities have not been able to fully take account of the impacts this type of farming system will have on achieving sustainable development. World Animal Protection believes it is in the public interest for the Welsh Government to undertake an urgent review of planning policies and guidance on factory dairy farms to ensure that they are fit for purpose.

Animal welfare

The Minister states in paragraph 6 of his letter:

The health and welfare requirements of farmed animals are no different in a herd or flock of 10 animals to that of 1000 animals. The infrastructure, husbandry and management practices will vary and differ in scale, but the need to provide the same minimum level of care remains - the legal minimum health and welfare requirements apply to both.

World Animal Protection is a global animal welfare charity that works with the United Nations, international institutions and national Governments around the world advising on animal welfare. We have significant concerns about animal welfare within factory dairy farms when compared to traditional pasture-based dairy farms, particularly in terms of the health of dairy cows and their ability to express natural behaviour.

It is important to recognise the fundamental differences in how cows are managed in factory dairy farms and traditional pasture based farms. Cows kept in cubicles are more prone to lameness and mastitis, and high culling rates are caused by animals being pushed to their physical limits to produce high milk yields which impacts on their fertility (Farm Animal Welfare Council 2009). O'Connell et al (1989)² found that cows kept indoors were more aggressive and fearful and that keeping cows in cubicles resulted in them being more restless and less tolerant of each other.

Planning Policies

In paragraph 7 of the Minister's letter, he states there are no specific references to dairy farming in Planning Policy Wales or TAN 6. It is for this reason World Animal Protection submitted the petition which is now being discussed.

² A Comparison of Dairy Cattle Behavioural Patterns at Pasture and during Confinement; J. O'Connell, P. S. Giller and W. Meaney; *Irish Journal of Agricultural Research*; Vol. 28, No. 1 (1989), pp. 65-72; Published by: [TEAGASC-Agriculture and Food Development Authority](#)

In terms of national planning guidance, Planning Policy Wales (PPW) and Technical Advice Note (TAN) 6 Planning for Sustainable Rural Communities provide planning guidance about rural and agricultural development; neither makes specific reference to dairy farming. However, it is considered that existing planning policy and advice provides sufficient flexibility to allow the issues raised by dairy farms (or other types of farm), both large and small, to be properly assessed and determined on their planning merits.

Local residents in the case studies we have compiled are still trying to influence decisions about granting retrospective planning permission and have told us the planning process has failed to address the impacts the farms are having on their lives. Local councillors have raised concerns about how one of the farms in our case studies has obtained planning permission over time which has led to the current size and problems with the farm but consider there is nothing that can be done. Natural Resources Wales does not appear to recognise there is a problem and has not asked for environmental assessments for the farm, although it has been implicated and fined for pollution incidents. There does not appear to be any formal agency policy or guidelines in place able to deal with the problems caused by factory dairy farms and we believe this should be a serious concern for the Welsh Government as the trend for these farms continues to grow.

Environment, amenity and noise

The Minister states in paragraph 9 of his letter:

Local planning authorities are required to ensure that the economic benefits associated with a proposed development are understood, and that these are given equal consideration with social and environmental issues. PPW indicates that planning policies for economic development must provide developers and others with scope to make choices to secure the efficient and effective use of resources and land. The expansion of existing businesses located in the open countryside should be supported provided there are no unacceptable impacts on local amenity.

The definition of amenity is the pleasant or normally satisfactory aspects of a location which contribute to its overall character and its enjoyment by residents or visitors. A number of residents who live close to two existing factory dairy farms told our researchers that they believe their local amenity has been seriously compromised (please see quotes from case studies).

In one of the case studies where permission was granted retrospectively, a noise survey was not carried out. Residents have told us they are being kept awake all

night by traffic and operational noise at the farm and there is increased traffic on the roads during the day. This is contrary to the benefits stated in the planning application for the slurry lagoon at the farm which said there would be a reduction in traffic. The capacity of the slurry lagoon might have been sufficient when the farm had a herd of 1,150 as stated in the planning application but we believe this has been exceeded by at least 1,000 cows. The result is a convoy of large tankers shipping the waste from the farm every day causing traffic to increase not decrease.

Economic benefits

The Minister states In paragraph 10 of his letter:

Technical Advice Note 6 states that strong rural economies are essential to support sustainable and vibrant rural economies. A strong rural economy can help to promote social inclusion and provide the financial resources necessary to support local services and maintain attractive and diverse natural environments and landscapes.

In light of the evidence World Animal Protection has collected in relation to existing factory dairy farms, we question the extent to which these farms are supporting local services or maintaining attractive and diverse natural environments and landscapes. An attractive environment is not only important for local residents but for tourism as well. Tourism in Wales in 2013 was estimated as being worth £6.9billion. Factory dairy farms can damage local landscape character and also pollute the environment and this could prove costly to the local tourist economy.

Additionally, there is concern even amongst the farming community that large based factory dairy farms will damage the economic viability of traditional dairy farms. Farmers Union of Wales Dairy Committee Chairman, Eifion Huws said in 2010³: “The size of the average dairy herd in Wales is around 75, so it does not take a genius to work out that a single super-dairy milking three thousand cattle could take the place of forty average sized family farms. It also seems inevitable that the ability of super-dairies to supply large volumes will lead to those who supply more modest volumes being accused of being ‘inefficient’ and receiving a lower milk price as a result. ”

The statement from agricultural economics expert Prof Ikerd at the Planning Inquiry into the Lower Leighton Farm planning application provides further information

³ <http://www.fuw.org.uk/read-press-release/items/610.html>

about the economic impacts that large factory dairy farms have had on smaller farms in America. Given that the US has the most established intensive indoor dairy farming infrastructure, it is worth giving some consideration to understanding the consequences of giving permission to build more intensive indoor dairy farms, despite the differences in the Welsh and American economic landscapes.

World Animal Protection believes pasture grazing can be a key way to keep overheads low and keep farmers resilient to volatile price fluctuations. In the Republic of Ireland, the Moorepark Institute – one of the world's leading dairy research centres which specialises in pasture based systems of milk production – is helping dairy farmers anticipate the production needs of the industry and develop sustainable systems of milk production that will give a competitive edge in a global market.

This is particularly important in terms of food security. Encouraging a farming system that requires the use of feed crops on land that could be used to grow crops to feed humans is a false economy, when there is good quality grazing pasture already available in Wales.

Pollutants and Waste

Factory farming of livestock (including pig and poultry) is acknowledged as being responsible for releasing pollutants into the environment. As well as dust, odour and noise these include:

- ammonia
- nutrients from manure, litter and slurry
- effluent discharges

Intensive factory pig and poultry farms are regulated under the Environmental Permitting Regulations (EPR). These were formerly called the Pollution Prevention and Control (PPC) Regulations. However factory dairy farms do not need a special licence to operate, despite being responsible for releasing similar types and quantities of pollutants into the environment.

World Animal Protection has been unable to find documentation showing that the Environment Agency has conducted formal environmental assessments (including assessing waste and pollution issues) for the planning applications for two of our

case study farms. World Animal Protection believes to protect human health, and the environment factory dairy farms should at the very least be regulated under EPR regulations in line with pig and poultry farms.

This is particularly important for one of our case study farms which submitted a waste management plan to the local authority based on 1,600 cows being housed on the farm. In February last year the owner of the farm told a global dairy summit that the herd had grown to 2,150 cows plus around 1,000 young stock. Although the farm has now exceeded the number of cows by an additional 1,000 cows for the current waste management plan, no new plan for how the extra slurry will be disposed of safely has been submitted to the local authority.

The farm has also been implicated in several pollution incidents relating to slurry spreading and water contamination. When asked by our researchers the Environment Agency said that it had – between August 2008 and March 2011 – substantiated *'five pollution incidents in a nearby river, two of them categorised as being 'significant'*. The Agency said that a water course near the farm contained 'elevated levels of organic material' causing excessive 'algal growth', a possible contributor to 'fish failure' in the wider catchment.

Human Health

As stated by the local residents in the case studies they have experienced an increase in ill health. They have stated that they believe this is due to high concentrations of the same pollutants that arise from factory pig and poultry farms which include ammonia, nutrients from manure, litter and slurry, effluent discharges, dust, odour and noise.

The United States Environmental Protection Agency (EPA) states that one cow can produce the same amount of waste as 40 people⁴. As noted above one of the case study farms currently houses over 2,000 cows which means it produces on a daily basis the waste equivalent of 80,000 people, or a town twice the size of Caerphilly.

⁴ U.S. Environmental Protection Agency (2004) Risk management evaluation for concentrated animal feeding operations US EPA National Risk Management Laboratory.

Local residents living near our case studies have told World Animal Protection about the strong odours that are emitted from the farms and the impacts this has had on their health and wellbeing, including high levels of ammonia which is suspected of causing conjunctivitis, and inhibiting respiratory function leading to a rise in incidences of asthma.

This reinforces our belief that through environmental assessments and comprehensive waste management plans are essential for making informed planning decisions, even for retrospective planning applications in order to help protect the health of local communities. However, we are concerned that the then Environment Agency and local authorities did not appear to believe such assessments were required even though human health and public safety are material planning considerations.

World Animal Protection recommendations

World Animal Protection is seriously concerned about the instances of inconsistent planning decisions we have found being made about factory dairy farms across Wales.

The Minister states in paragraph 11 of his letter:

- ✎ Planning Policy Wales Chapter 7 Economic Development was revised in November 2012, and TAN 6 was revised in July 2010. I do not feel it is necessary to review or make changes to PPW or TAN 6 at this point in time, and have not been provided with specific evidence to suggest otherwise.

World Animal Protection hopes the research we have conducted into factory dairy farms and our findings from the case studies will lead the Minister to reconsider his position that a review of Planning Policy Wales and planning guidance, for example TAN 6 is unnecessary.

We believe an essential first step is for the Petitions Committee to hold an inquiry into what improvements can be made to planning policy and guidance, so that the impacts of these farms on local communities and their environment can be ameliorated.

APPENDIX A – CASE STUDIES OF THREE INTENSIVE INDOOR DAIRY FARMS IN WALES

Case study 1

World Animal Protection researchers spoke to local residents impacted by the expansion of a large intensive indoor dairy farm in 2013 and 2014. The farm was once a traditional grazing farm with about 200 cows. Residents said they never had any problems with the farm until it reached a herd size of 500. The farm now has over 2,000 cows kept on a zero grazed system. Each expansion of the farm has been done without planning permission. Permission has been sought retrospectively after the buildings had been constructed.

At the last council meeting to decide the latest retrospective planning application in October 2013, local councillors commented that had the plans been presented in full, planning permission would probably not have been approved. One councillor commented that planning is being "held over a barrel" with no respect for the Planning Committee.

The farm owner failed to meet the planning conditions of one of the first retrospective applications. However the local authority failed to enforce the conditions. A letter from the Head of Planning at the local authority dated 18 April 2013 following a visit to the farm, states that at least four conditions were not met and were therefore breached. However, nothing was done about this and instead another building was erected to house calves and again, planning was granted retrospectively.

One of the local residents we spoke to said that a Memoranda of Understanding between the farm and the local community action group was drawn up and agreed in 2011. One of the key agreements reached between the two parties was that the farm owner would not increase the herd size beyond 1800 cows +/-5% at any time.

This number has already been exceeded and the local community action group representative expressed concern at the time of the 2011 meeting with the farm owner that the community was alarmed by rumours of his intention to increase to a herd size of up to 3,000.

Mrs X said:

“I personally feel that we are a little island here. Nobody helps us. We have to be aggressive to protect ourselves, and it shouldn’t be like that. There’s a ring of protection around this farm, and there has been from the word go.”

“Because of the intensive rearing, they are fed high protein feeds, so the slurry is absolutely horrific – I’ve never smelt anything like it. It’s an unnatural smell. We can’t open the windows. People are having problems with their eyes.”

“The slurry is coming into our stream, into our water courses.”

Mr Y said:

“The noise during the night can be intolerable. There are feed machines, tractors beeping and reversing. You become accustomed to general noise, but when somebody starts shouting, it wakes you up. At 2.30am, we are awake. We go back to sleep, then we are woken again at 5am.”

“When there was a public meeting for concerned residents, [the owner of the farm] gathered together all the farm boys, all his contacts. These are people who are selling him feed, transporting milk, nobody who lives here. So the people who live here and wanted to speak, couldn’t. The atmosphere was quite menacing. They have no respect for people who have lived in this area their whole lives, and are now suffering.”

Mrs Z said:

“All we hear is rattle, rattle, rattle of lorries going past. We get noise from the farm 24 hours too. It’s wearing. You lie in bed and hear the noise. I don’t sleep very well.”

“I feel that there’s nobody in authority that we can talk to. However much we shout, we are shouting to deaf ears.”

“I was hospitalised 10 times last year. I’ve got a heart condition and I’ve got asthma. I don’t know whether it’s pollution that triggers it off, but I’ve lived here for 40 years and it’s got noticeably worse.”

Case study 2

A local campaign group formed to fight the planning application for a two acre slurry lagoon.

Dr Y, a local GP and one of the community campaign members who opposed the slurry lagoon had a range of fears about the lagoon including the threat to human health. From his letter to the local authority Dr Y highlighted the two main concerns related to the large amount of waste to be stored in the slurry lagoon as dangerous bacteria and potentially harmful gas emissions. Dr Y gave evidence to show how local people had been suffering from ammonia conjunctivitis – due to ammonia from slurry spreading, something that has happened to local residents living near to two other intensive indoor dairy farms.

The application for the slurry lagoon was eventually turned down. However, the larger slurry lagoon at the case study 3 farm was approved.

Case study 3

Mrs A bought an old rectory which is a Grade II listed building and lives there with her family. The next door farm was a traditional dairy farm with somewhere in the region of 250 cows. Since then the farm has more than trebled in size, both in acreage and herd size.

Between late 2008 and early 2009, some very large sheds were erected at the farm without planning permission. In July 2010 Mrs A was notified by the local authority about an application to build a large slurry lagoon less than 200 metres from the front of her home and approximately 180 metres from the boundary.

The application was granted and since then Mrs A has been living with the environmental and health impacts.

Mrs A 12th July 2012:

"In mid-May my daughter had a Respiratory Tract Infection (RTI) with a bad eye infection, she had to have time off work, she had a five day course of antibiotic drops for her eyes, followed by a five day course of oral antibiotics, because the drops didn't clear the eye infection, within 24 hours of finishing the antibiotics, her eyes were red and sore again, so back to the eye drops. The Doctor she saw didn't discount the possibility of odourless gasses or airborne bacteria coming from the slurry lagoon as being a possible cause.

"Her eyes are still not better, she has also seen an optician, who asked her to go back 2 weeks later if her eyes were still bad, after that 2 weeks she (optician) referred her to an eye specialist, who she chose to see privately because of the time factor. He said she had clusters of virus in one eye and virus and bacteria in the other. If she's not better in a couple of months, go back and see him again. Her eyes are still red and sore, especially by evening.

"My son had the same sort of infection, he also had time off work, his eyes are not 100% but he hasn't been seen by anyone other than the Doctor initially to get antibiotics, same pattern, drops, followed by oral, back to drops again. It is only since their infections that I realised it was exactly the same as I had had earlier in the year. Both my children are teachers, neither of whom like taking time off."

However despite objections the planning officer recommended that planning permission for the large slurry lagoon at the farm should be granted.

CONCLUSION

- **It is accepted that the proposed development is required for the continued and improved operation of the existing farm complex. The siting of the proposal is appropriate, being well related to the farm complex. It is not considered that the proposal will result in any significant adverse impacts in terms of visual amenity and the amenity of neighbouring occupiers. There will no adverse impact upon the setting of the Listed Building and as such the proposal complies with the requirements of the relevant policies. It is recommended that planning permission should be forthcoming.**

The Conservation Officer stated to Mrs A that he has never been informed of any planning applications at the farm and that neither his objections nor those of Mrs A had ever been lodged. Due to its close proximity to the Grade II listed church and

house he should have been consulted as all heritage assets are accorded statutory protection under the Planning (Listed Buildings and Conservation Areas) Act 1990.

Mrs A pursued her complaints against the local authority to the Ombudsman which found in her favour. The report summary stated:

'The complainant complained about the grant of planning consent for a slurry lagoon on a farm adjacent to her property, and the retrospective grant of consent for unauthorised agricultural buildings. She said that the Council had not taken adequate account of the adverse effects of the development, in particular the slurry lagoon, would have on her amenity.

The Ombudsman found that there were errors in the Council's handling of the slurry lagoon application, including the failure to identify the unauthorised buildings and the failure to ensure comments on the development were recorded on the file. He considered the recordings contained on the file to be inadequate, meaning there was no clarity about the way in which the Council categorised the development for environmental impact purposes.

The Ombudsman also found that the information submitted with the application for the retention of the agricultural buildings was inadequate, and there was an apparent lack of detailed scrutiny of the application, as evidenced by the scarcity of information contained in the file.

The Ombudsman recommended that the Council should review its procedures and its record-keeping, as well as apologising to 'Mrs A' and paying her £1000 in recognition of the distress she had suffered and the time and trouble to which she had been put in pursuing her complaint. The Council accepted the Ombudsman's recommendations.'

The Head of Planning at the local authority said in a letter to Mrs A that:

"The detailed finding of the ombudsman has identified procedural deficiencies, as well as failure in some respects to follow existing procedures. I am very aware of the importance of learning lessons from this experience so that we minimise the

risk of similar failings in the future. To this end relevant officers have been briefed on the importance of following agreed procedure...”