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Nicolas Patch
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

4 May 2022

Appeal Reference: APP/P1045/W/21/3289734

Dear Mr Patch,

Appeal Against Planning Application Refusal for a Rabbit Farm – Land East of Turlowfields Lane, Hognaston, Ashbourne, DE6 1PZ

On the 23 September 2021, Derbyshire Council refused the appellant's (Mr Phil Kerry's) planning application ([21/00130/FUL](#)) for a proposed rabbit farm development at the referenced address.

The appellant has since submitted an application for appeal and the appellant's agent (Willis & Co. of Chippenham, Wiltshire) has submitted a prepared "[Planning Appeal Form](#)," dated September 2021 with an in-person hearing of the appeal scheduled for 14 June 2022.

Please find attached, International Wildlife Bond's written representation to The Planning Inspectorate with regard to the referenced appeal against the [refusal](#) of the appellant's planning application.

Yours sincerely,

Stephen Alan Wiggins

Founder of International Wildlife Bond (IWB)

E: stephenawiggins@iwbond.org

Web: <https://iwbond.org>



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**Appeal Against Planning Application Refusal for a Rabbit Farm – Land East of
Turlowfields Lane, Hognaston, Ashbourne, DE6 1PZ**

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1 Introduction

- 1.1 The appellant's (Mr Phil Kerry's) planning application ([21/00130/FUL](#)) for the proposed rabbit farm facility (rearing rabbits in a captive environment to exploit for meat, derivative products and the fur trade) upon land east of Turlowfields Lane, Hognaston, Ashbourne, DE6 1PZ was [refused](#) (23 September 2021) at the Local Planning Authority (LPA) stage.
- 1.2 The appellant has appealed the LPA refusal ("[Planning Appeal Reference: APP/P1045/W/21/3289734](#))," where the appeal opened 13 April 2022 and will be determined on the basis of an in-person hearing to The Planning Inspectorate schedules for 14 June 2022.
- 1.3 The LPA's grounds for [refusal](#) (23 September 2021) were given (in summary) as:
 - 1.3.1 **Refusal 1** - In the absence of a proven case on the functional need for an agricultural workers' dwelling and financial sustainability such a proposal would constitute an unwarranted and inherently unsustainable form of development in the open countryside, contrary to the aims of Policies S1, S4 and HC13 of the [Adopted Derbyshire Dales Local Plan \(2017\)](#) and the guidance contained within the National Planning Policy Framework (2021).
- 1.4 There is no additional evidence given within the appellant's application or within the subsequent "[Planning Appeal Form, Draft Statement of Common Ground and Appellant's Statement of Case](#)" (prepared by Willis & Co on behalf of the appellant) documentation that would logically be compatible with the appellant's desire to overturn the grounds for [refusal](#) of the original planning application.



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- 1.5 Therefore, I am against the appeal proposals and respectfully request that The Planning Inspectorate rejects the appeal and planning permission in entirety for the proposed development.



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2 Grounds for Refusal of Planning Application – Discussion

- 2.1 There have been a number of objections based upon the public's lack of acceptance of the proposed rabbit exploitative enterprise. Of the some 25 pages of approximately 600 "third-party" public representations to the planning application ([21/00130/FUL](#)) without exception all of these representations are objections to the planned development - granted, most representations were based on moral, ethical, disease risks etc that the proposed rabbit enterprise raises.
- 2.2 However, the need to assess these public objections is undermined to some extent because the proposed the "rabbit farm enterprise" is deemed "agricultural use" and therefore planning permission is not considered necessary, which begs the question why not?
- 2.3 The acceptance of a given proposal and the potential for negative impacts is a question of risk. What are the risks, have they been adequately assessed within the appellant's submission(s) – examples of such risks being visual, ecological, environmental, disease reservoir and spread of disease, potential human and animal health impacts etc. The LPA process ("[Officer Report – Delegated](#)") does consider visual, ecological and environmental risks and the potential impacts, but also lists extensive public concerns regarding such a farm acting as a reservoir for disease, the potential spreading of disease into the vicinity, potential human and animal health impacts, animal welfare risks etc. The nature of these concerns can be correlated with the acceptance of any proposal (agricultural use or otherwise) and how this would negatively impact the vicinity of the proposed development:



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“Other matters:

- *Increase vehicular movements*
- *Animal cruelty*
- *Negative impact on tourism*
- *Unwarranted development*
- *Killing of rabbits is frowned upon*
- *Impact on wildlife*
- *Inhumane and cruel*
- *The operation has no place in the community*
- *Animal welfare*
- *Timeframe of the business operation” - “[Officer Report – Delegated](#)”*

2.4 The local planning acceptance of all “*agricultural use*” proposals as somehow equal, potentially dismisses the moral/ethical merits and public acceptance of a given development, which is clearly not the case, i.e., in terms of public acceptance and the inherent negative risks, a non-consumptive use such as a bee-hive enterprise to produce honey is far removed from breeding rabbits for slaughter for the meat, derivative products and fur trade. The LPA may not consider it has control over the “*agricultural use*” aspect of a given planning application, but that then begs the question why not? It would seem dismissive that a local planning approval process is perhaps immune to public opinion and concern of clearly inherent risks in a given proposal.

2.5 The LPA’s grounds for [refusal](#) (23 September 2021) was given as:

2.5.1 **Refusal 1** - In the absence of a proven case on the functional need for an agricultural workers’ dwelling and financial sustainability such a proposal would constitute an unwarranted and inherently unsustainable form of development in the open countryside, contrary to the aims of Policies S1, S4 and HC13 of the Adopted Derbyshire Dales Local Plan (2017) and the guidance contained within the National Planning Policy Framework (2021).



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2.5.2 The "[Officer Report – Delegated](#)" states that "Policy HC13 of the Adopted Derbyshire Dales Local Plan (2017) requires that rural based enterprises have been established for at least three years and have been profitable for at least one of them, is currently financially sound and has a clear prospect of remaining so. The Planning Practice Guidance, in relation to financial viability, requires decision makers to consider the degree to which there is confidence that the enterprise will remain viable for the foreseeable future."

2.5.3 The "[Officer Report – Delegated](#)" also states that on two visits to the proposed site, no rabbits were in situ and therefore, no viable rabbit business was evident on site, but the site had perhaps harboured captive rabbits in the past. The LPA concluded that the business at the proposed Turlowfields Lane site did not demonstrate financial sustainability (although this is disputed by Willis & Co. on behalf of the appellant – "[Application for costs against the local planning authority](#)," December 2021) and therefore, fails to satisfy Policy HC13 of the Adopted Derbyshire Dales Local Plan (2017):

"Whilst it is noted that the 2020 accounts indicate that the business was viable the Local Planning Authority is aware that the applicant (Mr Kerry) operates a number of other rabbit breeding enterprise sites across the country. Having regard to the current situation at the application site, the lack of activity, the submission of unaudited accounts which are not up to date, the Local Planning Authority considered that insufficient information has been submitted to establish that the rabbit breeding enterprise at Turlowfields Lane is currently financially sound and has a clear prospect of remaining so. The application as submitted therefore fails to demonstrate that the current enterprise is financially sustainable."

2.5.4 The proposed development site is some 2.9 hectares and should be required ("[Environment Act 2021, Schedule 14, Biodiversity Gain as Condition of Planning Permission](#)," [Adopted Derbyshire Dales Local Plan \(7 December 2017\)](#), PD3, PD4, PD5, PD7 and "[Derbyshire Dales District Council, Climate Change – Supplementary Planning Document Adopted July 2021](#)") to provide a minimum 10% net biodiversity gain as illustrated by the [Planning Advisory Service](#):



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“The [National Planning Policy Framework \(NPPF\)](#) states [our emphasis]

*174: Planning policies and decisions should **contribute to and enhance the natural and local environment** by: [...]*

*d. minimising impacts on and **providing net gains for biodiversity**, including by establishing coherent ecological networks that are more resilient to current and future pressures*

179: Plans should: [...]

*b. promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and **identify and pursue opportunities for securing measurable net gains for biodiversity** and development whose primary objective is to conserve or enhance biodiversity should be supported; while **opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.***

180: When determining planning applications, local planning authorities should apply the following principles: [...]

*d. development whose primary objective is to conserve or **enhance biodiversity** should be supported; while opportunities to **improve biodiversity in and around developments** should be integrated as part of their design, especially where this can secure **measurable net gains for biodiversity** or enhance public access to nature where this is appropriate.”*

2.5.4.1 There is no net biodiversity gain for the proposed site illustrated within the appellant’s proposals and/or any supporting ecological surveys to establish the proposed site’s ecology and the potential negative biodiversity impact of the proposed development.

2.5.4.2 The consequences of accepting potentially unforeseen negative biodiversity impacts were commented upon at the LPA stage in a similar application in Cornwall, where potentially the same negative knock-on effects could manifest for the proposed Derbyshire development:



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"The mortality rate of farmed rabbits is usually quite high and carcasses will remain on the soil until removed. The rabbits will be visible by several species of birds of prey resident in the Creek and attract natural predators on the ground. The latter will consist of members of the local small mammal populations. The rabbits will attract them, and these small mammals will then also then be slaughtered by way of bait boxes, being regarded as 'pests'. At present they are regarded and loved as part of the natural ecosystem of the County Wildlife Site and its immediate surroundings. These small mammals also form part of the local natural predator/prey food web, and thus the mere presence of the farm will disrupt, in an unknown way, the natural ecological balance that already obtains" - [Restronguet Creek Society \(Summarised comments\)](#)

2.5.4.3 Based upon the precautionary principle and the default assumption this principle demands, the conclusion must be that there remains a potential likelihood of protected species (and non-protected species) being adversely affected by the appellant's proposed Atlow development with no obvious net biodiversity gain offered by the appellant's proposed development.

2.6 Questions and Concerns Raised

2.6.1 How can any planned 'use of this land for rabbit farming' be considered as purely 'an agricultural use and does not need planning permission' if the planned 'agricultural use' is of itself detrimental to protecting the reputation and image of the area?

2.6.2 Accepting the proposed rabbit exploitative enterprise as 'agricultural use' is tacitly condoning expanded exploitation of sentient animals and negatively impacts the attraction of the Derbyshire Dales and Peak District National Park, where it could be argued that 'beauty' is not purely a visual stimulus.



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2.6.3 ‘Beauty’ is also dependent on cognitive cues evident within any given landscape - such as the siting of controversial commercial animal exploitation enterprises within a given landscape. For example, some see ‘beauty’ in wind turbines and their sustainable development of renewable energy. Others see wind turbines as hideous structures that spoil the scenic beauty wherever they are located. However, I doubt anyone sees ‘beauty’ in rabbits kept in captive conditions to be slaughtered for profit as enhancing a given location, particularly one within the vicinity of the [Derbyshire Dales National Nature Reserve](#) and Peak District National Park.

2.6.4 [Paragraphs 176 and 177](#) of the NPPF clearly states:

“176 - Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

177 - When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*

(a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

(b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

(c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.



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** For the purposes of [para 177](#), whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined."*

2.6.5 The appellant's development is proposed for siting within the vicinity of the [Derbyshire Dales National Nature Reserve](#) and Peak District National Park. Thus, it can be argued that:

The proposed development meets the definition of a 'major development' – not just in terms of the proposed erection of buildings/dwelling, fences and infrastructure etc., but because of the "nature" of the proposed rabbit exploitation business being sited within the vicinity of a national nature reserve. However, it is noted that within the "[Questionnaire \(s78\) and \(s20\) Planning and Listed Building Consent](#)" Part 2, 8., the "development type" is cited as "Minor Developments" even though the proposed development will effect an area of 1 hectare or more – but the designation as a major, or minor development is subjective ("*For the purposes of [NPPF para 177](#), whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined*"). The case officer at Buckinghamshire Council LPA for an identical application by the appellant [listed the same proposals](#) as "Major Developments" which is considered more appropriate in the circumstances evident within the appellant's Derbyshire application;

- a. Locating a controversial animal exploitation business in the vicinity of the Derbyshire Dales National Nature Reserve and Peak District National Park could indeed have "*significant adverse impact on the purposes for which the area has been designated or defined*" and would not be "*sensitively located and designed to avoid or minimise adverse impacts on the designated areas*" – namely, the risk of disease (reference Para 4 "*Risk of Disease*") and the public's negative opinion of the appellant's proposed exploitation of rabbits (reference Para 5, "*Animal Welfare*" and in particular 5.9) which would undoubtedly negatively impair Derbyshire's reputation;
- b. The appellant's proposed development is clearly not being proffered in the "*public interest*" (i.a.w. Para 177, NPPF). The proposed development is unequivocally in



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the appellant's own self-serving business interests and therefore, does not qualify for treatment as being submitted in *"exceptional circumstances, and where it can be demonstrated that the development is in the public interest."* Playing devil's advocate, the counter could be that the appellant's proposed rabbit meat production provides food, so it is by default in the *"public interest."* However, there are plenty of alternative sources of food available (including meats) to the public to serve their interests in this regard, hence there is not an overwhelming case proved for *"public interest"* in the appellant's proposals when this hypothetical counter argument is taken to conclusion;

- c. The appellant's proposed development could indeed have a *"detrimental effect on the environment"* (Para 177 (c), NPPF), with the potential impact on local wildlife and human health (reference Para 4 *"Risk of Disease"*), where the ability to moderate the risk of disease and its spread will be incumbent upon the appellant's self-monitoring operations to a significant extent. There is past evidence, where the appellant has not categorically identified and mitigated such risks at one of the appellant's pre-existing rabbit farm sites, with such bio-security risks clearly identified within the appellant's own submitted documentation (reference Para 4 *"Risk of Disease,"* 4.4 and 4.5);
- d. The appellant's proposed development will introduce infrastructure clutter which will have a detrimental aesthetic impact on the vicinity when viewed in proximity to the appellant's proposed site.

2.6.6 The proposed rabbit farm has no conservation purpose, so its 'conservation' merits to enhance the image of any landscape is absent.

2.6.7 In conclusion, any arguments given by the appellant based upon 'sustainable development' as an overriding criterion for acceptance of a proposal is no guarantee that a given proposal does not distract from a given area's *"beauty"* or in the absence of conclusive science does not impact protected species, when the proposal's only objective is the appellant's profiteering from animal exploitation.

2.6.8 In addition, the appellant's agents refer within submissions to working on behalf of *"T&S Rabbit Farms"* and references *"T&S Nurseries"*:



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"Reading Agricultural Consultants Ltd (RAC) has been instructed by T & S Nurseries (owned by Mr P Kerry) to prepare an appraisal to review the need for a rural worker's dwelling at its site at Atlow" - "[T & S Rabbit Farms, Atlow](#)," Reading Agricultural Consultants).

2.6.9 The appellant also markets [fur products for sale under a "T&S Rabbits"](#) brand stating on its website that *"T&S rabbits is a family business based at various locations throughout the UK."*

2.6.10 It should be noted that [T&S Nurseries](#) as a company entity was dissolved 21 September 2010. In addition, there is no entity listed within Companies House registered as "T&S Rabbits" or "T&S Rabbit Farms" (all used within the [appellant's submission\(s\)](#)). The appellant's financial reports ([2018](#) and [2019](#)) refer to "P A Kerry Trading as T & S Granby - Rabbit Farm" (a trading name, not a registered company entity). Therefore, this raises question as to the business vehicle the appellant is actually representing (and at [other sites the appellant has](#) ("*Granby (in Nottinghamshire) – and replicated at Atlow (Derbyshire), East Bridgford (Nottinghamshire) and Lyndon Top (Rutland)*") and how third-party consultants' documents can be submitted referencing any 'T&S' entity in relation to the planning application and subsequent appeal, when it appears 'T&S' is purely a trading name, not a registered company. It is duly noted that land held by [B.C.H UK Ltd](#) (a company where the appellant Mr Phil Kerry is listed as Director) is [reported to own the land \(para 2.1\)](#) for the proposed rabbit breeding facility in Atlow - "*The land at Atlow was purchased in 2006 by BCH UK Ltd a company owned by Phil Kerry who has business interests in quarrying, in addition to vineyards and tree nurseries.*"



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3 Sustainable Development and Ecological Risk

- 3.1 In the submission on behalf of the appellant, Reading Agricultural Consultants (RAC) ([para 3.2 and 3.3](#)) quotes the NPPF, para 11 *"Plans and decisions should apply a presumption in favour of sustainable development."* RAC misconstrues and promotes a biased interpretation as overriding grounds to accept the appellant's proposed development:

"The NPPF is all about sustainable development and paragraph 7 states: "...The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs" – "[Rural Worker's Dwelling Appraisal](#)," para 3.2, RAC, April 2021

- 3.2 The referenced proposal clearly has adverse impacts, not just in terms of buildings and infrastructure that erodes openness, introducing clutter that does not conserve or enhance the landscape. But the appellant's proposals will inevitably have an adverse reputational impact on the area and its ability to maintain an image that activities within that area only enhance or are in keeping with that environment. The appellant's rabbit fur production proposals (currently permitted by a loop-hole which permits fur trading as a by-product of rabbit meat production) is unlikely to conjure favourable images in the public's mind's eye – I would suggest it is more likely to conjure up images of [animal torture commonly associated with the rabbit fur farming industry](#). Dismissing such an association as permissible because it's veiled behind *"agricultural use"* and/or *"sustainable development"* could be described as indirectly undermining the very essence of any natural rural environment. The counter argument, that farming is present in the same area and also practices animal confinement etc. to some extent is not a reason to burden the area with even more examples of species suffering the same fate – i.e., *"Agricultural use"* or *"sustainable development"* is not somehow above moral, ethical analysis and the potential for negative reputational damage to result.



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3.3 The only *"benefits of the development"* evident in the proposal are minimal employment opportunities, with profiteering concentrated to an individual (or individuals unknown - reference para 2.6.8 – 2.6.10) based upon insensitive animal exploitation. In comparison, the adverse 'image' (association with the appellant's rabbit fur trade for example) created could potentially impact the wider interests of the local community/region in the vicinity of the appellant's proposed site as the reputational damage permeates. The planning application itself clearly created a great deal of public interest – it is duly noted, of the some 600 *"third-party"* public representations to the planning application ([21/00130/FUL](#)) made, without exception all of these representations were objections to the planned development. A sample of the negative press coverage of the issues raised by the appellant's business is given to substantiate and provide context:

The Guardian, 31 May 2021, "[People in Great Britain being asked for views on fur trade ban](#)"

The Mirror, 21 March 2021, "[Ricky Gervais slams rabbit farm plans that could see 30,000 slaughtered each year](#)"

Mail Online, 21 December 2017, "[Sickening undercover footage shows the horrific cramped conditions rabbits bred for their fur are kept in before being skinned and used for luxury clothing in France](#)"

Daily Mail, 16 October 2014, "[Suddenly it's Britain's trendiest food. But read on and you may never want to eat rabbit again](#)," 16 October 2014

The Guardian, 29 April 2011, "[Rabbit battery farms could return to UK](#)"

The Independent, 23 October 2011, "[Hugh's Recipes turn sour as battery rabbits farms return](#)"



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- 3.4 NPPF paragraph 174 states *“Planning policies and decisions should contribute to and enhance the natural and local environment by”* for example by *“recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem service.”* How does the commercial breeding of rabbits in questionable welfare conditions for their meat (and fur as a convenient by-product loop-hole for the exploiting business) *“enhance the natural and local environment,”* recognise *“the intrinsic character and beauty of the countryside”* or provide *“the wider benefits from natural capital and ecosystem service”*?
- 3.5 The proposed rabbit farm is not based on benefitting from ‘natural’ resources (but a synthetic, captive, exploitative environment) and could potentially negatively impact the surrounding ecosystem (see para 4, *“Risk of Disease”*).
- 3.6 The potential ecological impact risk is not just to protected species and whether such species are present, or not – the ecological impact has much wider potential wildlife (protected or otherwise) and potential human health risks/impacts to consider (see para 4 *“Risk of Disease”* below).
- 3.7 The Planning Inspectorate, [“Guide to taking part in planning and listed building consent appeals proceeding by written representations – England”](#) (19 April 2021) states at para 17 *“The appeal statement of case must make up their full case”* – therefore, it would seem debatable if the appellant complied to the word when any ecological study for the proposed development site is absent.



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4 Risk of Disease

4.1 COVID- 19 (SARS-CoV-2) is a zoonotic disease, where the virus source is the direct result of exploitation of wildlife/animal stock for commercial purposes (Ref: "[WHO Points To Wildlife Farms In Southern China As Likely Source Of Pandemic](#)," NPR, 15 March 2021). What risk assessment has been done to ensure the proposed intensive rabbit farming facilities do not pose a human health risk in the handling, slaughter (including local run-off of waste in the immediate environment) and consumption (human and/or [pet food](#)) of the rabbit derivative products from such a facility?

4.2 Mink farming is thankfully being shut down because of the concerns raised regarding zoonotic diseases and human health risks ("[After Coronavirus-outbreak, Dutch Parliament votes to shut down mink farms](#)," Four Paws, 18 September 2020). However, it should be noted that the fur industry in this instance had no insurance cover for this shut down. This leaves the potential for tax-payer exposure to finance any fur industry shut down that manifest and the potential burden of countering the spread of disease(s) into the surrounding vicinity, with both wildlife and human health consequences:

".....One of the things that these culls have in common is that farmers have no insurance to cover these disruptions to trade, because, in the main, insurance companies won't cover animal production" ([Nature Needs More, January 2021](#)) where it is reported that in Denmark alone, the government was obligated to give mink famers up to US\$4 billion in compensation ([ABC News, 26 January 2021](#)) "after a nationwide cull was undertaken, amid coronavirus fears."



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- 4.3 So, it seems an inexplicable risk at this time to then blindly accept proposals to expand rabbit farming in the United Kingdom (UK) when the risks of zoonotic diseases within such intensive breeding facilities and their potential, devastating impact have been made so obvious across the globe. There is also no mention of vaccinating the proposed rabbit stock against the fatal, incurable diseases Myxomatosis, viral haemorrhagic disease (VHD and VHD2, or Rabbit haemorrhagic disease virus ([RHDV](#))) with the potential for these current viruses (and mutations) of known rabbit diseases to infect wild/captive bred populations and potentially impact human health [Note: currently known strains do not represent a risk to human health, but that is no guarantee that the disease will not mutate and become infectious to humans in the future]:

"The virus [RHVD] is believed to have jumped from domestic rabbits or farms into wild populations.." - "[The deadly plaque that could devastate the US rabbit population](#),"
The Guardian, 15 July 2020

- 4.4 The risk of disease spreading within commercial rabbit breeding facilities is clearly acknowledged within the appellant's own submission documentation for example:

*Para 2.2 - "One of the limitations of rearing free-range rabbits commercially **is the risk of bio-security breakdowns** as there are several diseases that can destroy a flock over a very short time period" - "[Rural Worker's Temporary Dwelling Appraisal](#),"* Reading Agricultural Consultants on behalf of T&S Nurseries, April 2021

Para 4.30 - "Turnover was down during the [2018] year, as we were struggling with a genetic breeding problem where many of the progeny were dying at around the 12 week mark. This problem continued into the following year, it may have been rabbit viral Haemorrhagic disease but on balance it was more likely to be a genetic problem from one of the bucks" - "[Rural Worker's Temporary Dwelling Appraisal](#)," Reading Agricultural Consultants on behalf of T&S Nurseries, Mylor, Cornwall, September 2020



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- 4.5 An interesting point to note in this last quote (attributed to the appellant, Mr Phil Kerry), is that Mr Kerry does not seem to know what disease (or genetic defect?) was present in his pre-existing captive bred rabbits in 2018, causing the inevitable suffering of breeding stock dying at 12 weeks old. It is not clear if the noted disease was [reported to the Animal and Plant Health Agency as per legal obligations](#) – it is assumed that the APHA was not informed, otherwise the appellant would presumably have the knowledge to state the actual disease/cause (Note: haemorrhagic disease is a World Organisation for Animal Health ([OIE](#)) listed reportable disease (reference para 4.10, d.), so it can be assumed to be a 'Notifiable' disease to the APHA).
- 4.6 What if such a 'genetic defect' had been present and through poor bio-security had been allowed to escape and manifest in wild populations? What if the disease had been a new strain of coronavirus (or a mutation of COVID- 19 (SARS-CoV-2)) and the same casual approach been taken by the appellant – thus potentially turning Derbyshire into a Covid hot-spot as the disease spreads through poor bio-security (by human and/or animal onward transmission) into the surrounding vicinity and beyond? There is no such thing as a 100% secure captive animal/wildlife breeding facility, for example:



[APHA is well placed to examine the potential role of wildlife in the epidemiology of SARS-CoV-2](#)

"A recent report of SARS-CoV-2 infection in free-living mink in the vicinity of a mink farm in the USA is a case in point, as escaped animals provide a potential pathway to the infection of wild mink in the area" - "[Assessing the risks of SARS-CoV-2 in wildlife](#)," APHA Science Blog, 12 March 2021



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- 4.7 It would be naïve to assume the risk of diseased captive rabbits on the appellant's farm development are unlikely to escape into the wild. In the past, the appellant has even shown that he thinks such potential escapes are a cause for humour, not concern:

"After that time, the felt roofs start to leak the floors rot through (some rabbits have actually escaped by falling through the rotten floor!)" - [Rural Worker's Temporary Dwelling Appraisal](#)," para 2.6, Reading Agricultural Consultants on behalf of T&S Nurseries, Atlow, April 2021

- 4.8 Escapes of domestic rabbits have clearly already happened in the [United States](#), where [rabbit haemorrhagic disease \(RHD\) virus 2 \(RHDV2\)](#) was first noted in domestic rabbits in 2018, but has since spread infection into wild rabbit populations and the onward wildlife food chain, with RHD known to survive in a [rabbit carcass for up to three months](#). If the spread of the disease is not curtailed, it could be dire for rabbits and the entire US wildlife food chain that consumes wild rabbits for food:

"This is a pretty big deal from a wildlife management perspective," says Bryan Richards, Emerging Disease Coordinator, USGS National Wildlife Health Center. "The virus is in a pretty vast area, and we don't have any tools to use to mitigate the spread or stop it once it's out in free-ranging populations"

- 4.9 RHD was first identified in China in 1984, in the Jiangsu Province of the People's Republic of China within a group of commercially-bred Angora rabbits imported from Germany. In less than a year, RHD killed 140 million domestic rabbits in China and spread over an area of 50,000 km². Korea was the next country to report RHD outbreaks which were associated with rabbit fur importation from China. The disease then spread to Italy in 1988 and from there to the rest of Europe via the fur and meat trades ([Abrantes et al., 2012](#)).

- 4.10 Regardless of whether RHD is already present in wild UK rabbits and the onward wildlife food chain risk, the spread of such disease is more of a risk in captive stock because:



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- a. The transmission of RHD within live animals includes conjunctival secretions, oral and nasal secretions and parenterally (Abrantes *et al.*, 2012). This means that any bedding, food or water bowls and any items coming in contact with affected rabbits are a possible vector for spread ([Improve Veterinary Practice, October 2019](#)) – large captive populations in close proximity (despite any claims the population is “free-range” (sic)) undoubtedly presents many possible vectors for diseases such as RHD to rapidly spread through the whole captive population – this not only has economic impacts for the rabbit farm operator, but also presents an onward transmission risk for disease to spread;
 - b. The associated meat and fur trades present opportunities for disease (such as RHD) to spread ([Abrantes et al., 2012](#));
 - c. RHD originated within commercially-bred rabbits ([Abrantes et al., 2012](#)). How will the risk of new diseases be mitigated within the appellant’s proposed development and the onward spread of that risk mitigated within the proposed commercial meat and fur trade associated with the appellant’s proposals? Unless the risk is acknowledged, assessed and can be mitigated, then Derbyshire risks being ground-zero for the next disease originating from commercial rabbit enterprises;
 - d. The World Organisation for Animal Health ([OIE](#)) lists "*Infection with epizootic haemorrhagic disease virus*" - meaning detected infection in all species ([including rabbits](#)) is a reportable issue;
- 4.11 The risk of captive rabbits acting as reservoirs for disease (including Covid) has been identified and the risk is clearly inherent in the appellant’s proposed rabbit farm development with rabbits susceptible to SARS-CoV-2 and potentially acting as a reservoir for the disease ([News Medical Life Sciences, 30 August 2020](#)):

"A new study by scientists in the Netherlands and published on the preprint server bioRxiv in August 2020 shows that the severe acute respiratory coronavirus-2 (SARS-CoV-2) can infect rabbits, which opens the door for possible circulation in rabbit farms and another potential source of animal to human SARS-CoV-2 infection. This finding calls for urgent research on the prevalence of the virus in farmed rabbits"



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4.12 The risk of onward human transmission, including such captive bred stock acting as a potential reservoir for COVID-19 (SARS-CoV-2), with the potential to pass the virus on during the handling and/or slaughtering process. In addition, it is reported that the appellant plans to sell some rabbits from proposed developments (and other rabbit farm locations in the appellant's business) as 'pets' (rather than slaughter), which provides another potential vector for onward transmission of diseases (including Covid) to humans:

".....700 would sell as pets or to breeders and home farmers" - ["Ricky Gervais slams rabbit farm plans that could see 30,000 slaughtered each year,"](#) The Mirror, 21 March 2021

4.13 The risk of disease being spread to/from the proposed captive rabbit facility, the potential negative impact on wildlife and human health is unlikely to enhance Derbyshire's image. The risks need to be fully assessed, regardless of the proposed development being based upon "*agricultural use*" and "*sustainable development*" and the risks seemingly accepted at the Local Planning Approval (LPA) stage.

4.14 In light of the ongoing Coronavirus pandemic, such risks clearly should be principal considerations in any rational planning approvals process, and indeed the risk(s) considered grounds for refusing planning permission in the first place at the LPA level.

4.15 If such risks are not deemed appropriate at the LPA level, then the question is why not? If the ongoing Coronavirus pandemic has taught the human species anything, it must be that it's time for a long-overdue, [critical review of how humans treat the animal kingdom](#) (including rabbits) and the overwhelming, self-inflicted and damaging impacts such animal based 'sustainable development' proposals can unleash upon the human species.



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4.16 Of course, the appellant might claim that there is no public record of any such disease outbreaks at other rabbit farming sites under the appellant's control, or franchise. History does not always keep repeating itself. However remote, or unlikely a given risk may seem, such events do happen – one only has to look at the ongoing coronavirus pandemic to understand that, even though [it was predictable](#).



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5 Animal Welfare, Sentience and Fur Trade

- 5.1 Of course, everybody should be concerned with animal welfare, regardless of whether the proposed development 'land for rabbit farming is an agricultural use and does not need planning permission.'
- 5.2 In terms of protecting the image of Derbyshire, then animal welfare must also be a concern that could impact the area's perceived 'beauty' and reputation. Animal welfare standards likely to manifest within the appellant's proposed planning application should be risk assessed.
- 5.3 The government is progressing key areas of legislation that are relevant, where the ethos of the proposed legislation are summarised within the "[Action Plan for Animal Welfare](#)," Department for Environment, Food and Rural Affairs (DEFRA), 2021:

"At the heart of our reform programme is our commitment to recognise in law the sentience of animals. The UK has consistently led the way on sentience; indeed, the UK was one of the key members that lobbied for the recognition of animal sentience in Article 13 of the Lisbon Treaty in 2009. The UK's Animal Welfare Act (2006) recognised in law that animals can feel pain and suffering, and now we have left the EU and the transition period has finished, we can go further. Explicitly recognising and enshrining animals as sentient beings in law will be at the very heart of central government decision making going forward" – "[Action Plan for Animal Welfare](#)," page 8

- 5.4 This government's "[Animal Welfare \(Sentience\) Bill](#)" bill is now at the committee stage having passed through second reading in the House of Commons. Rabbits are included within the bill's definition of sentient beings. The bill recognises the sentience of animals and establishes a new committee to scrutinise Government policy to consider whether policies will have an adverse impact on the welfare of animals as sentient beings.



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5.5 The [DEFRA report](#) also reiterates: *"Fur farming has been banned on ethical grounds in England and Wales since 2000, and since 2002 in Scotland and Northern Ireland. Whilst there are existing import restrictions on seal, cat and dog fur, it is still possible to import other fur from abroad, so we will explore potential action in this area"* – ["Action Plan for Animal Welfare,"](#) page 10

5.6 The appellant plans to use a loop-hole so the rabbits bred at the proposed site can be slaughtered on the pre-text as providing meat. At present, if rabbits are bred for meat in the UK, when the rabbits are slaughtered for meat and derivative products, then the [rabbit pelts \(fur products\) can also be sold](#) as a by-product. However, this is clearly an ambiguous grey area, where rabbits could potentially be bred for slaughter for their fur/derivative products (and not for meat as the main reason) - this 'grey area' is not regulated with any degree of transparency or public scrutiny [despite fur farming being banned \(in theory\) throughout the United Kingdom \(UK\).](#)

5.7 The UK Parliament produced a report titled ["Fur trade in the UK,"](#) (DEFRA, 2018), which recommend a public consultation on the issues raised:

"We recognise that the breeding and sale of fur is a very emotive subject. As well as presenting the moral arguments against fur farming, animal welfare campaigners highlight the conditions in which animals are reared, and their lack of natural behaviour. The fur industry, to counter these concerns, have established assurance schemes to ensure that animals are bred and raised to industry standards, although there are concerns as to whether these standards go far enough..... We recommend that the Government holds a public consultation to consider whether to ban fur. In looking at whether to ban the sale and import of fur post-Brexit, the Government will have to balance the needs of animal welfare against consumer choice"

5.8 That consultation, ["Call for evidence launched on fur trade"](#) was launched 31 May 2021 (closing 21 June 2021). The [results of that consultation](#) could close the loop-holes the appellant plans to exploit - to produce rabbit fur for domestic trade and/or export as a by-product of meat production under the proposed *"agricultural use"* in the referenced planning application:



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*"Longer-term, **the Government will have the opportunity to decide whether to ban the sale of fur.** We understand that this is a subject that raises strong feelings. The Government must balance consumer choice against animal welfare considerations, and we expect Ministers to listen carefully to all sides in any consultation" - [Fur trade in the UK](#)," (DEFRA, 2018)*

5.9 Therefore, harbouring [a rabbit meat farm](#) (with potential cover as a pseudo rabbit fur producer) within Derbyshire without reputational risk looks untenable:

*".....the Humane Society reporting that **72% of the British public would support a UK ban on the import and sale of animal fur**" - "[Fur Free Britain](#)," RSPCA/Humane Society International, March 2021*

5.10 The British Fur Alliance has [reportedly](#) argued that natural fur is an antidote to environmentally damaging fast fashion, and should not be banned if it is ethically sourced. However, "*ethically sourced*" lacks definition by the British Fur Alliance and therefore is meaningless in reality.



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6 "Free-range" and Rabbit Meat/Fur Production Proposals

- 6.1 The appraisal submitted on behalf of the appellant references a free-range rabbit farm enterprise ("[Rural Worker's Temporary Dwelling Appraisal](#)," Reading Agricultural Consultants on behalf of T&S Nurseries, Atlow, April 2021).
- 6.2 The appellant's agent fails to define its criteria and use of "free-range" in context and therefore, the proposal to develop a "free-range" (sic) rabbit farm is therefore subjective – will the rabbits truly be free range, or caged for the majority of their commercial commodification?
- 6.3 Based upon past evidence, the appellant has clearly favoured cruel, factory rabbit farming for commercial gain, seemingly oblivious to animal welfare concerns. The descent into cruel and barbaric battery farming is a risk – a practice which the appellant (Mr Philip Kerry) has advocated in the past:

The appellant initially housed rabbits at his Granby rabbit farm in ex-military ammunition boxes - ([Rural Worker's Temporary Dwelling Appraisal](#)," para 2.5, figure 1, Reading Agricultural Consultants on behalf of T&S Nurseries, Atlow, April 2021)

*"Planning applications for at least six rabbit battery farms have been lodged with local authorities across the UK. The intensive farms, which would be the first for rabbits in the country in 15 years, have been proposed at sites from Nottinghamshire to Cornwall. Each facility would house up to 1,100 animals **in wire cages stacked three high in windowless barns**. The rabbits would be sent to slaughter for their meat at 12 weeks old" - "[Rabbit battery farms could return to UK](#)," The Guardian, 29 April 2011*



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- 6.4 The welfare of the rabbits currently held at the appellant's Atlow Farm was covertly investigated 16 – 20 March 2021 and found to be lacking – "...our investigators found rabbits in barren individual hutches, unable to socialise and with no free access to the outside" - [Animal Aid](#) . This kind of inhumane treatment does not conform to general animal welfare as encapsulated within the "[Five Freedoms](#)" (Bramwell 1979) – a common reference point for minimal animal welfare considerations.
- 6.5 How will these freedoms (a moral/ethical obligation) be accommodated within the proposed facilities, [compliance](#) overseen and by whom ([Animal and Plant Health Agency](#) and the required local authority?) - when the business model suggests producing up to 10,000 rabbits per year for meat/fur industry when a given site is running at full capacity in three years plus from start-up?

"T&S owner Phil Kerry expects to sell 700 pelts and accessories a year at each new facility, plus 2,000 "oven ready" meat packs.

Some 2,800 rabbits would go live to wholesalers and 700 would sell as pets or to breeders and home farmers" - "[Ricky Gervais slams rabbit farm plans that could see 30,000 slaughtered each year](#)," The Mirror, 21 March 2021

Note: There are applicable food hygiene rules (i.e. [Food Standards Agency](#)) that need to be complied with; however, one of the exemptions is that small establishments that produce rabbit meat are exempt from various EU/FSA regulations provided that less than 10,000 packs of meat are produced per annum, and that sales are localised i.e. supplying meat within the county of origin and neighbouring counties. Hence, why the appellant proposes to 'only' slaughter 10,000 rabbits per year, per site and why, those rabbit meat sales (potentially for public consumption) will be exempt from 'onerous' food hygiene oversight.



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- 6.6 How are/will the rabbit stock be [slaughtered](#) - is it/will it be humane? With any slaughtering process there is not only the question of humane treatment of the victims, but also the control of inevitable waste products - how will waste be disposed of, both from every day accumulation of rabbit droppings etc., the 'left-overs' from natural attrition ('[fallen stock](#)' rabbit deaths) and the slaughtering process? How will any uncontrolled run off and/or ingress of wildlife into the facilities adversely affect the local ecology/biodiversity? What risk assessment has been done to ensure the proposed intensive rabbit farming/slaughtering facilities do not pose a human health risk in the handling, slaughter (including local run-off of waste in the immediate environment) and consumption (human and/or [pet food](#)) of the rabbit derivative products from such a facility?



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7 Conclusions

- 7.1 The appellant's agent's report (Willis & Co., "[Appellant's Statement of Case](#)," December 2021) does not make a conclusive case and does not provide any overwhelming new evidence to overturn the [grounds for refusal](#).
- 7.2 Just because a proposed dwelling is self-declared by the appellant's agent as "essential" accompanied by [RAC's implied assertion](#) that the overall proposal should be granted planning permission, because it is a "sustainable development" is not credible. Sustainable development is not the sole criteria on which planning permission is considered (reference the [NPPF](#) in entirety), disregarding any other aesthetic, siting, ethical, moral, environmental, ecological or other risk considerations.
- 7.2.1 The grounds for refusal places emphasis on the viability and the unwarranted and inherently unsustainable form of development in the open countryside. However, it seems that a planning permission waiver is given to any "agricultural use" proposal from consideration of public concern over the activities that are proposed to take place within the appellant's proposed buildings, infrastructure and clutter. Cornwall Council stated in response to a similar application "*Although the applicant is proposing an agricultural use of this site, there is no established and viable rural business at this stage and no evidence has been provided to state why the business must be located on this land other than it is currently owned by the applicant and available*" ("[Officer Report – Delegated](#)"). Therefore, whilst "agricultural use" is tacitly accepted it seems, it does not address the possibility that if the appellant's proposed buildings, infrastructure and clutter were somehow deemed more appropriate and acceptable, this would not change public acceptance (e.g., reference para 2.4, 3.3 and 5.9 of this submission) one iota of the animal exploitation proposed within, or mitigate the risks highlighted for the proposed site and its operations (e.g., see para 4, "*Risk of Disease*").



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7.2.2 To reiterate, how does the tacit condoning of expanded exploitation of sentient animals not impact the "beauty" of Derbyshire, where it could be argued that "beauty" is not purely a visual stimulus (i.a.w. [NPPF para 176 and 177](#) – also reference para 2.3 of "Questions and Concerns Raised" of this submission).

7.2.3 Clearly, it can be argued that "adverse impacts on the designated areas," "cultural heritage" and "sensitively located" encompasses elements of the public's risk appetite, acceptance, sentiment and opinion for any given proposed development.

7.3 The appellant's proposals are speculative, there is no proven, essential, public interest need for a rabbit meat and fur farm with associated agricultural worker dwelling and infrastructure in the proposed location. This is concurred by Buckinghamshire Council in response to a similar application and appeal by the same appellant:

"...no evidence has been put forward showing that there is a demand or requirement for a rabbit rearing enterprise in this location.....it cannot be adequately concluded that the enterprise will remain viable for the foreseeable future. Therefore, whilst a dwelling might be required in association with the proposed rabbit rearing enterprise, this does not mean that permission should be granted for one, particularly if there are concerns about the long-term viability of the business or current demand for its produce" - "[Written Statement](#)," para 2.13 & 2.14, Buckinghamshire Council, 25 February 2022

7.4 Ignoring the impact of the proposed animal exploitation of rabbits for commercial gain (regardless of the appellant's submission self-declaring it as sustainable development as if that is all that matters) on the beauty and reputation of the proposed location should be key to the acceptance of any planning application. The negative impact on the beauty of the region is not just a case of aesthetics, but also the 'beauty' based upon the moral/ethical acceptance of the facilities harboured within.



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- 7.5 The appellant’s proposal clearly has negative impacts – the ecological impacts are potentially numerous and currently inconclusive as risk free, the emphasis on threats to protected species being one consideration, but there are also wider potential implications. The risk of disease reservoirs being created by the proposed captive rabbit population and the potential onward transmission being the obvious concern for human and wildlife health in the vicinity and beyond.
- 7.6 **Refusal 1** – In the absence of a proven case on the functional need for an agricultural workers’ dwelling and financial sustainability such a proposal would constitute an unwarranted and inherently unsustainable form of development in the open countryside, contrary to the aims of Policies S1, S4 and HC13 of the [Adopted Derbyshire Dales Local Plan \(2017\)](#) and the guidance contained within the National Planning Policy Framework (2021).
- 7.6.1 The proposed development meets the [NPPF definition](#) of a ‘major development’ – not just in terms of the proposed erection of buildings/dwelling, fences and infrastructure etc., but because of the nature of the proposed rabbit exploitation business being sited within a Derbyshire natural setting;
- 7.6.2 Locating a controversial animal exploitation business in Derbyshire could indeed have *“significant adverse impact on the purposes for which the area has been designated or defined”* ([NPPF definition of a ‘major development’](#)) and would not be *“sensitively located and designed to avoid or minimise adverse impacts on the designated areas”* ([NPPF para 176](#)) – namely, the risk of disease (reference Para 4 *“Risk of Disease”*) and the public’s negative opinion of the appellant’s proposed exploitation of rabbits (reference Para 5, *“Animal Welfare”* and in particular 5.9) which would undoubtedly negatively impair Derbyshire’s reputation;



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- 7.6.3 The appellant's proposed development is clearly not being proffered in the "*public interest*" ([NPPF para 176](#)). The proposed development is unequivocally in the appellant's own self-serving business interests and therefore, does not qualify for treatment as being submitted in "*exceptional circumstances, and where it can be demonstrated that the development is in the public interest.*" Playing devil's advocate, the counter could be that the appellant's proposed rabbit meat production provides food, so it is by default in the "*public interest.*" However, there are plenty of alternative sources of food available (including meats) to the public to serve their interests, hence there is not an overwhelming case proved for "*public interest*" in the appellant's proposals when this hypothetical counter argument is taken to conclusion;
- 7.6.4 The appellant's proposed development could indeed have a "*detrimental effect on the environment*" (Para 177 (c), NPPF), with the potential impact on local wildlife and human health (reference Para 4 "*Risk of Disease*"), where the ability to moderate the risk of disease and its spread will be incumbent upon the appellant's self-monitoring operations to a significant extent. There is past evidence, where the appellant has not categorically identified and mitigated such risks at the appellant's pre-existing ("[Rural Worker's Temporary Dwelling Appraisal](#)," para 4.30, Reading Agricultural Consultants on behalf of T&S Nurseries, Mylor, Cornwall September 2020), with such bio-security risks also clearly identified within the appellant's own submitted documentation (reference Para 4 "*Risk of Disease*," 4.4 and 4.5).
- 7.6.5 The appellant's proposal is being proposed in an area where "*Paragraphs 54 and 55 of the NPPF advises local planning authorities that housing on rural exception sites in the countryside may be acceptable and that in the countryside new isolated homes in the countryside should be avoided unless there are special circumstances*" – para 4.26, "[Adopted Derbyshire Dales Local Plan, 7 December 2017.](#)" "*The Local Planning Authority cannot conclude that, at present, there is an established functional need for a rural worker to be resident on site*" - [Delegated Report](#). The appellant has not demonstrated any such "*special circumstances,*" only a self-declared "*essential*" need for a dwelling on the proposed site.



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7.7 The submitted information is insufficient to enable the Local Planning Authority to assess the impacts on protected species and does not provide any information in relation to biodiversity net gain.

7.7.1 No conclusive, unequivocal ecological survey or report has been presented by the appellant which categorically proves that protected species will not be negatively impacted by the appellant's proposals.

7.7.2 The proposed development site is some 2.9 hectares and should be required (["Environment Act 2021, Schedule 14, Biodiversity Gain as Condition of Planning Permission," Adopted Derbyshire Dales Local Plan \(7 December 2017\), PD3, PD4, PD5, PD7 and "Climate Change – Supplementary Planning Document Adopted July 2021"](#)) to provide a minimum 10% net biodiversity gain as illustrated by the [Planning Advisory Service](#).

7.8 It should be noted that similar appeals by the appellant have been refused:

[Planning Inspectorate, Appeal Decision – Mylor Bridge, Cornwall](#), 26 April 2022:

"There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed" - Nick Davies, Inspector

[Planning Inspectorate, Appeal Decision – Coleshill, Buckinghamshire](#), 29 April 2022:

"The proposal would harm the character and appearance of the area, would fail to fully address ecological interests and would conflict with the development plan when taken as a whole. Therefore, for the reasons given, I conclude that the appeal should not succeed" - B Plenty, Inspector



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7.9 Therefore, I am against the appeal proposals and respectfully request that The Planning Inspectorate rejects the appeal and planning permission in entirety for the proposed development.



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Bibliography

ABC News, 26 January 2021, "[Denmark alone, the government will give mink farmers up to US\\$4 billion compensation](#)"

Abrantes, J., van der Loo, W., Le Pendu, J., Esteves, P.J., February 2012, "[Rabbit haemorrhagic disease \(RHD\) and rabbit haemorrhagic disease virus \(RHDV\): a review](#)," DOI: 10.1186/1297-9716-43-12

Animal Aid, 26 February 2021, "[No appetite for rabbit farming in the UK](#)"

Animal Aid, 1 April 2021, "[Investigators find appalling conditions at rabbit farm in Derbyshire](#)"

Animal & Plant Health Agency (APHA) Science Blog, 12 March 2021, "[Assessing the risks of SARS-CoV-2 in wildlife](#)"

BBC News, 14 April 2011, "[Residents fear rabbit farm plan in Nottinghamshire](#)"

Derbyshire Dales District Council, 25 February 2022, "[Written Statement](#)"

Derbyshire Dales District Council, Local Planning Authority, 20 April 2022, "[Questionnaire \(s78\) and \(s20\) Planning and Listed Building Consent](#)"

Derbyshire Dales District Council, 2 February 2021, "[21/00130/FUL - Land East of Turlowfields Lane, Hognaston, Ashbourne, DE6 1PZ](#)"

Derbyshire Dales District Council, "[Climate Change – Supplementary Planning Document Adopted July 2021](#)"

Derbyshire Dales District Council, Planning and Sustainable Development Service, "[Officer Report – Delegated](#)," Listed 23 June 2021

Derbyshire Dales District Council, Regulatory Services, 26 May 2021, "[The comments from Environmental Health regarding application 21/00130/FUL](#)"

Change.org, March 2021, "[Refuse Planning for an Intensive Rabbit Farm in Cornwall](#)"

Compassion in World Farming, "[Rabbit Welfare](#)"

County Gazette, 16 March 2021, "[Rabbit farm proposed for site near Mylor, Cornwall](#)"



"Embracing Innovation to Conserve the World's Animal Kingdom."

Daily Mail, 16 October 2014, "[Suddenly it's Britain's trendiest food. But read on and you may never want to eat rabbit again](#)," 16 October 2014

Derbyshire Times, 21 May 2021, "[Thousands fight plans for 'rabbit slaughterhouse' in North Derbyshire](#)"

DEFRA, 1999, "[Codes of Recommendations for the welfare of livestock: Rabbits](#)"

DEFRA, 15 October 2015, "[Caring for rabbits](#)"

Farmers Weekly, 1 August 2011, "[Rabbits and poultry combined on proposed farm](#)"

Four Paws, 18 September 2020, "[After Coronavirus-outbreak, Dutch Parliament votes to shut down mink farms](#)"

Four Paws, 23 February 2021, "[Britain's biggest celebrities and animal protection groups join forces to urge Prime Minister Boris Johnson to ban the sale of fur](#)"

Government planning policy for England, July 2021, "[National Planning Policy Framework](#)"

Improve Veterinary Practice, 14 October 2019, "[Rabbit haemorrhagic disease 1 and 2](#)"

Legislation.gov.uk, [Environment Act 2021, Schedule 14, Biodiversity Gain as Condition of Planning Permission](#)

Legislation.gov.uk, [Fur Farming \(Prohibition\) Act 2000](#)

Legislation.gov.uk, [Animal Welfare Act 2006](#)

Mail Online, 21 December 2017, "[Sickening undercover footage shows the horrific cramped conditions rabbits bred for their fur are kept in before being skinned and used for luxury clothing in France](#)"

Michigan State University, 6 September 2019, "[The Five Freedoms: A history lesson in animal care and welfare](#)"

Natural England and Department for Environment, Food & Rural Affairs, 6 October 2014, "[Protected species and development: advice for local planning authorities](#)"

Nature Needs More, 6 March 2021, "[We Are All in At The Cull!](#)"

Nautilus, 12 March 2020, "[The Man Who Saw the Pandemic Coming](#)"



"Embracing Innovation to Conserve the World's Animal Kingdom."

News Medical Life Sciences, 30 August 2020, "[Rabbits susceptible to SARS-CoV-2: Red flag for potential virus reservoir](#)"

NPR, 15 March 2021, "[WHO Points To Wildlife Farms In Southern China As Likely Source Of Pandemic](#)"

PETA, "[Oppose Gruesome Rabbit-Butchering Facility Plans in Derbyshire](#)"

Planning Inspectorate, 29 April 2022, [Appeal Ref: APP/X0415/W/21/3285706, Magpie Lane, Amersham Road, Coleshill, Buckinghamshire HP7 0LU](#)

Planning Inspectorate, 26 April 2022, [Appeal Ref: APP/D0840/W/21/3283175, Land North Of Tregunwith Wood, Tregunwith, Mylor Bridge, Cornwall](#)

Planning Inspectorate, 19 April 2021, "[Guide to taking part in planning and listed building consent appeals proceeding by written representations – England](#)"

P M & G Ltd Chartered Accountants, Newark, "[P Kerry - Trading as T&S Granby, 2019](#)" - Financial Report, Listed 7 February 2022

P M & G Ltd Chartered Accountants, Newark, "[P Kerry - Trading as T&S Granby, 2018](#)" - Financial Report, Listed 7 February 2022

["Rabbit Farm Resistance UK"](#)

Reading Agricultural Consultants on behalf of T&S Nurseries, Turlow, April 2021, "[Rural Worker's Temporary Dwelling Appraisal](#)"

Reading Agricultural Consultants on behalf of T&S Nurseries, Mylor, Cornwall, September 2020, "[Rural Worker's Temporary Dwelling Appraisal](#)"

RSPCA, March 2021, "[Fur Free Britain](#)"

Sentient Media, 21 June 2021, "[Inside the Dark World of Rabbit Farming](#)"

The Guardian, 29 April 2011, "[Rabbit battery farms could return to UK](#)"

The Guardian, 15 July 2020, "[The deadly plague that could devastate the US rabbit population](#)"

The Guardian, 31 May 2021, "[People in Great Britain being asked for views on fur trade ban](#)"

The Guardian, 26 January 2022, "[Are humans on the verge of 'peace talks' with the non-human world?](#)"



"Embracing Innovation to Conserve the World's Animal Kingdom."

The Independent, 19 February 2022, "[Government set to ditch promised animal welfare ban on fur imports and foie gras](#)"

The Independent, 23 October 2011, "[Hugh's Recipes turn sour as battery rabbits farms return](#)"

The Mirror, 21 March 2021, "[Ricky Gervais slams rabbit farm plans that could see 30,000 slaughtered each year](#)"

The Planning Inspectorate, 18 February 2022, "[Environmental Impact Assessment](#)"

T&S Rabbits "[Quality Rabbit Fur](#)"

USGS, 12 May 2021, "[New study details pathology of rabbit haemorrhagic disease virus 2](#)"

Willis & Co, 23 December 2021, "[Planning Appeal Form](#)"

[Willis & Co.](#), December 2021, "[Appellant's Statement of Case](#)"