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Claire Vicary
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

26 February 2022

Appeal Reference: APP/X0415/W/21/3285706

Dear Ms Vicary,

**Appeal Against Planning Application Refusal for a Rabbit Farm - Land at
Magpie Lane, Amersham Road, Coleshill, Buckinghamshire**

Note: An [Ecology Consult](#) document emerged on the Buckinghamshire Council Planning Applications portal 8 February 2022, Buckinghamshire Council's [Written Statement](#), 25 February 2022 plus other subsequent documents. Please accept this updated version of IWB's written representation (superseding version 1, dated 3 February 2022).

On the 11 May 2021, Buckinghamshire Council refused the appellant's (Mr Phil Kerry's) planning application ([PL/21/0130/FA](#)) for a proposed rabbit farm development at the referenced address.

The appellant has since submitted an [application for appeal](#) (27 October 2021) and the appellant's agent (Willis & Co. of Chippenham, Wiltshire) has submitted a prepared "[Grounds for Appeal and Statement of Case on Behalf of the Appellant](#)," dated October 2021.

Please find attached, International Wildlife Bond's updated 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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1 Introduction

1.1 The appellant's (Mr Phil Kerry's) planning application ([PL/21/0130/FA](#)) for the proposed rabbit farm facility (rearing rabbits in a captive environment to exploit for meat, derivative products and the fur trade) upon Land at Magpie Lane, Amersham Road, Coleshill, Buckinghamshire was [refused](#) (11 May 2021) at the Local Planning Authority (LPA) stage. Subsequently, Buckinghamshire Council has reiterated its position ("[Written Statement](#)," Buckinghamshire Council, 25 February 2022, para 3.1):

"...the Council strongly considers that the proposal is contrary to the adopted Development Plan Policies and the NPPF and the Inspector is respectfully requested to dismiss this appeal"

1.2 The appellant has appealed the LPA refusal ("[Planning Appeal Form \(Appeal Reference: APP/X0415/W/21/3285706\)](#)," where the appeal opened 25 January 2022 and will be determined on the basis of written representations to The Planning Inspectorate with a closing date of 28 February 2022.

1.3 The LPA's grounds for [refusal](#) (11 May 2021) were given (in summary) as:

1.3.1 **Refusal 1** - The erection of the proposed buildings in the location would erode the openness of the Green Belt and their siting would not be appropriate within the site.

1.3.2 **Refusal 2** - The proposed site *"is within the Chilterns Area of Outstanding Natural Beauty (AONB) where great weight should be given to conserving the landscape and scenic beauty of the area"*. The proposed "clutter" of buildings and associated fencing, hutches, pens, lighting, access track and removal of hedgerow would not conserve or enhance the landscape of this protected (AONB) area.

1.3.3 **Refusal 3** - The submitted ecological information is inadequate to allow for the satisfactory assessment of the proposal's impact on ecology and wildlife, in particular, protected species, noting that the "[National Planning Policy Framework](#)" (NPPF) *makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."*



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- 1.3.3.1 The appellant's agent belatedly submitted (2 February 2022) an updated ecological assessment, by Ellendale Environmental, "[Land at Magpie Lane, Coleshill, Amersham, Preliminary Ecological Appraisal for Willis & Co](#)," dated 4 January 2022 (which raises the question of why this updated addendum was not submitted earlier than 2 February 2022?). This addendum covers a further site survey undertaken 16 December 2021 by Ellendale Environmental on behalf of the appellant's agent, Willis & Co, concluding "*Overall, the site is assessed as providing low suitability to support protected species and no evidence of protected species was identified during the survey.*" This 4 January 2022 study has similar content, methodology and conclusions to the previous appellant's agent's Ellendale Environmental study of [11 February 2019](#), submitted at the LPA stage.
- 1.3.3.2 If the Ellendale Environmental study dated [11 February 2019](#) was not considered to provide sufficient reassurance, whereby refusal 3 noted that "The submitted ecological information is inadequate to allow for the satisfactory assessment of the proposal's impact on ecology and wildlife, in particular, protected species, noting that the "[National Planning Policy Framework](#)" (NPPF) makes it clear that *inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances,*" then the updated [4 January 2022](#) version must be considered likewise - both of the referenced Ellendale Environmental studies continue to contradict the standing "[Ecology Consult](#)" (11 March 2021), "*It is considered that **there is a reasonable likelihood of protected species being affected by this development.....***"



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- 1.3.3.3 In response to the appellant’s *“further information”* belatedly submitted 2 February 2022 ([*“Land at Magpie Lane, Coleshill, Amersham, Preliminary Ecological Appraisal for Willis & Co,”*](#) Ellendale Environmental, 4 January 2022), the Buckinghamshire Council, Directorate for Planning, Growth and Sustainability, [*“Ecology Planning Application Response, Great Crested Newt”*](#) (8 February 2022) concluded that a small portion of the proposed site lies within the amber zone which has suitable habitat and a high likelihood of great crested newt presence:

“I am not satisfied that the applicant has adequately demonstrated that there will [be] no impact to great crested newts and/or their habitat as a result of the development being approved....”

- 1.3.3.4 Based upon the precautionary principle and the default assumption this principle demands, the conclusion must be that *“....there is a reasonable likelihood of protected species being affected by this [the appellant’s proposed] development....”*
- 1.3.4 Therefore, Refusal 3 should clearly be upheld, especially as the appellant’s proposed site has potentially negative impacts that encompass the Hodgemoor Wood Site of Special Scientific Interest (SSSI) ([*“Ecology Consult”*](#) (11 March 2021)), which recommended *“Natural England should be consulted on the potential impacts of the proposed free-range rabbit farm on Hodgemoor Wood Site of Special Scientific Interest (SSSI)”* – There is no evidence provided within the appeal that Natural England have been consulted as recommended with regards to the impact on the Hodgemoor Wood SSSI.
- 1.4 There are no *“very special circumstances”* ([*“Case Officer Report – Delegated Decision”*](#) (11 May 2021) given within the appellant’s original planning application or within the subsequent [*“Grounds for Appeal and Statement of Case on Behalf of the Appellant”*](#) and supporting documentation that would logically be compatible with the appellant’s desire to overturn [Refusal 1, 2 or 3](#) 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 *"Agricultural Use" Caveat*

- 2.1.1 The "[Case Officer Report – Delegated Decision](#)" (11 May 2021) contained the following caveat: *"Many of the third-party objections relating to this application refer to the rabbit farming enterprise. To be clear, the use of this land for rabbit farming is an agricultural use and does not need planning permission. The [Local Planning Authority] LPA therefore has no control over this aspect. The planning application is solely for the erection of a temporary rural workers dwelling and agricultural building with access and parking"* - [Procedural Note, Case Officer Report Delegated](#)
- 2.1.2 The acceptance of 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 "[Case Officer Report – Delegated Decision](#)" (11 May 2021) does consider visual, ecological and environmental risks and the potential impacts. However, the caveat seems to suggest because the *"rabbit farm enterprise"* is deemed *"agricultural use"* it is somehow immune to the risk of 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.
- 2.1.3 The caveat seems to imply that it must be accepted that all *"agricultural use"* proposals are somehow equal, dismissing 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 immune to public opinion and concern of clearly inherent risks in a given proposal.



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- 2.1.4 Of the some 270 "third-party" public representations to the planning application ([PL/21/0130/FA](#)) made, without exception all of these representations were objections to the planned development - granted, most representations were based on moral, ethical, disease risks etc that the proposed rabbit enterprise raises.
- 2.1.5 The appellant's proposed development site is within the Chilterns Area of Outstanding Natural Beauty (AONB) and adjacent to Hodgemoor Wood Site of Special Scientific Interest (SSSI).
- 2.1.6 The "[National Planning Policy Framework](#)" (NPPF) makes clear that acceptance of any proposal located within these environs should be "...sensitively located and designed to avoid or minimise adverse impacts on the designated areas" (NPPF, Para 176). Furthermore, NPPF Para 176 recommends that within an AONB, then proposed developments should enhance "cultural heritage." 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, public acceptance, public sentiment and public opinion for any given proposed development.
- 2.1.7 The appellant's proposed development would clearly harm the Chilterns AONB and is therefore also contrary to Policies GC1 and LSQ1 of The Chiltern Local Plan ("[Chiltern District Local Plan - Written Statement \(1997\)](#)" as amended and consolidated), Policies CS20 and CS22 of the Core Strategy for Chiltern District ("[Local Development Framework - Core Strategy for Chiltern District](#)," 2011), namely "All proposals must conserve and enhance the special landscape character, heritage, distinctiveness of the Chilterns AONB" – the appellant's proposed development does not fulfil this criteria, because the aesthetics and animal exploitative nature of the appellant's proposals clearly detract from the character, heritage and distinctiveness of the Chilterns AONB.



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2.2 Grounds for Refusal of Planning Application

2.2.1 The "[Case Officer Report – Delegated Decision](#)" (11 May 2021) and "[Buckinghamshire Council Decision Notice](#)" (11 May 2021) grounds for refusal of the appellant's original planning application can be summarised as follows:

2.2.2 **Refusal 1** - The erection of the proposed buildings in the location would erode the openness of the Green Belt and their siting would not be appropriate within the site.

2.2.3 **Refusal 2** - The proposed site *"is within the Chilterns Area of Outstanding Natural Beauty (AONB) where great weight should be given to conserving the landscape and scenic beauty of the area"*. The proposed *"clutter"* of buildings and associated fencing, hutches, pens, lighting, access track and removal of hedgerow would not conserve or enhance the landscape of this protected (AONB) area.

2.2.4 **Refusal 3** - The submitted ecological information is inadequate to allow for the satisfactory assessment of the proposal's impact on ecology and wildlife, in particular, protected species, noting that the "[National Planning Policy Framework](#)" (NPPF) *makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."*



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2.2.4.1 The Directorate for Planning, Growth & Sustainability Buckinghamshire Council
“[Ecology Consult](#)” (11 March 2021) concluded:

*“It is considered that there is a reasonable likelihood of protected species being affected by this development. Therefore further information is required to ensure protected species are not adversely impacted by the proposals and to ensure there is not net loss of biodiversity (in accordance with National Planning Policy Framework, 2019). The presence or likely absence of protected species (e.g. reptiles and amphibians) needs to be established by way of appropriate survey in accordance with published industry guidance. Appropriate mitigation and enhancement measures must be proposed that are proportionate to the impacts and **which deliver a net gain for ecology**. Natural England should be consulted on the potential impacts of the proposed free-range rabbit farm on Hodgemoor Wood Site of Special Scientific Interest (SSSI)”*

Further noting at:

“Ecology Comments

-There are a number of ponds mapped within 500m of the site (including at least one within 250 m).*
- The habitats on site appear to provide suitable terrestrial habitat for great crested newt which could be present in the area.*
- The habitats (especially the more tussocky areas of grassland) also appear to provide suitable habitat for reptile species, foraging barn owl and ground-nesting birds species.*
- The above issues are not (sic) addressed within the ecology report.*
- The site is adjacent to Hodgemoor Wood Site of Special Scientific Interest (SSSI). It is advised that Natural England be consulted on the proposal for a free-range rabbit farm at this site....*

Reasonable Likelihood of Protected Species

- **Permission can be refused if adequate information on protected species is not provided by an applicant, as it will be unable to assess the impacts on the species and thus meet the requirements of the National Planning***



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Policy Framework (2018), ODPM Circular 06/2005 or the Conservation of Habitats and Species Regulations 2017."

2.2.4.2 The Buckinghamshire Council, Directorate for Planning, Growth and Sustainability, "[Ecology Planning Application Response, Great Crested Newt](#)" (8 February 2022) concluded that a small portion of the proposed site lies within the amber zone which has suitable habitat and a high likelihood of great crested newt presence, issuing a "*Holding Objection; Insufficient GCN Information Provided. Further Information Required: - Proof of entry into Buckinghamshire Council's District Licence Scheme – via provision of a NatureSpace Report or Certificate; or Provide the necessary GCN survey information*" – Noting that with regard to the appellant's "*further information*" belatedly submitted 2 February 2022 ("[Land at Maapie Lane, Coleshill, Amersham, Preliminary Ecological Appraisal for Willis & Co](#)," Ellendale Environmental, 4 January 2022):

"I am not satisfied that the applicant has adequately demonstrated that there will [be] no impact to great crested newts and/or their habitat as a result of the development being approved...."

2.2.4.3 It is also duly noted that there have been reports of dormice being sighted in nearby "*Penn and Common Woods by the Woodland Trust after fears that the rare and elusive creatures – whose populations are blighted by habitat destruction – had disappeared from the site after years of limited sightings*" ("[Evidence of dormice found at Penn and Common Woods](#)," Bucks Free Press, 20 February 2018).

2.3 Questions and Concerns Raised

The caveat ([Procedural Note](#)) and the grounds for refusal raises a number of questions:

2.3.1 How can the planned "*use of this land for rabbit farming*" be dismissed as purely "*an agricultural use and does not need planning permission*" if the planned "*agricultural use*" is of itself detrimental to protecting the reputation of the Chilterns Area and its status as an AONB?



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- 2.3.2 How does the tacit condoning of expanded exploitation of sentient animals not impact the "scenic beauty" of the Chilterns AONB, where it could be argued that "beauty" is not purely a visual stimulus.
- 2.3.3 '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 an AONB.
- 2.3.4 [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



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

** 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."*

2.3.5 The appellant's development is proposed for siting within the Chilterns AONB and is "...adjacent to Hodgemoor Wood Site of Special Scientific Interest (SSSI)" ("[Ecology Consult](#)," 11 March 2021). Thus, it can be argued that:

- a. 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 Chilterns AONB setting, [Landscape Character](#) and adjacent to a SSSI. Note: Within the "[Questionnaire \(s78\) and \(s20\) Planning and Listed Building Consent](#)" Part2, 8., the "development type" is cited as "Major Developments";
- b. Locating a controversial animal exploitation business in the Chilterns AONB 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 the Chilterns AONB's reputation;
- c. 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 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,



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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;

- d. 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);
- e. The appellant's proposed development will introduce infrastructure "*clutter*" ("[Case Officer Report – Delegated Decision](#)"), which will have a detrimental aesthetic impact on the Chilterns' AONB when viewed in proximity to the appellant's proposed site. To the question "*If the written procedure is agreed, can the relevant part of the appeal site be seen from a road, public footpath, bridleway or other public land?*" the answer is given as "*Yes*" ("[Questionnaire \(s78\) and \(s20\) Planning and Listed Building Consent](#)," Part 1, 2a.). Therefore, it is clear that the proposed development site will be within the public's view (no matter how remote the proposed site may be) from "*a road, public footpath, bridleway or other public land*" and the detrimental aesthetic impact of the proposed development will not be naturally shielded from the public's enjoyment of this area of the Chilterns AONB;
- f. The appellant's agent's (Willis & Co.'s) response ("[Grounds for Appeal and Statement of Case on Behalf of the Appellant](#)," para 4.29) is that the documents submitted with the planning application noted "*...there was no evidence of protected species on the site*" and "*The appellant has commissioned the ecologists to carry out further survey work and further information will be submitted in due course.*" This "*further information*" was belatedly submitted (2 February 2022) with an updated ecological assessment, by Ellendale Environmental, "[Land at Magpie Lane, Coleshill, Amersham, Preliminary Ecological Appraisal for Willis &](#)



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[Co.](#)," dated 4 January 2022. This addendum covers a further site survey undertaken 16 December 2021 by Ellendale Environmental on behalf of the appellant's agent, Willis & Co, concluding *"Overall, the site is assessed as providing low suitability to support protected species and no evidence of protected species was identified during the survey."* The 4 January 2022 study has similar content, methodology and conclusions to the previous appellant's agent's Ellendale Environmental study of [11 February 2019](#), submitted at the LPA stage. However, at [para 4.30](#) the appellant's agent implies that regardless of conclusive evidence, or otherwise *"We are satisfied that this is a matter [protected species evident, or not] which can, if necessary, be dealt with by a suitably worded planning conditions in respect of further planting, the provision of bat and bird boxes and controls of external lighting."* It is fairly irrelevant if the appellant's paid agent is 'satisfied' that the matter of protected species can be 'dealt with' by somehow improvising post development – this response implies a complete disregard for the precautionary principle, whereby in the absence of conclusive evidence then a risk averse approach should be adopted. Rather than dealing with potentially negative species' conservation consequences and proceeding with a given proposal regardless of conclusive supporting science, it should first be established beyond doubt that the proposal is unlikely to have negative consequences to deal with in the first place. The ["Ecology Consult"](#) (11 March 2021) made no such recommendation that in the absence of conclusive evidence counter to the ***"reasonable likelihood of protected species being affected by this development,"*** the matter of protected species could be dealt with retrospectively at the appellant's behest (or not) and/or via *"suitably worded planning conditions."* In fact the ["Ecology Consult"](#) (11 March 2021) clearly states ***"Permission can be refused if adequate information on protected species is not provided by an applicant, as it will be unable to assess the impacts on the species and thus meet the requirements of the National Planning Policy Framework (2018), ODPM Circular 06/2005 or the Conservation of Habitats and Species Regulations 2017."***

- 2.3.6 The proposed rabbit farm has no conservation purpose, so its 'conservation' merits to enhance the image of any landscape within an AONB is absent.



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2.3.7 In conclusion, any arguments based upon 'sustainable development' as the overriding criteria 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.

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

"Reading Agricultural Consultants Ltd () 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 a site at Magpie Lane, Coleshill to enable the establishment of an agricultural business engaged in free-range rabbit breeding and rearing" - "[T & S Rabbit Farms, Coleshill, Buckinghamshire](#)," Reading Agricultural Consultants).

2.3.9 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."

2.3.10 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 appear '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 Buckinghamshire, Coleshill site.



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3 Sustainable Development and Ecological Risk

- 3.1 In the submission on behalf of the appellant, Willis & Co ([para 3.5](#)) quotes the NPPF, para 11 *"Plans and decisions should apply a presumption in favour of sustainable development."* Willis & Co. misconstrues and promotes a biased interpretation as overriding grounds to accept the appellant's proposed development:

*"It suggests that planning permission should be granted unless any adverse impacts would be so significant as to outweigh the benefits of the development. This paragraph requires a presumption in favour of sustainable development. It is considered that **the proposed development accords with this paragraph**" – ["Grounds for Appeal and Statement of Case on Behalf of the Appellant,"](#) para 3.5, October 2021*

- 3.2 The referenced proposal clearly has adverse impacts, not just in terms of buildings and infrastructure that erodes the openness of the Green Belt, introducing *"clutter"* (["Case Officer Report – Delegated Decision"](#)) that does not conserve or enhance the landscape of the Chiltern's protected (AONB) area and [Landscape Character](#). 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 AONB 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 its veiled behind *"agricultural use"* and/or *"sustainable development"* could be described as indirectly undermining the very essence of an AONB. 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 2.3.8 – 2.3.10) 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, that of the some 270 *"third-party"* public representations to the planning application ([PL/21/0130/FA](#)) made, without exception all of these representations were objections. A sample of the negative press coverage of the issues raised by the appellant's application is given to substantiate and provide context:

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

BuckinghamshireLive, 13 May 2021, "[Coleshill rabbit farm plans opposed by Ricky Gervais rejected by Buckinghamshire Council](#)"

BuckinghamshireLive, 23 March 2021, "[Ricky Gervais joins backlash against Coleshill rabbit farm](#)"

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

BuckinghamshireLive, 26 February 2021, "[Coleshill rabbit farm faces backlash from people living in the area](#)"

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 [*"Case Officer Report - Delegated Decision,"*](#) 11 May 2021 correctly noted that the submitted ecological information was inadequate to allow for the satisfactory assessment of the proposal's impact on ecology and wildlife, in particular, protected species, noting that the [*"National Planning Policy Framework \(NPPF\) makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."*](#)
- 3.7 It is duly noted that Willis & Co have attempted to address the 'Green Belt' issue at [para 4.10](#) of its *"Grounds for Appeal and Statement of Case on Behalf of the Appellant"* (October 2021), citing that the proposed new agricultural dwelling is *"essential"* to the proposed operation. Regardless of the self-declared 'essential' need for a new agricultural dwelling, the harm to the 'Green Belt' and impact on the ecology and wildlife has not been fully addressed within the Willis & Co submission where [para 4.29](#) states:



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"The appeal is accompanied by ecological information which was submitted with the planning application. It will be noted that there was no evidence of protected species on the site. The appellant has commissioned the ecologists to carry out further work and further information will be submitted in due course"

3.8 The appellant's agent belatedly submitted (2 February 2022) an updated ecological assessment, by Ellendale Environmental, "[Land at Maapie Lane, Coleshill, Amersham, Preliminary Ecological Appraisal for Willis & Co](#)," dated 4 January 2022. This addendum covers a further site survey undertaken 16 December 2021 by Ellendale Environmental on behalf of the appellant's agent, Willis & Co, concluding *"Overall, the site is assessed as providing low suitability to support protected species and no evidence of protected species was identified during the survey."*

3.9 The referenced ecology information ("[Ecology Report](#)," Ellendale, 11 February 2019 and "[Ecology Letter](#)" Ellendale, uploaded 13 January 2021) submitted as appendices by the appellant with the planning application concludes:

"The survey concluded that the site has limited suitable habitat for protected species and no evidence of protected species was found during the survey. The boundaries of the site provide the most suitable habitat for protected species which include trees and scrub; however, this habitat will be unaffected by the proposed development."

3.10 In answer to the question *"Are any protected species likely to be affected by the proposals?"* the answer is given as "Yes" ("[Questionnaire \(s78\) and \(s20\) Planning and Listed Building Consent](#)," Part 3. 19.b.) – this is a default response by Buckinghamshire Council, which commissioned its own study. A summary of the Directorate for Planning, Growth & Sustainability Buckinghamshire Council "[Ecology Consult](#)" (11 March 2021) is given at para 2.2.4.1, where it is recommended that because the appellant's proposed site is adjacent to Hodgemoor Wood Site of Special Scientific Interest (SSSI) *"It is advised that Natural England be consulted on the proposal for a free-range rabbit farm at this site."* However, there is no evidence submitted to suggest Natural England has been consulted.



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- 3.11 The [NPPE](#), para 181,(b) clearly states *"development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it.....**should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest.**"*
- 3.12 In the absence of any recommended consultation with Natural England ("[Ecology Consult](#)" (11 March 2021)), or other submitted evidence, the appellant has failed to demonstrate any 'exceptional circumstances,' or where the proposed development's "benefits" ([NPPE](#), para 181,(b)) outweigh its potential negative impact(s), or demonstrate how the appellant's proposed development would "...*deliver a net gain for ecology*" – ("[Ecology Consult](#)" (11 March 2021). The appellant's proposed site currently comprises an agricultural field, which extends to 5.5 hectares, with the proposed rabbit farm occupying an estimated 0.81 hectares ("[Justification for proposal](#)") . However, the proposed development's potential ecological impact will clearly extend beyond the proposed development area of 0.81 hectare, regardless of the actual plot size developed. Policy CS24 of the Core Strategy for Chiltern District ("[Local Development Framework - Core Strategy for Chiltern District,](#)" 2011) clearly states that *"The Council will aim to conserve and enhance biodiversity within the District."* The appellant's proposal do not demonstrate how biodiversity will be conserved and/or enhanced, which clearly conflicts with a legal requirement for any planning proposal to deliver a net gain for biodiversity (i.a.w "[Biodiversity and Planning in Buckinghamshire](#)" and "[Environment Act 2021, Schedule 14, Biodiversity Gain as Condition of Planning Permission](#)").



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- 3.13 Therefore, it should be assumed (based upon the precautionary principle) that the appellant’s proposed development would risk the ecology and/or the Hodgemoor Wood SSSI – therefore, the appeal should be rejected on these grounds alone. 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).
- 3.14 It is noted that the appellant’s [“Planning Appeal Form \(Appeal Reference: APP/X0415/W/21/3285706\)”](#) at para H. *“Full Statement of Case”* states *“No”* in answer to the question *“Do you have a separate list of appendices to accompany your full statement of case?”* - therefore, the relevant *“Planning Appeal Form”* would appear to be incorrect/misleading on the issue of separately submitted appendices and addendums – as appendices (from the LPA stage) have been re-submitted by the appellant’s agent (published 28 January 2022) with a follow on ecological addendum published 2 February 2022.
- 3.15 The Planning Inspectorate, [“Guide to taking part in planning and listed building consent appeals proceeding by written representations – England”](#) (19 April 2021) also 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 if the (ecology) appendix/addendum referenced within the appellant’s actual statement of case was missing/withheld at the *“appeal received”* stage (25 January 2022) and *“new evidence”* subsequently submitted 2 February 2022.



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

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"



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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 the Chilterns AONB 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 2.7, Reading Agricultural Consultants on behalf of T&S Nurseries, January 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 United Kingdom 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 the Chilterns AONB/Coleshill, Buckinghamshire risk 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 the Chiltern's image as an AONB. The risks need to be fully assessed, regardless of the proposed development being based upon "agricultural use" and "sustainable development" and the risks seemingly dismissed ("[Case officer Report - Delegated Decision](#)," 11 May 2021) 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 - reference Para 2, "[Grounds for Refusal of Planning Application and Caveats – Discussion](#)."

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 the Chiltern's AONB, 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 the Chilterns AONB 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 appeal submitted by Willis & Co. summarise ([para 5.7](#)) *"The proposal is to develop the free-range rabbit farm enterprise..."* as submitted in the appellant's planning application and documentation prepared by Reading Agricultural Consultants on behalf of the appellant (*"[Rural Worker's Temporary Dwelling Appraisal](#),"* Reading Agricultural Consultants on behalf of T&S Nurseries, January 2021).
- 6.2 The appellant's agent's appeal 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 2.6, figure 1, Reading Agricultural Consultants on behalf of T&S Nurseries, January 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., "[Grounds for Appeal and Statement of Case on Behalf of the Appellant](#)," October 2021) does not make a conclusive case and does not provide any overwhelming new evidence to overturn the [grounds for refusal 1, 2 or 3](#). Buckingham Buckinghamshire Council has reiterated its position for refusal of planning permission ("[Written Statement](#)," para 3.1), stating that:

"...the Council strongly considers that the proposal is contrary to the adopted Development Plan Policies and the NPPF and the Inspector is respectfully requested to dismiss this appeal" - Buckinghamshire Council, 25 February 2022

- 7.2 Just because a proposed dwelling is self-declared by the appellant's agent as "essential" accompanied by [Willis & Co'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.

- 7.3 The appellant's proposals are speculative, there is no proven, essential or public interest need for a rabbit meat/pseudo fur farm with associated agricultural worker dwelling and infrastructure in the proposed location. This is concurred by Buckinghamshire Council ("[Written Statement](#)," para 2.13 & 2.14):

"....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" - Buckinghamshire Council, 25 February 2022



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- 7.4 Ignoring the impact of the proposed animal exploitation of rabbits for commercial gain (regardless of the appellant’s submissions self-declaring it as sustainable development as if that is all that matters) on the beauty and reputation of the proposed location (within vicinity of the Chiltern’s AONB) 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.
- 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 The [*“Case Officer Report – Delegated Decision”*](#) (11 May 2021) contained the following caveat:

“Many of the third-party objections relating to this application refer to the rabbit farming enterprise. To be clear, the use of this land for rabbit farming is an agricultural use and does not need planning permission. The [Local Planning Authority] LPA therefore has no control over this aspect. The planning application is solely for the erection of a temporary rural workers dwelling and agricultural building with access and parking” – [“Procedural Note, Case Officer Report Delegated”*](#)*



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- 7.6.1 The grounds for refusal 1 and 2 places emphasis on the aesthetics and siting of the appellant's proposed buildings, infrastructure and "clutter" within the Chilterns AONB. However, the planning permission waiver seemingly 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" is bewildering. 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 2.1.4, 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").
- 7.6.2 To reiterate, how does the tacit condoning of expanded exploitation of sentient animals not impact the "scenic beauty" of the Chilterns AONB, where it could be argued that "beauty" is not purely a visual stimulus (i.a.w. [NPPF para 176 and 177](#) – also reference para 2.3.3 of "Questions and Concerns Raised" of this submission).
- 7.6.3 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.
- 7.7 **Refusal 1** - The erection of the proposed buildings in the location would erode the openness of the Green Belt and their siting would not be appropriate within the site.
- 7.7.1 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 the Chilterns AONB setting and [Landscape Character](#). Note: Within the "[Questionnaire \(s78\) and \(s20\) Planning and Listed Building Consent](#)" Part2, 8., the "development type" is cited as "Major Developments";



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- 7.7.2 Locating a controversial animal exploitation business in the Chilterns AONB 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 the Chilterns AONB's reputation;
- 7.7.3 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;
- 7.7.4 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, January 2021), 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). However, The Panning Inspectorate (EIA and Land Rights Advisor) has not, or does not consider bio-security and disease risks to be worthy of an Environmental Impact Assessment (EIA) (["Environment Impact Assessment,"](#) The Planning Inspectorate, 14 February 2022).



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- 7.7.5 The appellant's proposed development is also in contravention of GB2 policy (["Chiltern District Local Plan - Written Statement \(1997\)"](#) as amended and consolidated) where it is deemed *"Most development in the Green Belt is inappropriate and there is a general presumption against such development."* The appellant's rabbit exploitation enterprise is clearly *"inappropriate"* in the public's opinion (reference para 3.3 of this representation).
- 7.8 **Refusal 2** - The proposed site *"is within the Chilterns Area of Outstanding Natural Beauty (AONB) where great weight should be given to conserving the landscape and scenic beauty of the area"*. The proposed *"clutter"* (["Case officer Report - Delegated Decision"](#) 12 May 2021) of buildings and associated fencing, hutches, pens, lighting, access track and removal of hedgerow would not conserve or enhance the landscape of this protected (AONB) area.
- 7.8.1 The appellant's proposed development will introduce infrastructure *"clutter"* (["Case Officer Report – Delegated Decision"](#)), which will have a detrimental aesthetic impact on the Chiltern's AONB when viewed in proximity to the appellant's proposed site. To the question *"If the written procedure is agreed, can the relevant part of the appeal site be seen from a road, public footpath, bridleway or other public land?"* the answer is given as *"Yes"* (["Questionnaire \(s78\) and \(s20\) Planning and Listed Building Consent,"](#) Part 1, 2a.). Therefore, it is clear that the proposed development site will be within the public's view from *"a road, public footpath, bridleway or other public land,"* and the detrimental aesthetic impact of the proposed development will not be naturally shielded from the public's enjoyment of this area of the Chilterns AONB.
- 7.8.2 The appellant's proposed development would clearly harm the Chilterns AONB and is therefore contrary to Policies GC1 and LSQ1 of The Chiltern Local Plan (["Chiltern District Local Plan - Written Statement \(1997\)"](#) as amended and consolidated), Policies CS20 and CS22 of the Core Strategy for Chiltern District (["Local Development Framework - Core Strategy for Chiltern District,"](#) 2011), namely *"All proposals must conserve and enhance the special landscape character, heritage, distinctiveness of the Chilterns AONB"* – the appellant's propose development does not fulfil this criteria, because the aesthetics and animal exploitative nature of the appellant's proposals clearly detract from the character, heritage and distinctiveness of the Chilterns AONB.



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- 7.9 **Refusal 3** - The "[Case officer Report - Delegated Decision](#)," 11 May 2021 correctly noted that the submitted ecological information was inadequate to allow for the satisfactory assessment of the proposal's impact on ecology and wildlife, in particular, protected species, noting that the "[National Planning Policy Framework](#)" (NPPF) makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 7.9.1 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 – which would contradict the "[Ecology Consult](#)" (11 March 2021) which concluded: *"It is considered that there is a reasonable likelihood of protected species being affected by this development..."*
- 7.9.2 The appellant has not submitted any evidence that the proposed development would be *"minimising impacts on and providing net gains for biodiversity"* as required by the [NPPF](#) (para 174, (d).) and Policy CS24 of the Core Strategy for Chiltern District ("[Local Development Framework - Core Strategy for Chiltern District](#)," 2011). The "[Biodiversity and Planning in Buckinghamshire](#)" and "[Environment Act 2021, Schedule 14, Biodiversity Gain as Condition of Planning Permission](#)" requires any proposed development to meet the *"Biodiversity gain objective"* of a 10% net biodiversity gain. As a *"major development"* ("[Questionnaire \(s78\) and \(s20\) Planning and Listed Building Consent](#)") the appellant's proposal is obliged to demonstrate how this minimum net biodiversity gain will be accomplished, to provide a minimum 10% net biodiversity gain as illustrated by the [Planning Advisory Service](#):

"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: [...]



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*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.”*

7.9.3 The [NPPF](#), para 181,(b) clearly states “development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it.....should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest.” In the absence of any recommended consultation with Natural England (“[Ecology Consult](#)” (11 March 2021)), or other submitted evidence, the appellant has failed to demonstrate any ‘exceptional circumstances,’ or where the proposed development’s “benefits” ([NPPF](#), para 181,(b)) outweigh its potential negative impact(s), or demonstrating how the appellant’s proposed development would “...deliver a net gain for ecology” – (“[Ecology Consult](#)” (11 March 2021)), therefore, it should be assumed (based upon the precautionary principle) that the appellant’s proposed development would risk the ecology and/or the Hodgemoor Wood SSSI. Therefore, the appeal should be rejected on these grounds alone.



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- 7.9.4 The Buckinghamshire Council, Directorate for Planning, Growth and Sustainability, "[Ecology Planning Application Response, Great Crested Newt](#)" (8 February 2022) concluded that a small portion of the proposed site lies within the amber zone which has suitable habitat and a high likelihood of great crested newt presence, issuing a "*Holding Objection; Insufficient GCN Information Provided. Further Information Required: - Proof of entry into Buckinghamshire Council's District Licence Scheme – via provision of a NatureSpace Report or Certificate; or Provide the necessary GCN survey information*" – Noting that with regard to the appellant's "*further information*" belatedly submitted 2 February 2022 ("[Land at Magpie Lane, Coleshill, Amersham, Preliminary Ecological Appraisal for Willis & Co.](#)," Ellendale Environmental, 4 January 2022):

"I am not satisfied that the applicant has adequately demonstrated that there will [be] no impact to great crested newts and/or their habitat as a result of the development being approved..." - "[Ecology Planning Application Response, Great Crested Newt](#)," 8 February 2022

- 7.9.5 It is also duly noted that there have been reports of dormouse being sighted in nearby "*Penn and Common Woods by the Woodland Trust after fears that the rare and elusive creatures – whose populations are blighted by habitat destruction – had disappeared from the site after years of limited sightings*" ("[Evidence of dormice found at Penn and Common Woods](#)," Bucks Free Press, 20 February 2018).



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7.9.6 However, at [para 4.30](#) the appellant's agent implies that regardless of conclusive evidence, or otherwise *"We are satisfied that this is a matter [protected species evident, or not] which can, if necessary, be dealt with by a suitably worded planning conditions in respect of further planting, the provision of bat and bird boxes and controls of external lighting."* It is fairly irrelevant if the appellant's paid agent is 'satisfied' that the matter of protected species can be 'dealt with' by somehow improvising post development – this response implies a complete disregard for the precautionary principle, whereby in the absence of conclusive evidence then a risk averse approach should be adopted. Rather than dealing with potentially negative species' conservation consequences and proceeding with a given proposal regardless of conclusive supporting science, it should first be established beyond doubt that the proposal is unlikely to have negative consequences to deal with in the first place. The *"[Ecology Consult](#)"* (11 March 2021) made no such recommendation that in the absence of conclusive evidence, the matter of protected species could be dealt with retrospectively at the appellant's behest (or not) and/or via *"suitably worded planning conditions."*

7.10 The appellant's latest [Ecology Report](#) (4 January 2022) makes no mention of conserving or enhancing biodiversity. Therefore, the appellant's development fails to demonstrate a net biodiversity gain, therefore the statement still stands that *"As such, there is insufficient information to demonstrate that the proposal would conserve and enhance biodiversity and ensure that there is not a net loss of biodiversity"* (*"[Conclusions and Planning Balance](#)"*). Thus, the appellant's proposals remain in conflict with:

- a) Core Strategy for Chiltern District Council's [Policy CS24 "Biodiversity"](#); and
- b) the legal requirement for any non-exempted planning proposals (which the appellant's proposal is not) to deliver a net gain for biodiversity i.a.w *"[Biodiversity and Planning in Buckinghamshire](#)"* and *"[Environment Act 2021, Schedule 14, Biodiversity Gain as Condition of Planning Permission](#)"*); and
- c) the provisions of the [NPPE](#).



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- 7.11 There are no *“very special circumstances”* (*“[Case Officer Report – Delegated Decision](#)”* (11 May 2021) given with the appellant’s original planning application or within the subsequent *“[Grounds for Appeal and Statement of Case on Behalf of the Appellant](#)”* and supporting documentation that would logically be compatible with the appellant’s desire to overturn the [Refusal 1, 2 or 3](#) of the original planning application, regardless of the appellant’s offer of post development *“planning conditions”* and/or *“Landscape Mitigation Plan and Landscape and Ecological Management Plan (LEMP), Construction management Plan and Tree Protection Plan.”*
- 7.12 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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