

HEWITSONS

PIG & POULTRY



We offer specialist legal advice to pig and poultry businesses. We have advised clients from all over the country on issues arising from these highly regulated industries, including those starting up in business as well as those who are well established with substantial enterprises.

We advise in connection with **planning applications** and **appeals**. We have considerable experience of acting as **advocates at public inquiries** where our knowledge of the industry and of rural matters in general equips us very well for the wide variety of issues that can be raised by the public as well as in the more formal parts of the proceedings.

- Acting as advocate in a planning appeal, in cooperation with specialist agents and experts, we obtained permission for a new broiler unit in open countryside. There were significant local objections based principally on odour but also on traffic, landscape impact and subsidiary issues such as rights of way and the potential for flies as well as rats.
- We have also obtained, on appeal, permission for a new free range egg production unit where the primary objection was a fear of flies but where there were also landscape implications.

We also advise in connection with planning matters more generally including in connection with **planning conditions** and **planning agreements**.

- We assisted the operator of a free range unit to obtain permission for his new building without the need to go to appeal. The proposed reasons for refusal were based on a misunderstanding of the implications of the development. One of the reasons related to unfounded fears of flies. With the help of an appropriate expert we persuaded the Council to accept a fly control programme and grant permission.

- We have advised clients in connection with ammonia issues on planning applications where concerns about the impact of ammonia on locally or nationally protected sites have been raised as part of the planning process, often independently of Environmental Permitting issues.

We are frequently instructed to advise in connection with **Environmental Permitting**.

- We have advised pig and poultry producers in connection with **ammonia improvement conditions**. In some cases we have lodged successful appeals and in some cases we have assisted producers to negotiate a solution with the Environment Agency, for example to provide an alternative area of wildflower meadow where the protected area had local status only.
- We advised a large free range producer as to the **meaning of "installation"** where the Agency wanted to treat as one installation production units that should be regarded as separate, meaning that no permit was needed.
- We have represented an operator faced with an **Enforcement Notice** following numerous complaints about odour. The notice was withdrawn and a regime for assessment was agreed with the Agency.



- We have represented several operators, in various circumstances, who have been criticised for operating **without a permit**. In some cases a prosecution has been avoided. In others we have assisted with mitigation and steps to rectify the position.

We are able to advise in connection with **systems for compliance** both in connection with permits and in connection with abatement notices, where good systems can avoid notices being served or can enable a successful appeal or a successful defence in the case of prosecution.

We represent clients in connection with allegations of **nuisance** both where the service of an **abatement notice** is threatened and where there has been an alleged breach of an abatement notice.

- We successfully represented a substantial deep pit egg producer in an appeal against the service of an abatement notice where the allegation was of causing infestations of flies. The notice was overturned and full costs awarded to the farmer.
- We successfully defended a large free range producer prosecuted for an alleged breach of an abatement notice where the allegation was of causing an infestation of flies. The farmer was found not guilty and awarded full costs by the magistrates court.

- We successfully negotiated the withdrawal of an abatement notice served against a pig finishing unit where the allegation was of odour.

We have experience in **water pollution** incidents from both land spreading and drainage failures.

- We represented a pig producer on two occasions, once when a drain was accidentally damaged and dirty water entered a water course and a plea in mitigation was entered and on another occasion when, on challenging the evidence, we were able to persuade the Agency to withdraw the charges.

Our experience and the good relationship that we have with nationally recognised consultants in the industry enables us to offer practical, workable solutions in difficult situations.

Our specialist employment team is well placed to advise about **employment issues** from contracts to dismissal and working practices and our agricultural property specialists can assist with **property sales and purchases** and **letting** as well as **obtaining possession** when it is needed. Those erecting new units may value assistance from our construction lawyers in issuing contracts or if things go wrong.

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We pride ourselves on delivering an outstanding service to a wide range of individuals, businesses and institutions including charities, educational and sports bodies. The firm's size and breadth of specialisms means each client receives the focus it requires. We operate UK wide and have worldwide reach via our network of independent law firms, LawExchange International.

This document is written as an outline guide only and any action should not be based solely on the information given here. Appropriate professional advice should always be taken in specific instances.

Hewitsons LLP is authorised and regulated by the Solicitors Regulation Authority.