

# Public Document Pack



## LOCAL REVIEW BODY WEDNESDAY, 8 NOVEMBER 2017

In respect of the continuation of consideration of the review detailed below, A SPECIAL MEETING of the LOCAL REVIEW BODY will be held in COMMITTEE ROOM 2 at COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS, TD6 0SA on WEDNESDAY, 8 NOVEMBER 2017 at 11.30 am, or as soon as possible thereafter.

J. J. WILKINSON,  
Clerk to the Council,

1 November 2017

<b>BUSINESS</b>		
1.	<b>Apologies for Absence.</b>	
2.	<b>Order of Business.</b>	
3.	<b>Declarations of Interest.</b>	
4.	<p><b>Continuation: Consider request for review of refusal of planning consent in respect of erection of micro meat processing unit and byre on land at Hardiesmill Place, Gordon. 17/00239/FUL. 17/00036/RREF.</b></p> <p>Copies of the following papers attached:-</p>	
	(a) <b>Further information provided by applicant/agent</b>	(Pages 3 - 14)
	(b) <b>Response from planning officer to further information</b>	(Pages 15 - 20)
	(c) <b>Review papers</b>	(Pages 21 - 94)
	<p>Copies of papers re-circulated as follows:-</p> <p>Notice of Review – page 21                      Officer's report – page 53                      Decision Notice – page 63                      Papers referred to in report – page 77                      Consultations – page 83                      List of Policies – page 89</p>	
5.	<b>Any Other Items Previously Circulated</b>	
6.	<b>Any Other Items which the Chairman Decides are Urgent</b>	

## NOTES

1. Timings given above are only indicative and not intended to inhibit Members' discussions.
2. Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.

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**Membership of Committee:-** Councillors T. Miers (Chairman), S. Aitchison, A. Anderson, J. A. Fullarton, S. Hamilton, H. Laing, S. Mountford, C. Ramage and E. Small

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Please direct any enquiries to Fiona Walling 01835 826504  
email [fwalling@scotborders.gov.uk](mailto:fwalling@scotborders.gov.uk)

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Ref: RG/HM/LET01

03 October 2017

Clerk to the Local Review Body  
Scottish Borders Council  
Resources  
Council Headquarters  
Newton St Boswells  
Melrose  
TD6 0SA

**For Attention of Fiona Walling**

Dear Sir / Madam

**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING  
(SCOTLAND) ACT 1997**

**TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW  
PROCEDURE) (SCOTLAND) REGULATIONS 2013**

**APPEAL REFERENCE 17/00036/RREF**

**(PLANNING APPLICATION REFERENCE 17/00239/FUL)**

**PROPOSED ERECTION OF MICRO MEAT PROCESSING UNIT AND BYRE  
LAND AT HARDIESMILL PLACE, GORDON, SCOTTISH BORDERS**

We act on behalf of the appellant Robin Tuke of Hardiesmill.

We write in reference to the above planning appeal and in response to your letter dated 18 September 2017 regarding the above planning appeal.

Your letter advised that the Local Review Body had determined to proceed with the review with further procedure by way of an accompanied site visit and provision of additional information relating to the proposed development

The additional information required by the Local Review Body is as follows: -

1. Plans showing the finished design and the appearance of micro meat processing unit and byre together with details of the proposed screening;
2. The reasons why the design is different to that shown in the submitted drawings and the scope for mitigating the design of the building itself, if any;
3. Details of the operation of the facility including animal handling and the discharge of sewage and waste animal by-products;

4. Whether it is proposed to make the facility available to process stock from out with the applicant's landholding.

We have discussed the above matters with the appellant and provide the following information: -

1. In terms of the design of the building, the meat processing unit (abattoir) is a modular building specifically designed for the appeal site. It has been designed and built by a Finish company, Kometos, that specialises in modular meat processing plants.

The abattoir facility currently located on appeal site, is a new unit (named Thomcont) designed by Kometos for individual small farms. The appeal site is the first farm in the UK and Europe in which the Thomcont unit has been built. Kometos hope to supply other smaller farmers throughout the UK and Europe with this unit.

The appellant has provided the attached set of revised plans which show the proposed abattoir facility. The drawings are as follows: -

- Proposed Northern Elevation (Hardiesmill Abattoir from North End).
- Proposed Southern Elevation (Hardiesmill Abattoir from South (road) Side).
- Western and Eastern Elevational Plan (Directional Pan).
- Site Plan for the Proposed Meat Processing Unit (Hardiesmill Abattoir Plan with tunnels).
- Floor layout plan identifying the operational use of each unit.
- Photographs of an operational Kometos Slaughterhouses.

In terms of finished appearance, the three units are metal and plastic poly-laminate clad. The Dirty Unit, Slaughter house and Lorry Back are already white in appearance. The units require to be white in colour for temperature control reasons. The units will be bolted together and will comprise an end area of 13.6 meters by 8.4 meters.

Two units are positioned on concrete footings that are 1-meter high, the lorryback is the same height, but on a metal stand. This is required for vermin control, and to reduce any risk of contamination.

The three units will be enclosed by a single roof structure, which is proposed to be of tin and grey in colour to reflect the surrounding buildings. Vertical wooden boarding will enclose the roof and buildings to prevent access by vermin and to reflect a more agricultural style building.

We attach a photograph of a similar unit located within the Arctic Circle (there are no comparable buildings within the UK, as the proposed development will be the first of its kind in Europe and the UK.) The photograph shows a pitched roof over the abattoir unit and a small pitched canopy (lean-to roof) over the lorry port. Vertical boarding encloses the ends of the roof and the buildings (which is proposed by the subject appeal). In



terms of the subject planning application, as stated above, it is proposed to have the pitched roof over all three units, to give the appearance of one single unit.

2. In terms of why the buildings currently on the appeal site are different to that shown in the application drawings, the sole reason is that the buildings await the installation of the roof. The roof is still outstanding due to ongoing discussions with the planning officer regarding the colour, material, and type of roof structure.
3. With regard to the operation of the abattoir facility, the submitted Floor Layout Plan shows the general operation and uses.

The Floor Layout plan clearly show the abattoir comprises three units, these being the Dirty Unit, Slaughter Hall and the Lorryback.

The facility uses a cellular process, which ultimately means one animal is killed, dressed, and chilled before the next animal enters. Each unit is designed for specific uses.

- The Dirty Unit is where the animals enter the abattoir facility, via a ramp / bridge, it comprises two individual areas, the stunning box and the 'dirty room' for intestines and skin etc.
- The Slaughterhouse Hall is where the stunned animal is placed, hung, and slaughtered by a cut throat for bleeding. Once bled the carcass is skinned, gutted, and halved. The SRM, bowels, skins etc are taken to the dirty room. The carcasses and offal are inspected by an FSS vet, chill blasted and then quartered in order to be moved to the chill cutting room (located within the Lorryback).
- The Lorryback contains the personnel entrance, administration area, changing room and the chill cutting room (where the carcasses will be stored in quarters and cut for export).

In terms of animal by-products, the disposal of bowel and stomach contents are ruled Animal and Plant Health Agency (APHA). Specified Risk Material (brains, nerves, eyes, organs etc) are rendered in accordance with Food Standards Scotland (FSS). Blood is collected separately and either rendered or made into black puddings. Human foul discharge is piped into a septic tank, which accords to SEPA's regulations.

4. The appellant confirms that the abattoir facility is for use solely by Hardiesmill to process their own cattle stock.



**CLARENDON PLANNING AND DEVELOPMENT LTD**

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We trust that the above information and attached plans provide the Local Review Panel with the required information and that a decision on the subject planning appeal can be made.

The appellant will attend the forthcoming site visit and would be pleased to discuss / provide clarification on any technical issue regarding the proposed meat processing unit, together with any possible mitigation measure that the Local Review Body considered necessary.

Yours faithfully



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## Existing Kometos Slaughterhouse – Artic Circle

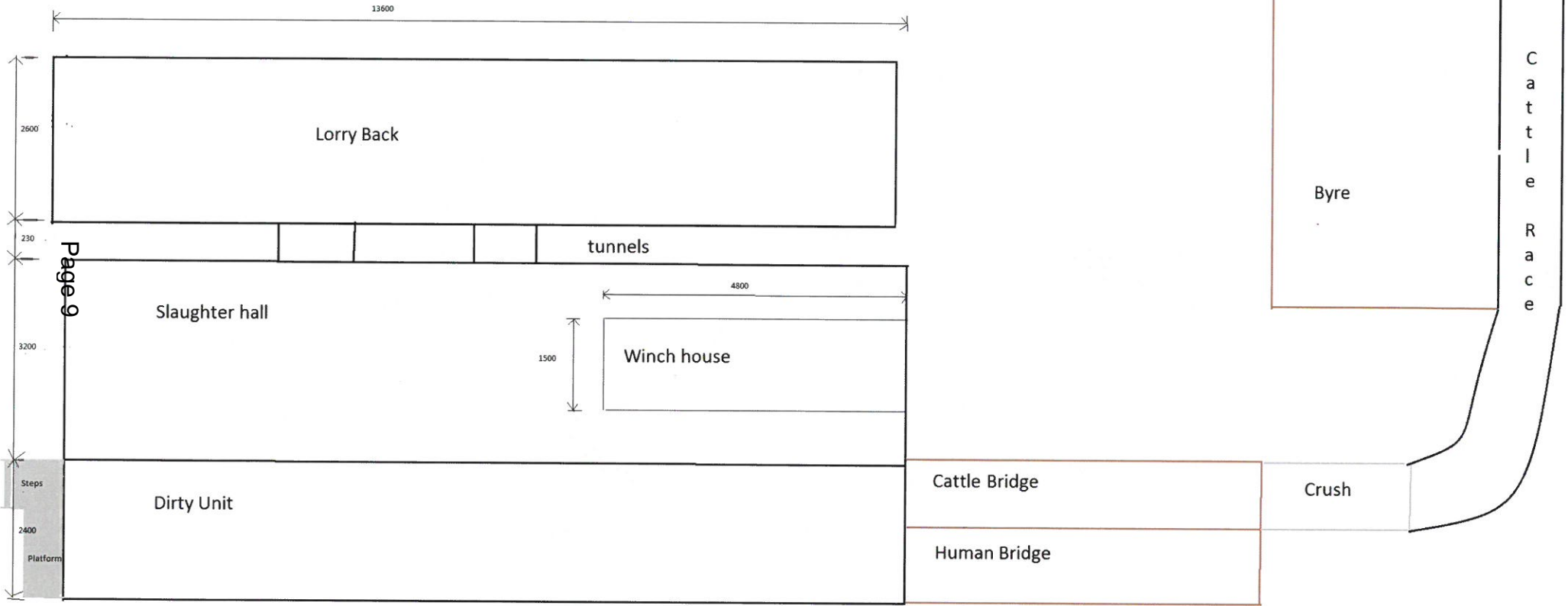
This photograph shows the final appearance of the proposed unit, in terms of the roof pitch, material, and colour.






















Hardiesmill Abattoir Plan view with tunnels Vs 3 dated 2nd Oct 2017.

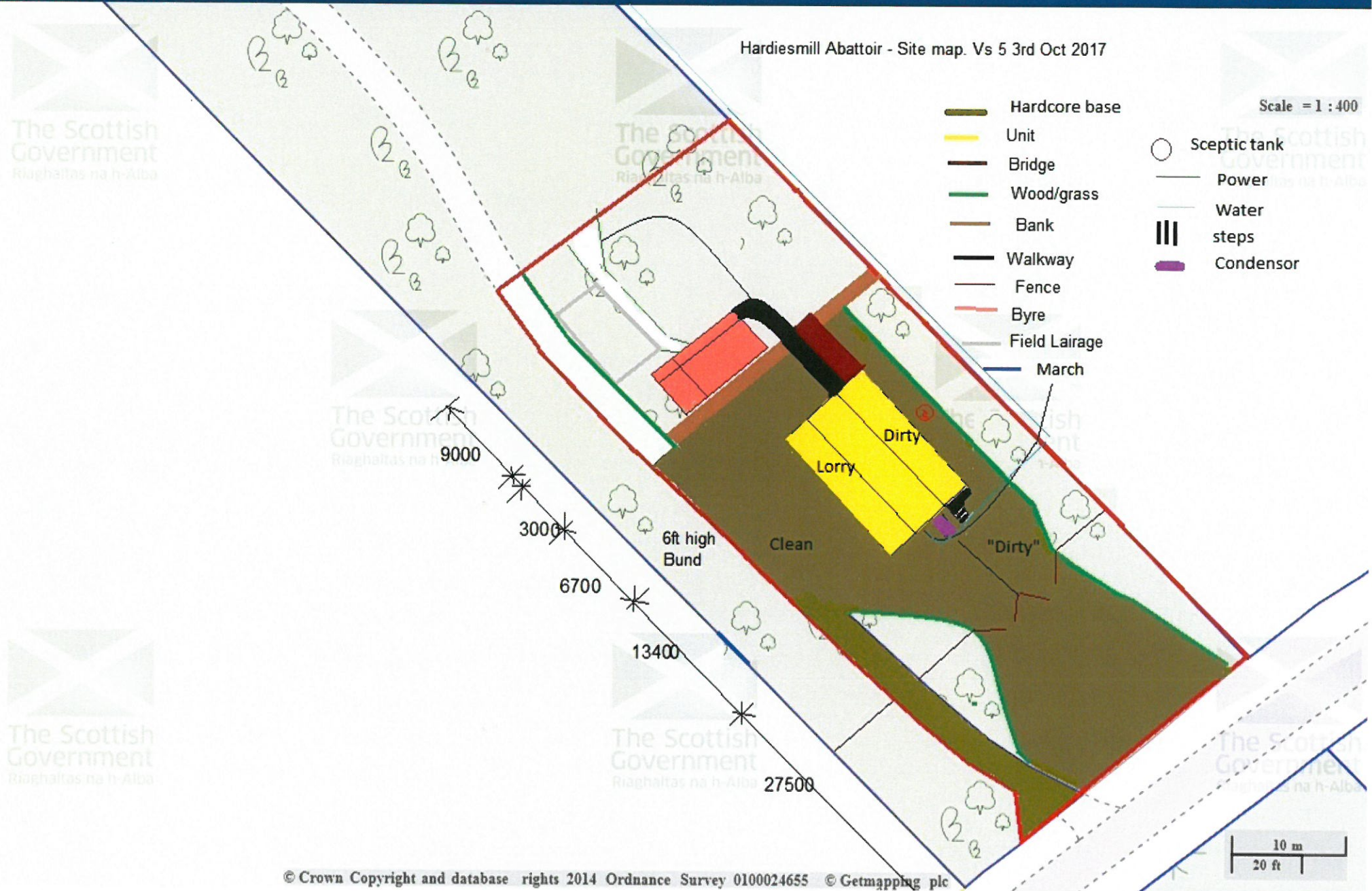


Page 9

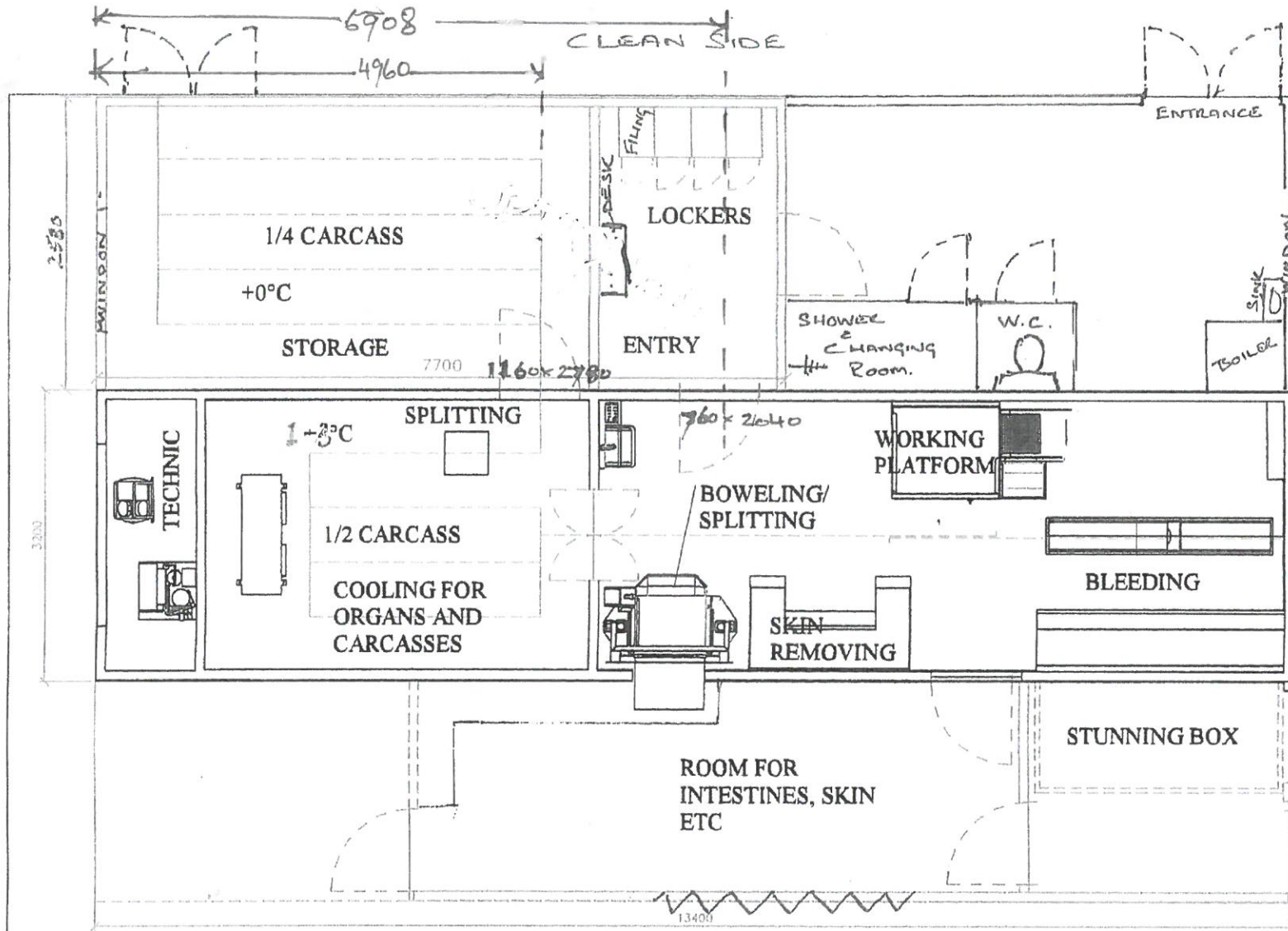
Hardiesmill Abattoir - Site map. Vs 5 3rd Oct 2017

Scale = 1 : 400

-  Hardcore base
-  Unit
-  Bridge
-  Wood/grass
-  Bank
-  Walkway
-  Fence
-  Byre
-  Field Lairage
-  March
-  Sceptic tank
-  Power
-  Water
-  steps
-  Condensor



Road



HARDIESN  
 MODULAR  
 MICRO-  
 ASBATE  
 V8.3.  
 11.10.2016

CARCASS  
 DOOR  
 CUTTING  
 1200x2800  
 L&S FRAME  
 20mm all  
 round.  
 OPENS OUT  
 PERSONEL DOOR  
 1760x2040  
 OPENS IN.

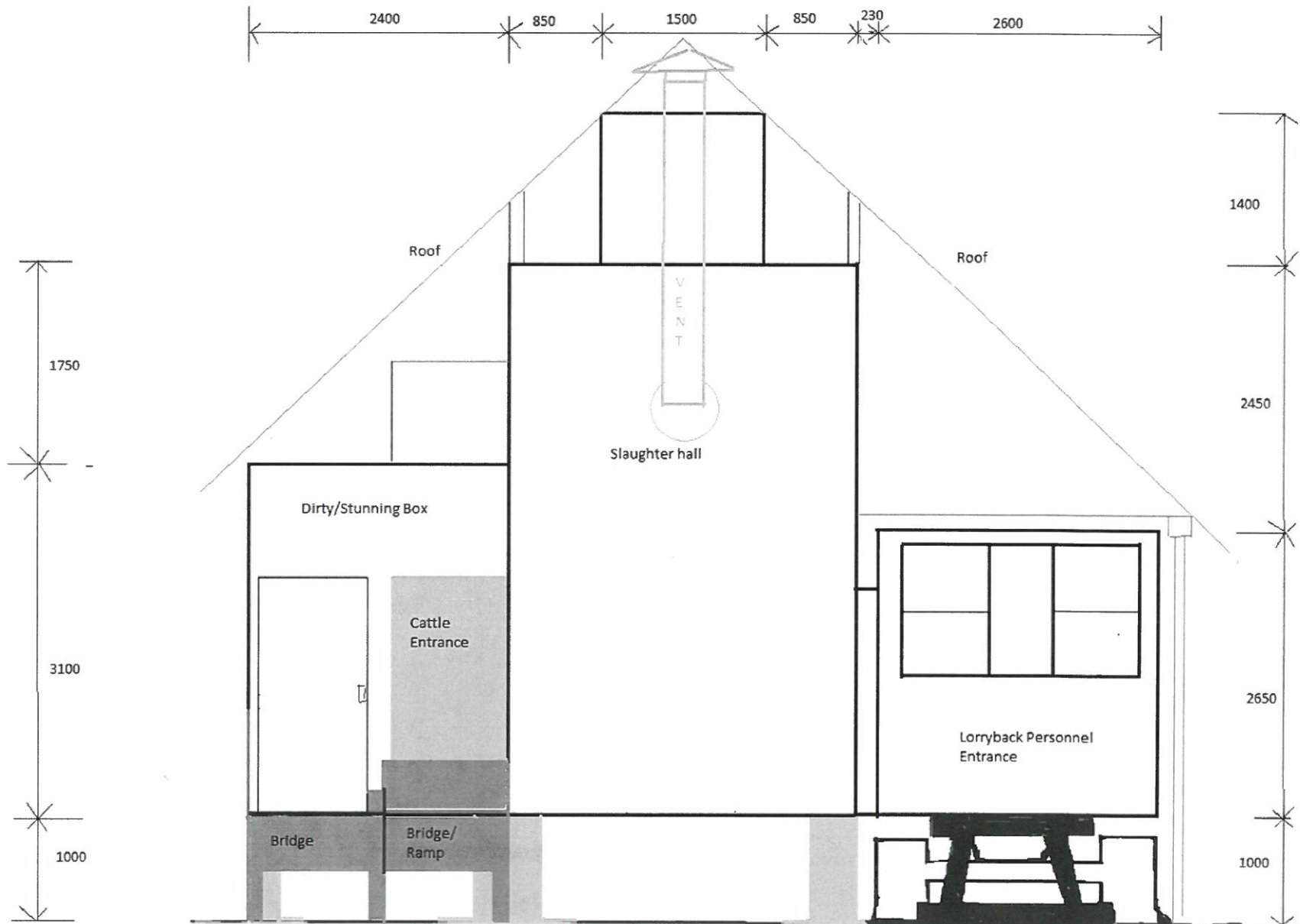
CAPACITY  
 6-8 CATTLE/DAY

DIRTY SIDE

Unit/Type	Unit/No	Unit/1	Unit/2	Unit/3	Unit/4
SLAUGHTERHOUSE					
THOMSON					
11.10.2016					
www.hardiesn.com 01-037					
01-037					
01-037					

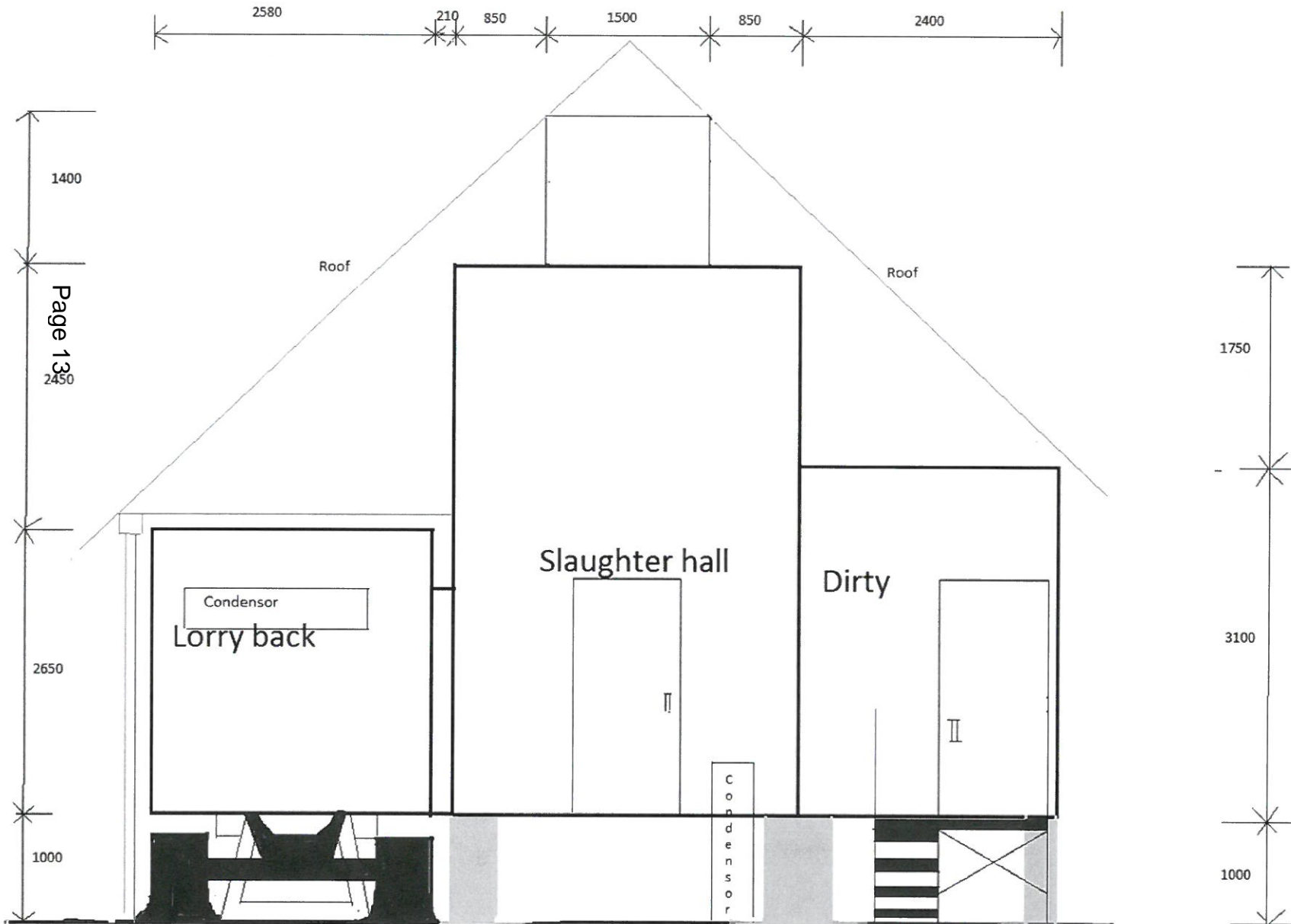
# Hardiesmill Abattoir from North End

Vs 3. dated 2nd March 2017



# Hardiesmill Abattoir from South (road) side

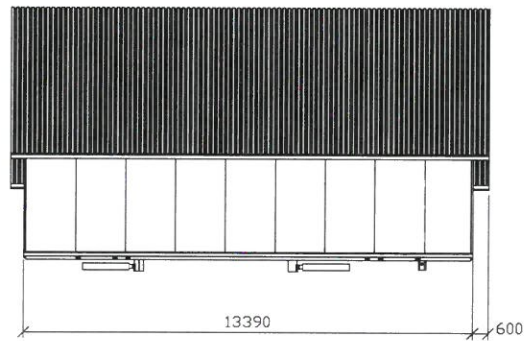
Vs 4 dated 2nd Oct 2017



Page 1350

# Directional plan

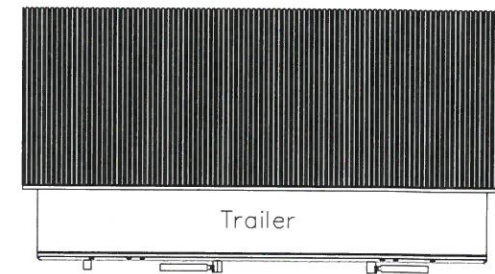
West side



South side



East side



Page 14

Luoto/Lin/Pöytä	Pöytä	Maatösmengelmä		
Lom./työ	kuuti./kilo	tonni/kuuti.	Varmuuden merkitt. jaksu/s	
Pääsuunnittelija <b>LUUSIKKAINEN</b> arkkitehti/insinööri				
Pääsuunnittelijan nimi ja osoite <b>SLAUGHTERHOUSE</b> <b>THOMCONT</b> NSL 2500,1			Pääsuunnittelijan nimi THOMCONT	Mittakaava 1:40
Suunnittelija T.Palovirta	Pöytä T.Palovirta	Pöytä 4.7.2017	Maatösmengelmä 1825-300	Maatösmengelmä 625-300
Keskustie 23 FIN-61801 KALAJOKI phone +358 (0)6 234 2200 fax +358 (0)6 234 2225				

<b>LOCAL REVIEW BODY</b>
<b>STATEMENT OF APPOINTED OFFICER</b>
<b>17/00239/FUL</b>
<b>Erection of micro meat processing unit and byre</b>

**ISSUES TO BE CONSIDERED:**

For further consideration to be given to:

- 1) Plans showing the finished design and the appearance of the micro meat processing unit and byre together with details of the proposed screening;
- 2) The reasons why the design is different to that shown in the submitted drawings and the scope for mitigating the design of the building itself, if any;
- 3) Details of the operation of the facility including animal handling and the discharge of sewage and waste animal by-products; and
- 4) Whether it is proposed to make the facility available to process stock from out with the Applicant's landholding.

**RESPONSE:**

- 1) ***Plans showing the finished design and the appearance of the micro meat processing unit and byre together with details of the proposed screening***

The new proposal drawings describe a different development to that which was described by the drawings submitted in support of the planning application. This is firstly, in terms of the design of the actual micro-meat processing building proposed; and secondly, in terms of the site layout and configuration, which includes a bund along the southwest boundary of the site, and the byre building relocated to a different position. Furthermore, the building now described by the revised drawings is also notably different to the unit that was observed to have been installed on site (and which was recorded in the Planning Officer's photographs) in May this year. As such, this is a new planning proposal which the Applicant would more appropriately have referred through the planning application process as the subject of a new application, rather than continuing the appeal process.

However, if Members are minded to consider this new proposal, it is pointed out, firstly, that the drawings provided to describe the proposed micro meat processing building do not in fact describe the appearance of the gable elevations of this building (one of which is to face the public road). Secondly, there is no account within the layout, and in particular within the siting of the bund for any specific impacts upon the existing trees and tree-belt. Trees are shown indicatively, and the potential for damage and loss of trees is not described, or otherwise accounted for.

It is not considered that the proposed revised design has addressed the substance of the Planning Department's objection, with respect to the unsympathetic appearance of the building. In common with the proposal that was the subject of Planning Application 17/00239/FUL, the revised proposed micro meat processing building would not have the appearance of any structure that might be anticipated to be located in this isolated rural situation, such as a farm building. Instead, the building (in so far as it is actually

described by the revised proposal drawings) would have the profile of a suburban chalet, and would be more likely to be 'read' as a dwelling house rather than a working farm building. However, and again in common with the proposal that was the subject of Planning Application 17/00239/FUL, this is also not a design of building that would be supported by the Planning Department under the Council's New Housing in the Countryside Policy.

The Appellant suggested a bund at the time of Planning Application 17/00239/FUL, but was not encouraged to develop such proposals, owing to the adverse landscape and visual impacts that were anticipated to occur were an obviously artificial embankment to be constructed on or within the vicinity of this site, and in such close proximity to the public road. It is also material that the construction and accommodation of the bund would exaggerate even further, the adverse impacts of the development upon the existing trees and tree belt. Rather than remove or damage even more trees than is necessary, it is considered that the proposal should seek to conserve as much of the tree-belt as possible, with replacement and reinforcement planting. The bund could in theory, be planted up with new trees. However, trees are more likely to become established and thrive on natural rather than made up ground levels, while bunding can also affect drainage locally, and affect existing and new trees in this way as well. In short, it is not considered that a bund has anything positive to offer in this situation, and if anything, would only add to the incongruous appearance of the site, requiring more trees to be removed and introducing an obviously artificial land form into the foreground of views from the west, without any opportunities to mitigate even this appearance, since the land to the west again belongs within a third party ownership.

All in all, and notwithstanding the details of the revised proposal, the Planning Authority would maintain its objection, and in precisely the form in which it is recorded:

*The proposal does not comply with Adopted Local Development Plan Policies ED7 and PMD2 in that the design of the micro meat processing building is unsympathetic to the rural character of the site and surrounding area, and would be readily visible from the public realm (including from the adjacent local road) as a consequence of the isolated, greenfield nature of the site and the lack of any existing effective screen within the surrounding landscape (beyond the immature and patchy tree belt on the site, which would require to be cleared in part, in order to accommodate the proposal). This unacceptably detrimental landscape and visual impact is not outweighed by the potential economic and environmental benefits of the proposal to the Applicant's farming and butchery businesses and wider rural economy.*

However, had the bund *been* part of the proposal that was the subject of the determination under Planning Application 17/00239/FUL, it would have been appropriate to add an explicit reference to the unacceptably adverse landscape and visual impacts of the bund.

As a general point, it is noted that the application has been, and continues to be, the subject of what are at best abstract representations of what is proposed. In the event of approval, Members should consider whether the details provided are of sufficient clarity and quality in themselves as to be capable of regulating the appearance and operation of the development in future. If not, planning conditions could be imposed to require that appropriately detailed and accurate descriptions are provided for prior approval.

**2) *The reasons why the design is different to that shown in the submitted drawings and the scope for mitigating the design of the building itself, if any;***



The Appellant does not address this point, but instead advises that the roof has not been installed because of “*ongoing discussions with the planning officer regarding colour, material and type of roof structure*”. This position is patently nonsensical.

The entire current installation of the micro meat processing unit (not just its roof) does not have planning consent. Planning Application 17/00239/FUL proposed an entire micro meat processing unit (and byre), and was refused on 31 May 2017. It is therefore entirely unclear why the Appellant, or his planning agents, would consider the application, or any aspect of it, still to be ‘under review’ by the Planning Officer up to this point in time; particularly while they themselves were actively progressing an appeal against the exact same refusal.

The Planning Officer has been involved in discussions with the Appellant with respect to the potential for a new planning application to be made for a revised version of the proposed development, but this did not include the review of any drawings or details of any revised proposal. The Appellant was simply advised that he had the opportunity to appeal the current decision if he wished, and that any new revised proposal should be made the subject of a new planning application. The current proposals forwarded by Clarendon Planning were only presented to the Planning Officer for the first time on 04 October, and have not been the subject of any previous, let alone any “ongoing”, discussions. And indeed, nor has any other proposed alternative design for the micro meat processing unit.

The Appellant offers no new or additional advice with respect to the scope for mitigating the design of the building itself.

In summary, it is not considered that the Appellant has answered the concerns of point 2.

**3) *Details of the operation of the facility including animal handling and the discharge of sewage and waste animal by-products***

Members’ attention is drawn to the consultation responses of SEPA and Environmental Health, and the advice of the Report of Handling in these respects is maintained:

*“Roads’ concerns, and those of SEPA and Environmental Health, are capable of being met by appropriately worded planning conditions and informatives, primarily requiring that appropriate service provision for the development be demonstrated in advance of installation, while Roads’ specifications with respect to the operation of the site access, would reasonably be required. While it is considered that there are valid amenity and environmental reasons for the Planning Authority to require the prior approval of appropriate details with respect to the management of water supply and drainage on-site, most of the direct concerns raised by Environmental Health are environmental health and not planning considerations, and are therefore only appropriately made the subject of informatives, rather than planning conditions”.*

**4) *Plans showing the finished design and the appearance of the micro meat processing unit and byre together with details of the proposed screening***

The Appellant’s concern only to process his own stock at the facility raises no concerns. In the event of approval, it would reasonably be required by condition that this should be the

case, to ensure that this rural site should not be available for general use, which has potential for impacts upon the local road network and local residential amenity that have not been taken into consideration within the description of the proposal that was the subject of Planning Application 17/00239/FUL.

As a general point, the use of the site would require to be controlled in the event of approval, to ensure that it does not become generally available for any commercial use.

**SUPPORTING DOCUMENTS:**

- 1) Adopted Scottish Borders Council Local Development Plan:

[https://www.scotborders.gov.uk/info/20051/plans\\_and\\_guidance/121/local\\_development\\_plan](https://www.scotborders.gov.uk/info/20051/plans_and_guidance/121/local_development_plan)

- 2) Planning Officer's Delegated Report of Handling.

## Walling, Fiona

---

**From:** Herkes, Stuart  
**Sent:** 02 October 2017 14:53  
**To:** localreview  
**Subject:** RE: Application 17/00239/FUL Review ref 17/00036/RREF Hardiesmill, Gordon

Fiona

With respect to the letters of support, I would advise, firstly, that these do not change the Planning Authority's position with respect to the appearance of the proposed facility and its impacts upon the visual amenities of the site and surrounding area.

Secondly - and notwithstanding the Local Review Body's concern to treat the letters of support as new information - they do largely confirm advice that the Applicant had already given to the Planning Authority at the time of the planning application; or are information that was otherwise included amongst consultation responses and advice provided from other sources at the time of the determination of the planning application. The Planning Authority did take account of the advice that the design responds to practical and technical considerations which need to be met within the meat processing process, particularly given the Applicant's understandable concern to meet the highest standards in terms of animal welfare and in securing the quality of his product. This consideration is set out within the Report of Handling and it is not considered that the letters of support introduce any new concerns or considerations that would require the original planning decision to be reviewed.

Accordingly, I would take this opportunity to confirm that the reason for refusal is maintained in full:

*The proposal does not comply with Adopted Local Development Plan Policies ED7 and PMD2 in that the design of the micro meat processing building is unsympathetic to the rural character of the site and surrounding area, and would be readily visible from the public realm (including from the adjacent local road) as a consequence of the isolated, greenfield nature of the site and the lack of any existing effective screen within the surrounding landscape (beyond the immature and patchy tree belt on the site, which would require to be cleared in part, in order to accommodate the proposal). This unacceptably detrimental landscape and visual impact is not outweighed by the potential economic and environmental benefits of the proposal to the Applicant's farming and butchery businesses and wider rural economy.*

Regards

Stuart

Stuart Herkes MRTPI  
Planning Officer (Development Management)  
Regulatory Services  
Scottish Borders Council  
Council Headquarters  
Newtown St Boswells  
Melrose  
Scottish Borders  
TD6 0SA  
Tel: 01835 825039  
Fax: 01835 825158  
Email: [sherkes@scotborders.gov.uk](mailto:sherkes@scotborders.gov.uk)

**To assist us with your enquiry, please quote the relevant Planning Reference Number in your correspondence.**





Newtown St Boswells Melrose TD6 0SA Tel: 01835 825251 Fax: 01835 825071 Email: ITSystemAdmin@scotborders.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100064585-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

### Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

### Agent Details

Please enter Agent details

Company/Organisation:	Clarendon Planning & Development Ltd		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Antony	Building Name:	5a
Last Name: *	Duthie	Building Number:	<input type="text"/>
Telephone Number: *	01312972320	Address 1 (Street): *	Castle Terrace
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Edinburgh
Fax Number:	<input type="text"/>	Country: *	United Kingdom
		Postcode: *	EH1 2DP
Email Address: *	aduthie@clarendonpd.co.uk		

Is the applicant an individual or an organisation/corporate entity? \*

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Hardiesmill"/>
First Name: *	<input type="text" value="Robin"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Tuke"/>	Address 1 (Street): *	<input type="text" value="Hardiesmill Place"/>
Company/Organisation	<input type="text" value="Hardiesmill Farm"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Gordon"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="TD3 6LQ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:	<input type="text" value="Scottish Borders Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing

Easting

## Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: \*  
(Max 500 characters)

Erection of micro meat processing unit and byre

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see attached Planning Appeal Supporting Statement

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

Planning Appeal Supporting Statement, Letters of Support (contained therein), Scottish Borders Council Decision Notice, Scottish Borders Part III Report (incorporating Report of Handling), Site Location Plan

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

17/00239/FUL

What date was the application submitted to the planning authority? \*

16/02/2017

What date was the decision issued by the planning authority? \*

31/05/2017

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure \*

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

The applicant respectfully requests that a site visit be carried out by the Local Review Body to full appreciate the site's secluded location, relationship to the existing farming enterprise set within the context of the Reason for Refusal (please see Planning Appeal Supporting Statement for further corroboration).

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

Yes  No

Is it possible for the site to be accessed safely and without barriers to entry? \*

Yes  No



## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? \*

Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*

Yes  No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

Yes  No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

Yes  No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Antony Duthie

Declaration Date: 30/08/2017



**Notice of Review Supporting Statement**

**Land at Hardiesmill Place, Gordon, Scottish Borders**

**Erection of Micro Meet Processing Unit & Byre**

**Ref. 17/00239/FUL**

**On behalf of**

**'Mr Robin Tuke - Hardiesmill Prime Aberdeen Angus'**

**August 2017**



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## EXECUTIVE SUMMARY

This request for 'Review' is submitted on behalf of 'Hardiesmill' following the decision of Scottish Borders Council, under delegated powers to the Head of Planning and based upon the Case Officer's recommendation, to refuse planning permission for the erection of a Micro Meat Processing Unit and Byre (application ref. 17/00239/FUL) at Hardiesmill Place, Gordon on the 31st May 2017.

The application subjects form part of Hardiesmill Farm, Scotch assured farmers and butchers, a Borders family firm run by Robin and Alison Tuke. Hardiesmill runs approximately 130 pedigree Aberdeen Angus Cows (300 head of cattle) on 480 acres employing traditional methods of grass in the Summer and to save the ground on hay, silage and straw in the Winter with no concentrates, preservatives, steroids or unnecessary antibiotics. Hardiesmill pride themselves on 'provenance' that the foregoing ensures. The herd is split between Autumn and Spring Calvers and weaned at 7months, are housed in adjoining courts to their Mothers to minimise stress.

Hardiesmill operate at the leading edge of British Butchery producing one of the largest ranges of steaks in Europe. Whilst most of the enterprise's business is trade related serving restaurants throughout the Borders, Edinburgh and Northumbria, retail activity is also generated from the Farm butchery as well as the regular Kelso Farmers' Market.

Notwithstanding the corresponding direct and indirect economic development that the development proposal would facilitate, in the spirit of both national and local planning policy and, moreover, at time when the Borders continues to face economic challenges, the Planning Case Officer disappointingly deemed that, without affording credence to national directive, the proposal was contrary to Policies ED7 and PMD2 of the Adopted Scottish Borders Local Development Plan, perceiving that the proposal would be unsympathetic to the rural character of the surrounding area and visible from the public realm including the adjoining local road.

This Statement sets out the opposing Case for the Applicants and will demonstrate that:-

- The proposal would, through the creation of an additional **2no 'on-site' jobs** generate viable employment in-line with the very principles of Policy ED7 on an Established Farm and support the sustainability of a growing Scottish Borders based business
- The decision to refuse consent does not properly take into account the practicalities and indeed Regulations properly enforced by the Food Standards Scotland Agency to ensure consumer protection, and the Scottish Government strategic approach to Animal Health and Welfare.
- The decision failed to objectively consider the proposal against the Scottish Government's presumption in favour of sustainable economic development per **Scottish Planning Policy (June 2014)**
- No alternative sites exist within Hardiesmill Farm that could practically serve the Farm and comply with the Regulations applied by the foregoing Authorities and the Planning Officer has failed to provide a reasoned counter position despite conversely having accepted that the principle of development is acceptable

- Food Standards Scotland, Quality Meat Scotland, the Scottish Society for the Prevention of Cruelty to Animals and the Animal & Plant Health Agency have unanimously endorsed the proposal and offer supportive Representations to this Appeal process
- There is widespread unified community and business support for the development including the Buccleuch Arms Hotel and even as far afield as 'Just Provisions' in Monaco given Hardiesmills' international appeal and growing export business. Concurrently, formal submission of Support to the appeal have been tendered

It is asked that the Local Review Body, whilst considering matters, simultaneously appraise the enclosed documentation which accompanied the original application. It is respectfully requested that the Local Review Body objectively reconsider the Head of Planning's recommendation and, **in the interests of both animal welfare and Scottish Borders based sustainable economic development**, find favour in the Applicants' proposal for which it is contended Policy is in place to support, subject to conditions, as deemed appropriate.

## **1.0 BACKGROUND TO HARDIESMILL - ETHICAL SCOTCH BEEF**

- 1.1.1** The Hardiesmill ('the applicants') Aberdeen Angus Herd was originally established in 2001 and has positively bred cattle to perform on their Mother's own milk and grass, without the need for high protein cereals etc producing now internationally renowned meat. The business has developed in to a niche 'high end' producer now serving not just the Borders, Edinburgh and Northumberland, but overseas eateries including the 'super yachts' off Monaco.
- 1.1.2** With the success and growth that Hardiesmill has experienced since 2001, the dwindling plant numbers (i.e. abattoirs) in Scotland (of which there are now only four and are reliant on subsidies) is recognised, compounded by the closure Galashiels plant a number of years ago. In a proactive and positive response, the business now wishes to establish a 'home-based' Micro Abattoir to improve the welfare life cycle of livestock - a first in the whole of Scotland aiming to minimise the stress associated with handling and current transport to either Paisley or Shotts (the only Plant now serving the Scottish Borders) which in turn informs the quality of beef.

## **2.0 BACKGROUND TO THE APPLICATION**

### **2.1 Location & Description**

- 2.1.1 The application site falls within an existing agricultural shelter belt some 350m to the south west of the farm building complex known as Hardiesmill Place and to the immediate north of a minor unclassified road.
- 2.1.2 The proposal consists of the erection of two structures including a modular meat processing unit of 13.5m by 8.2m and, secondly, a byre to contain livestock extending to 12.3m by 4.61m as delineated at **Appendix 1** (NB the Case Officer offered no objection to the construction of the byre and is thus not considered herein). Due to manufacturing deadlines associated with overseas supply from Finland, the former structure has been partly implemented on site. Proposed landscape mitigation has, however, not yet been instigated pending the outcome of the appeal process and any conditions that may result from same.
- 2.1.3 The application was received by SBC on 16<sup>th</sup> February 2017, validated on the 28<sup>th</sup> February and, subsequently, to the disappointment of the applicant, refused by delegated decision to the Head of Planning on the 31<sup>st</sup> May 2017, on the basis of the appointed Case Officer's subjective recommendation. This will be considered further herein.

### **2.2 The Development Proposal, Operational Practicalities & Regulations**

- 2.2.1 By way of background and to summarise, the proposals which were the subject of the aforementioned application for planning permission and this 'Notice of Review' Statement were informed by regulations set down by related governing Agencies. Indeed, the applicant sequentially assessed the whole farm within his ownership for suitable locations for the proposal culminating in the identified location subject of this appeal. Of specific note, both the Animal & Plant Health and Food Standards Scotland respective Agencies require that a processing unit must be isolated from existing farm buildings to ensure bio-security. In addition, the meat Industry Guide (August 2015) explicitly requires that processing units must be located 400m from the nearest non-related dwelling. The foregoing considerations, coupled with operational practicalities as well as access and site servicing resulted in the conclusion of the proposed siting together with the opportunity for instant landscape screening capable of augmentation.
- 2.2.2 In terms of design of the modular unit, the applicant fully considered a bespoke 'shed' option, however, it was proven that such would not comply with regulations as such facilities require to be of a sealed construction to prevent ingress from vermin. In addition, the exterior colour of materials affects temperature monitoring and so forth. The position of the proposal also ensures supervision and security from the main farm complex at a time of rising rural crime and theft.



### 2.3 Planning History

2.3.1 The subjects are not known to have been subject of any prior planning applications.

### 2.4 Reason for Refusal

2.4.1 The Decision Notice recommended refusal on the basis of just the following 'sole' reason:

***“The proposal does not comply with the Adopted Local Development Plan Policies ED7 and PMD2 in that the design of the micro meat processing building is unsympathetic to the rural character of the site and surrounding area, and would be readily visible from the public realm (including from the adjacent local road) as a consequence of the isolated, greenfield nature of the site and the lack of any effective screen within the surrounding landscape (beyond the immature and patchy tree belt on the site, which would require to be cleared in part, in order to accommodate the proposal). This unacceptably detrimental landscape and visual impact is not outweighed by the potential economic and environmental benefits of the proposals to the applicant’s farming and butchery businesses and wider rural economy”***

### 3.0 GROUNDS FOR REVIEW OF THE PLANNING DECISION

#### 3.1 Planning Policy

3.1.1 The Applicant, contrary to the Decision Notice, and notwithstanding the underpinning locational practicalities and rigid Regulations associated with the development proposal, remains of the view that proposals do, in any case, accord with intent of planning policy at both a national and local level. In particular, following review of the Case Officer's Report (copied at **Appendix 2**), the Applicant would take this opportunity of making the following comments.

#### Scottish Planning Policy (June 2014)

3.1.2. At a national level, it is respectively noted and considered pertinent to this Case that Scottish Planning Policy (SPP) introduces a **presumption in favour** of development that contributes to sustainable economic development. In particular, **Paragraph 28** states that the planning system should ***“support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term”***.

3.1.3 Paragraph 29 of SPP outlines the key related principles which include:

- ***“giving due weight to net economic benefit”***
- ***“making efficient use of existing capacities of land, buildings and infrastructure”***
- ***“supporting delivery of accessible housing, business, retailing and leisure development”***

3.1.4 Paragraph 30 proceeds to underscore that development plans should ***“support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area”***.

3.1.5 In the foregoing regard, setting aside animal welfare considerations, it is respectively suggested by Hardiesmill that all due credence to the economic benefits that will be derived from this growing and adapting business development have not be afforded. In particular, this development will directly generate, and in the short-term, **2no ‘local’ additional jobs**.

#### **Adopted Scottish Borders Local Development Plan (LDP)**

3.1.6 At a local level, the Adopted LDP is a further material consideration in the determination of planning applications. In this respect, notwithstanding the Case Officer's narrow interpretation of **Policy ED7**, or to be exact just one strand (**e**) of its associated criteria which otherwise extends to 9no considerations, the general ethos is that of positivity

encouraging rural diversification initiatives. However, the Case Officer considers that proposals fall short of satisfying siting and design criteria as articulated within Policy PMD2.

- 3.1.7 It is worth noting, however, that the Case Officer narrates all the benefits to be derived from the development on **Page 2 (Paragraphs 7 & 8)** of the Report on Handling (**Appendix 2**) including that relating to animal welfare associated with current handling and long travel journeys for slaughtering which would otherwise be minimised. Again, on **Page 3 (Paragraph 7)** ***“identified economic and employment benefits of allowing this facility”*** are recounted (albeit latterly dismissed) and otherwise states ***“having reviewed the applicant’s business case, it is considered that the proposal would be well related to the applicants existing business operations, and therefore that it would not reasonably be held to be objectionable in principle”***. It can therefore be concluded that, the principle of development is acceptable in planning terms thereby focusing the considerations underpinning this appeal.
- 3.1.8 In terms of site selection, the Case Officer again accepts on **Page 4** that there are no other building groups or structures within the farm and that ***“the need for a new isolated site for the micro meat processing unit is considered to be reasonable”*** (**Paragraph 6**). However, the Case Officer on **Page 5**, under the Heading of ‘Landscape and Visual Impact Considerations’ offers what, is respectively suggested, a contradictory assessment; on the one hand, having accepted the principle of development, given the ***“isolated rural location”*** (**Paragraph 4**) is somehow “not capable of being accommodated visually”. Conversely, it is the applicant’s opinion that an ‘isolated rural location’ minimises the number of visual receptors further supported by the fact that the adjoining unclassified local road (whilst providing the requisite physical access to the subjects) is lightly trafficked. Moreover, the Case Officer’s subjective opinion on landscape and visual impact is, and again with respect, not a qualified Landscape Architect’s official view. Indeed, no formal Landscape Officer assessment has been tendered by SBC to corroborate the Planning Case Officer’s contention which the applicant considers has been overstated as, otherwise, views into the site will, allowing for the progressive maturing of planting be limited to a glimpsed experience by road users of the adjoining minor road. In this respect, further mitigation by way of additional tree planting and the incorporation of a slate coloured roof have been tabled by the applicant which may be covered by Condition under powers afforded to the Local Review Body. Ironically, the Case Officer at **Page 7 (Paragraph 9)** of his report accepts that landscaping treatment could off-set his perceived impact and proceeds on **Page 8** with a rather confusing and laboured assessment of the existing on-site tree cover and the potential visual benefits or otherwise that additional screening would provide. Again, however, these opinions are without professional Landscape Architect visual Assessment are thus simply uninformed opinion which has thwarted sustainable economic development unless the Local Review Body deem otherwise.
- 3.1.9 In summary, taking into account both policy provisions, and weight of material considerations, it is the applicant’s position that the development proposal can be supported when appraised properly and, moreover, objectively, against both SPP and the LDP.

#### 4.0 STATUTORY CONSULTEES

7.1.0 Significantly, in terms of **statutory and local Consultations**, no objections were received. In particular:

- Economic Development supported the application (verbally)
- Neither the Community Council or neighbours objected to the application.
- Roads Planning Service raised no objection (subject to conditions acceptable to the applicants)
- Environmental Health raised no objection
- SBC Landscape raised no objection (despite the Case Officer's assertions leading to his Recommendation)

7.1.1 In summary, there is therefore marked disparity between contributors to the decision-making process and the eventual refusal recommendation which has lamentably frustrated job creation and economic growth in the Gordon area.

## **5.0 AGENCY & COMMUNITY SUPPORT**

- 5.1.0 Notwithstanding multi-departmental support for the appellant's proposal from within SBC itself, as a result of the need to appeal to the Local Review Body, the applicant is heartened, in recognition of the opportunity of economic generation and improved animal welfare, to have formal backing from the Food Standards Scotland, Quality Meat Scotland, the Scottish Society for the Prevention of Cruelty to Animals and the Animal & Plant Health Agency as well as an immediate neighbour and local and international businesses.

## **6.0 CONCLUSION**

6.1.0 The preceding Statement, in conjunction with the appended supporting documentation, demonstrates the deliverability of the proposals within the context of a pragmatic approach to local planning policy with further support derived at a national level. In particular: -

- LDP Policy ED7 embraces and encourages rural diversification. The proposed creation of 2no additional permanent jobs are material considerations which have, thus far, been essentially overlooked in the determination of the application
- Scottish Planning Policy 'presumes' in favour of sustainable economic development as represented herein by Hardiesmills' proposal
- By virtue of the 'isolated rural location' (as described by the Case officer), the proposal is not widely visible to the public realm

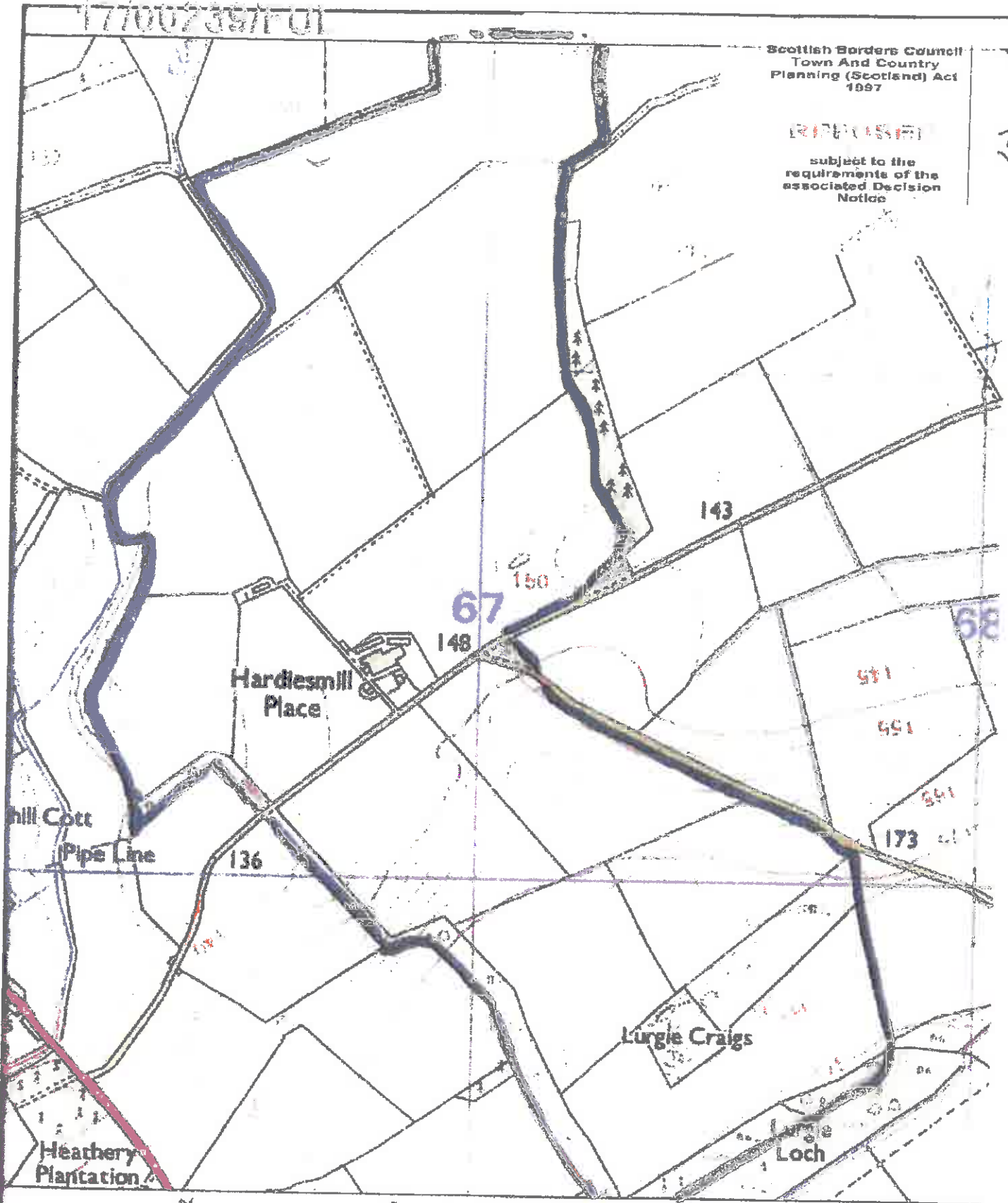
6.1.1 On the basis of the foregoing, it is respectfully requested that the submitted planning application be viewed positively by the Local Review Board of SBC with the applicant being agreeable to the imposing of appropriate planning conditions, as necessary, to ensure delivery of employment and economic generation as well as in the interests of animal welfare.

**APPENDIX 1**

177007397F 01

Scottish Borders Council  
Town And Country  
Planning (Scotland) Act  
1997

**REFUSED**  
subject to the  
requirements of the  
associated Decision  
Notice



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Protection Agency

# 268/0001 Hardiesmill Place



17/00238/FUL



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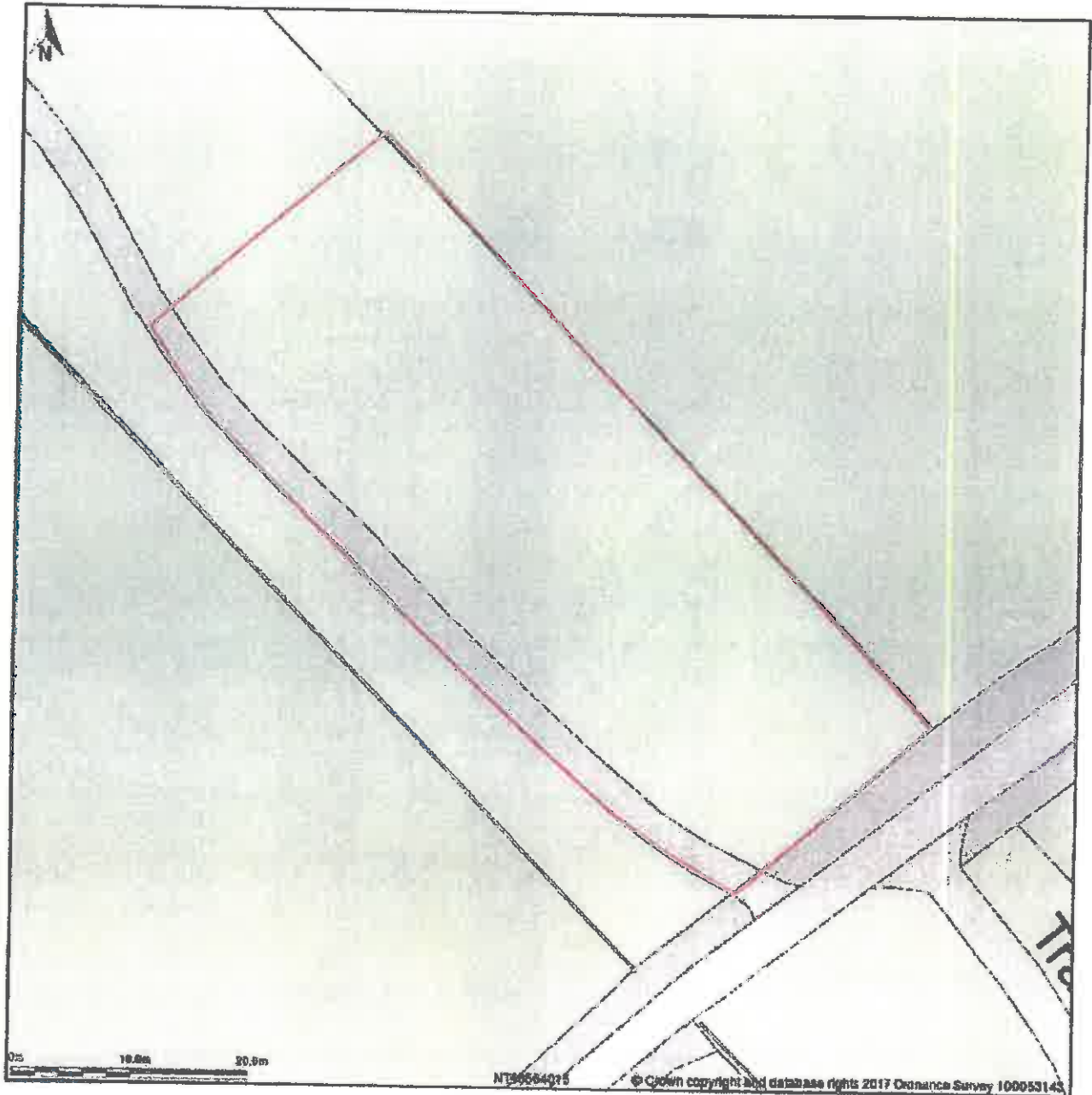
Scottish Borders Council  
Town And Country  
Planning (Scotland) Act  
1987

PLANNING PARTNER

Subject to the  
requirements of the  
associated Decision  
Notice



**Proposed Modular Micro Meat Processing Unit, Hardiesmill Place, Scottish Borders. TD3 6LQ**

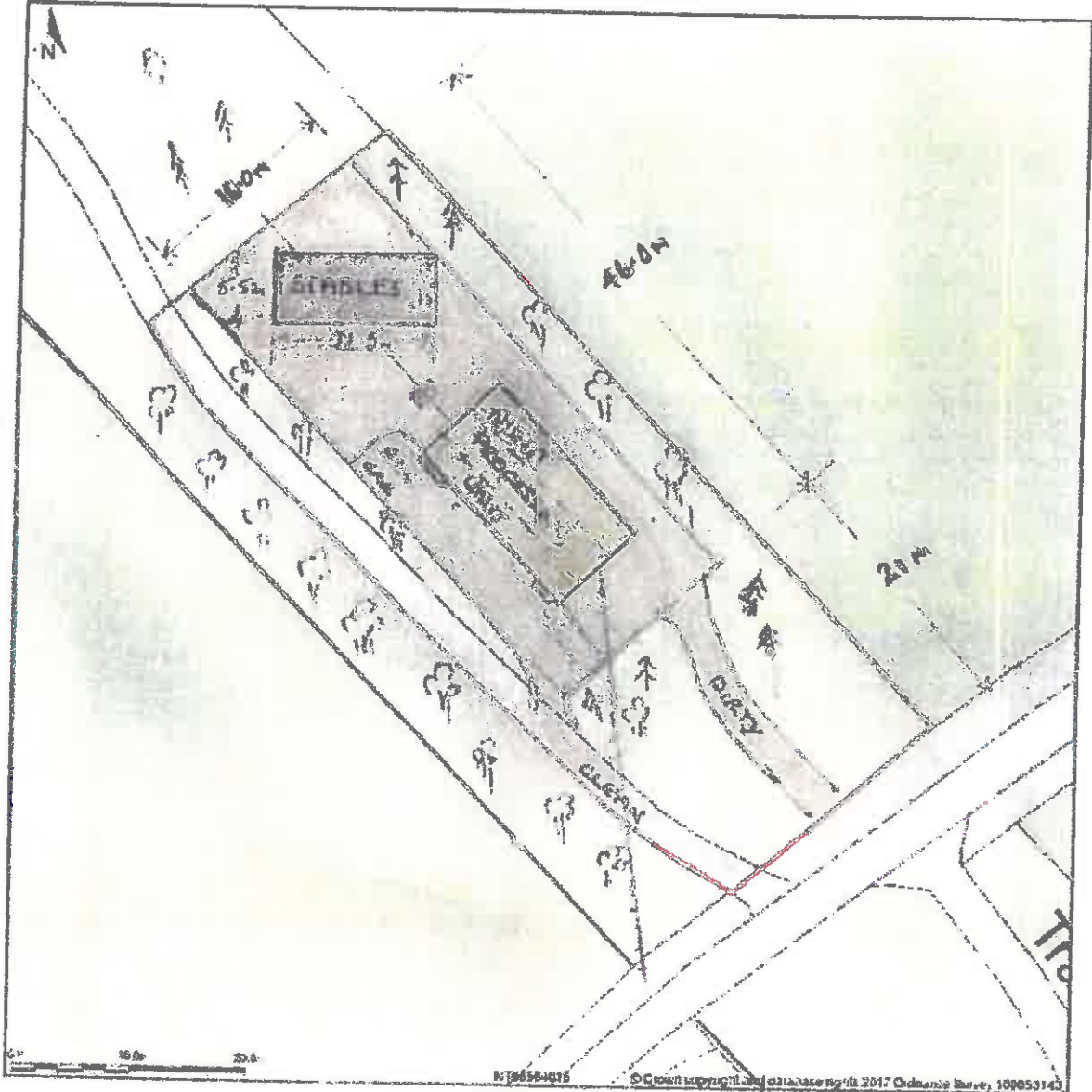


Block Plan shows area bounded by: 388520 48, 840108 83 288610 48, 640186 83 (at a scale of 1:500), OSGridRef. NT36564015 The representation of a road track or path is no evidence of a right of way The representation of features as lines is no evidence of a property boundary.

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**Proposed Modular Micro Meat Processing Unit, Hardiesmill Place, Scottish Borders, TD3 6LQ**



Each Plan shows were bounded by 365520.48, 640105.83 365610.48, 640165.83 (at a scale of 1:500). OSGratic: N:76554015. The representation of a road, track or path is no evidence of a right of way. The representation of features or lines is no evidence of a property boundary.

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- KEY:**
- 1 FENCE LINE
  - 2 BENEVOLENT HEDGE
  - 3 HEDGE
  - 4 MAIN WATER
  - 5 STABLES, WOOD FIN. W. SHINGLES ROOF. 5.5m x 12.5m
  - 6 MEAT PROCESSING UNIT, SHITZ METAL WALLS WITH SHINGLES ON TIN ROOF. 16.4m x 8.2m.
  - 7 YOUNG FIR TREES
  - 8 YOUNG OAK & BIRCH
  - 9 SEWAGE & BLACK COLLECTION

7/00238/FUL







HARDIESMILL MODULAR MICRO MEAT PROCESSING UNIT.

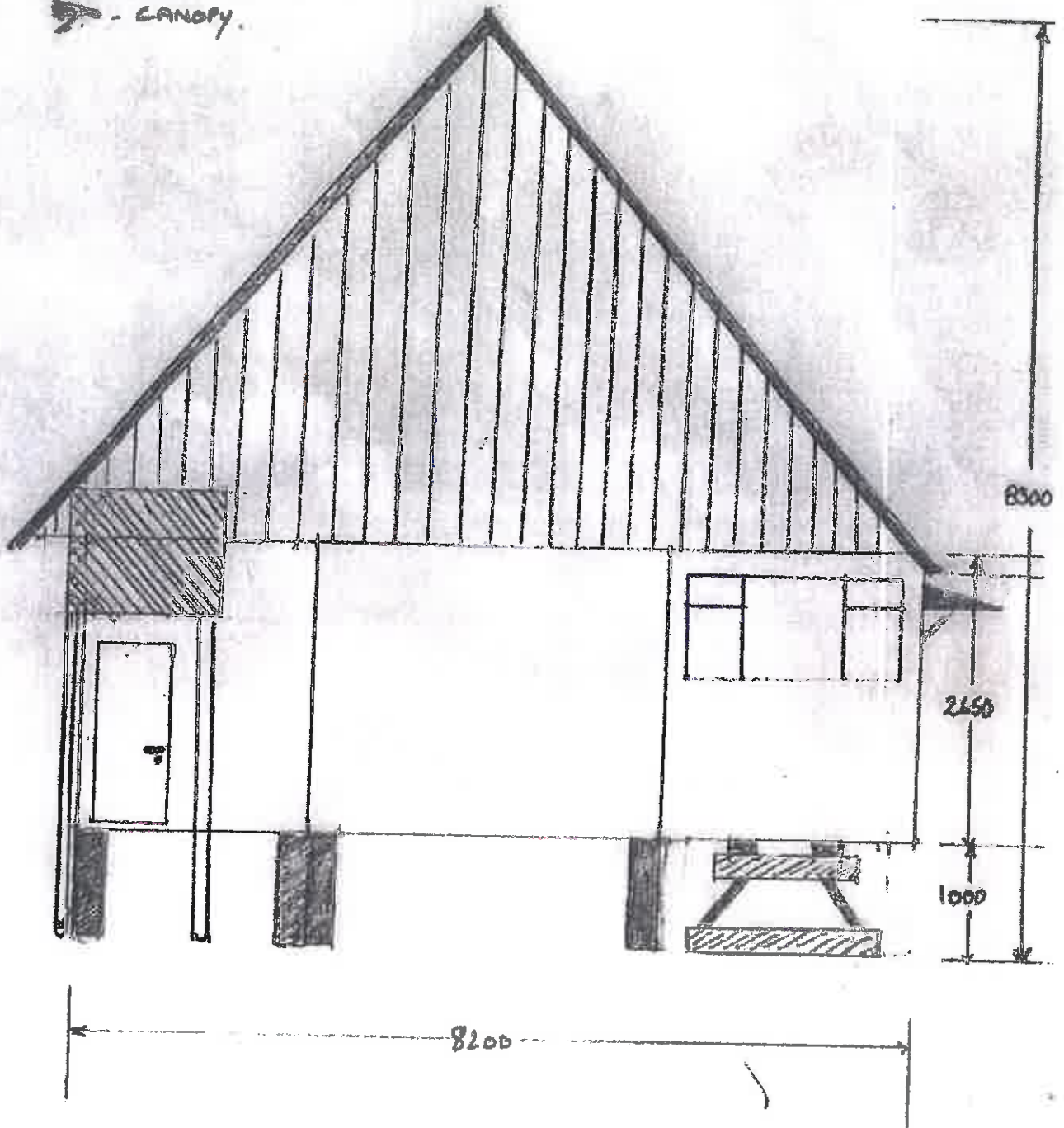
END VIEW - (NORTH SIDE)

Scottish Borders Council  
Town And Country  
Planning (Scotland) Act  
1997

REVISIONS

subject to the  
requirements of the  
associated Decision  
Notice

- Key:
-  - CONCRETE BLOCKS
  -  - WHITE WOODEN BOARDING
  -  - WHITE METAL SKIN
  -  - METAL STAND
  -  - SHINGLE PORCH
  -  - CANOPY



17/00239/UL






HARDIESMILL MODULAR MICRO MEAT PROCESSING UNIT.

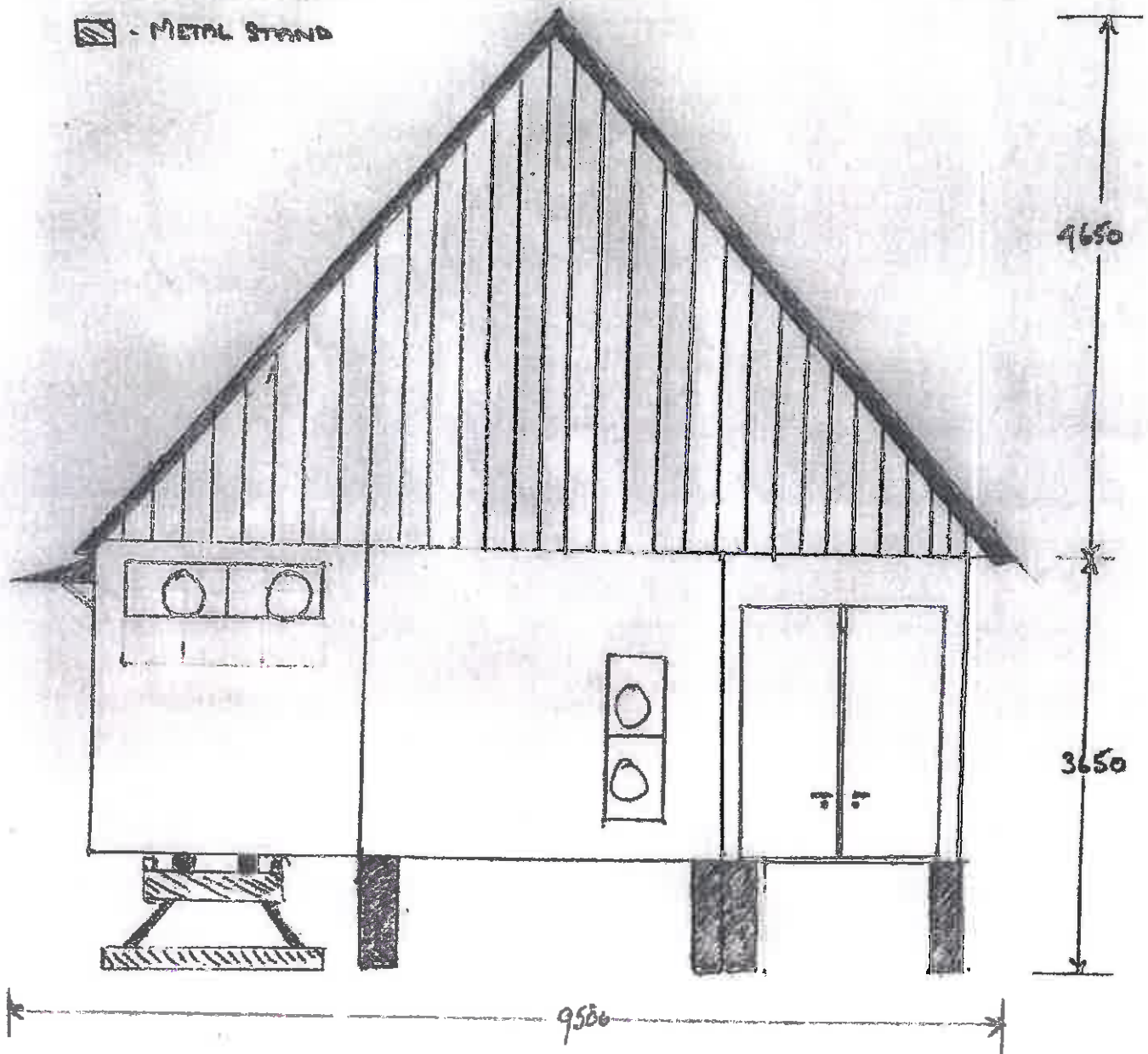
- END VIEW (SOUTH SIDE)

Scottish Borders Council  
Town And Country  
Planning (Scotland) Act  
1997

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice

- Key:
-  - CONCRETE BLOCK
  -  - WHITE WOOD PANELS
  -  - WHITE METAL SKIN
  -  - CONDENSOR.
  -  - METAL STAND



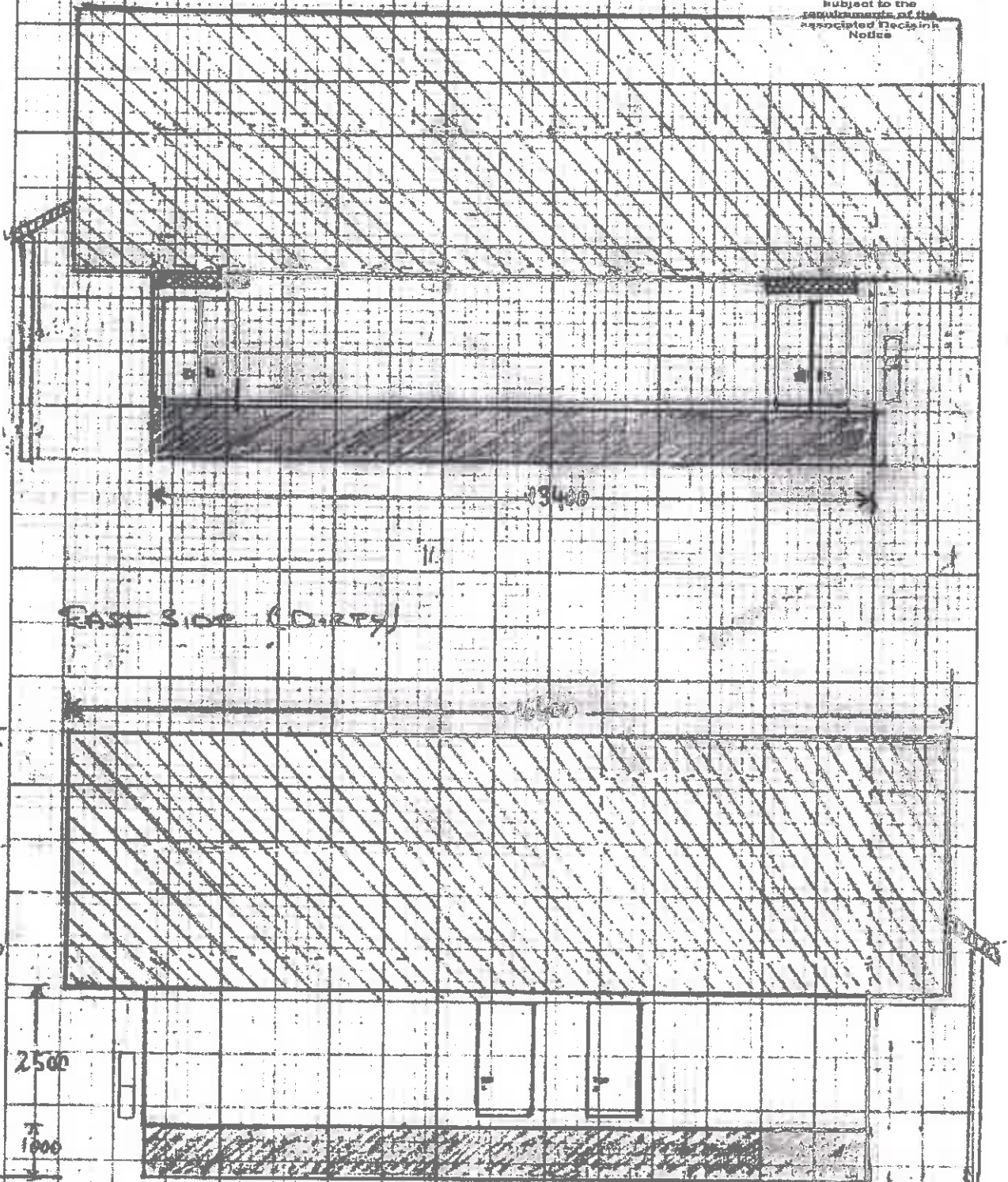
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Scottish Borders Council  
Town And Country  
Planning (Scotland) Act  
1997

REFUSED

subject to the  
requirements of the  
associated Decision  
Notice



EAST SIDE (DIRTY)

Key:

[White box] - WHITE METAL SKIN

[Hatched box] - CONCRETE

[Diagonal lines box] - SHINGLE OR TIN ROOF

[Dotted box] - BLACK (PORTABLE) CANOPY

Y/S2 DATE 20 FEB 2017

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17/00239/FUL

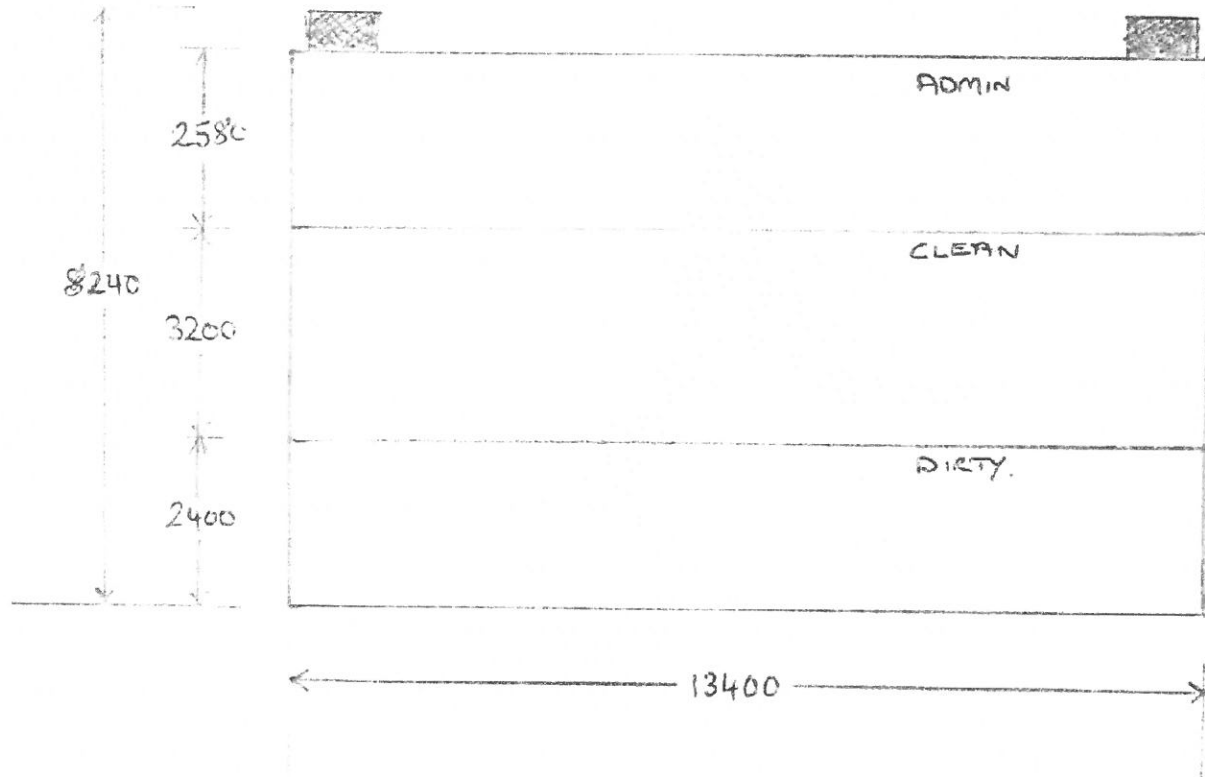
Scottish Borders Council  
Town And Country  
Planning (Scotland) Act  
1997

HARDIESMILL MODULAR MICRO MEAT PROCESSING UNIT  
(BIRD-EYE VIEW)

REFUSED  
Subject to the  
requirements of the  
associated Decision  
Notice

SCALE 1:100

Key:  WHITE METAL  
SKIN  
 LANDMARK



17/00239/FUL

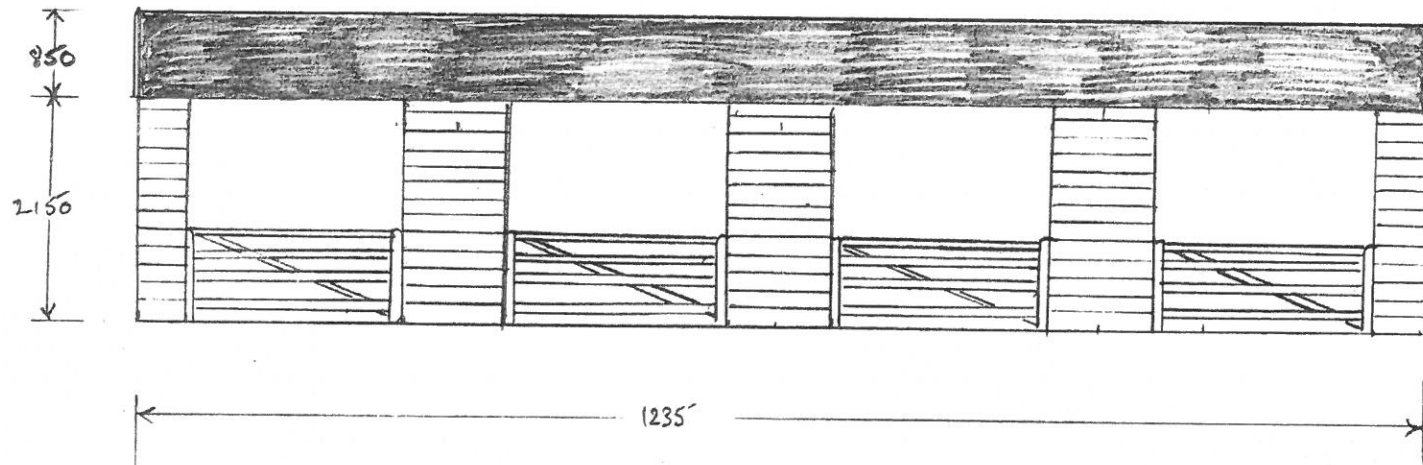
Scottish Borders Council  
Town And Country  
Planning (Scotland) Act  
1987

REFUSED

subject to the  
requirements of the  
associated Decision  
Notice

BULL PEN - FRONT ELEVATION

- Key: ■ - BLACK ONDULINE ROOF  
▨ - WOOD PANELLING  
□ - OPENING



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17/00239/FUL




1

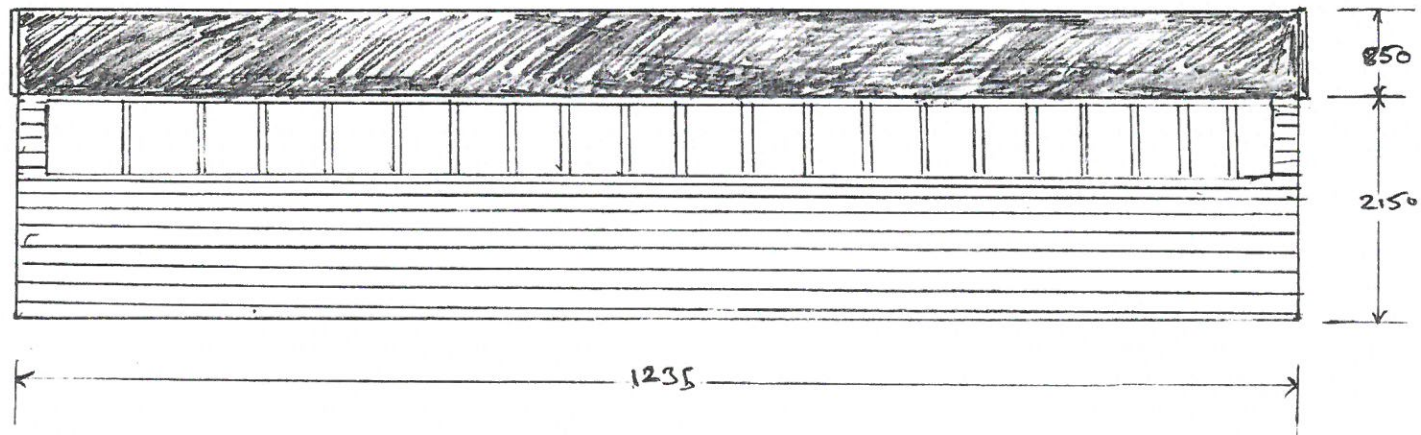
Scottish Borders Council  
Town And Country  
Planning (Scotland) Act  
1997

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice

BULL PENS - REAR ELEVATION

- Key:
-  - BLACK ONDULINE ROOF
  -  - WOOD PANELLING
  -  - OPEN WINDOWS



SCALE 1:50 v1. 23 FEB 2017


17/00239/FUL

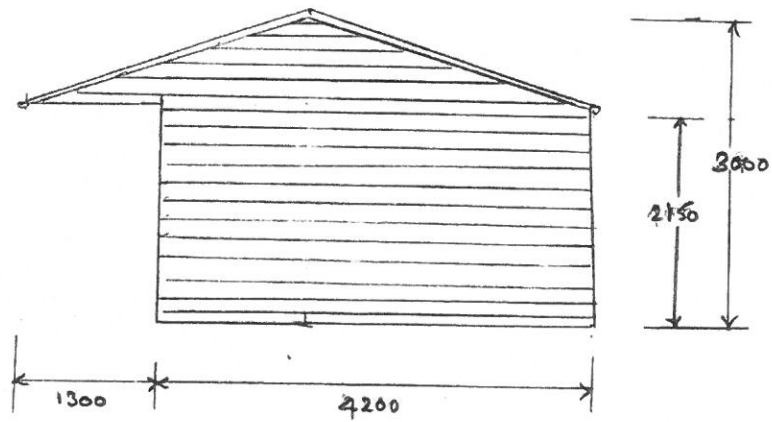
Scottish Borders Council  
Town And Country  
Planning (Scotland) Act  
1997

REFUSED

subject to the  
requirements of the  
associated Decision  
Notice

BULL PENN - SIDE ELEVATION.

Key:  - WOOD PANELLING



SCALE: 1:50

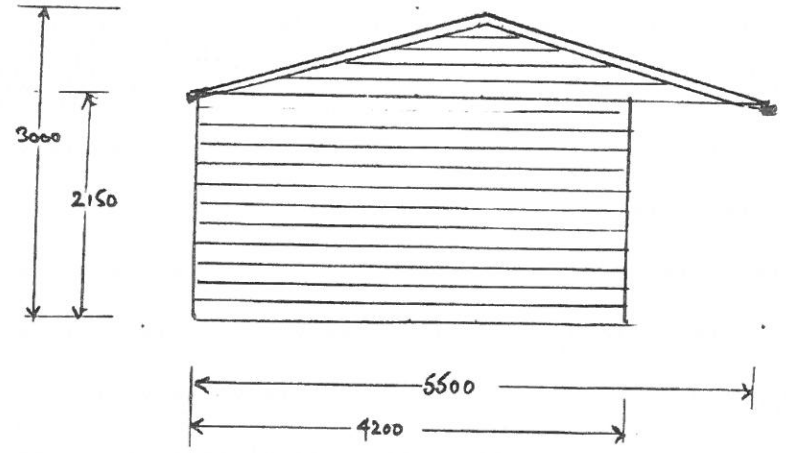
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23 FEB 2017

Scottish Borders Council  
Town And Country  
Planning (Scotland) Act  
1997  
**REFUSED**  
subject to the  
requirements of the  
associated Decision  
Notice

HARDIESMILL BULL PENS - SIDE ELEVATION

Key:  WOOD PANELING



SCALE 1:50 VC 1. DATE: 23 FEB 2017

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**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO  
CHIEF PLANNING OFFICER**

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

REF : 17/00239/FUL

APPLICANT : Mr Robin Tuke

AGENT :

DEVELOPMENT : Erection of micro meat processing unit and byre

LOCATION: Land At Hardiesmill Place  
Gordon  
Scottish Borders

TYPE : FUL Application

**REASON FOR DELAY:**

---

**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
HOLDING	Location Plan	Refused
SITE	Location Plan	Refused
	Planning Layout	Refused
VS1 MMPU	Elevations	Refused
VS2 MMPU	Elevations	Refused
VS3 MMPU	Elevations	Refused
MMPU	Floor Plans	Refused
VS 1 BYRE FRONT	Elevations	Refused
VS 1 BYRE REAR	Elevations	Refused
VS 1 BYRE GABLE	Elevations	Refused
VS 1 BYRE GABLE	Elevations	Refused

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

No objections. Community Council and Economic Development have not responded to the public consultation, although Economic Development has confirmed verbally that it has reviewed the business case, and is content with the Applicant's business case.

Roads Planning Section: initially responded to seek clarification and additional information from the Applicant, specifically with regard to: the need for the proposal to be isolated from the farm and operated with a separate vehicular access; the proposed vehicle movements; the need for the separation of 'dirty' and 'clean' accesses within the overall site access arrangements; and the potential for the latter to be amalgamated prior to joining the public road. Further to the provision of ulterior advice from the Applicant, Roads Planning has now responded to advise that this additional information alleviates the previously expressed concerns and it is now able to support the proposal subject to the following concerns being met: (i) the new accesses need to be surfaced to Roads' given specification; wheel washing facilities need to be put in place at the 'Dirty Access', to prevent debris being carried onto the public road; and measures require to be put in place, to prevent the flow of

water onto the public road boundary. It is further noted that it should be borne in mind that only contractors first approved by the Council, can work within the public road boundary.

Environmental Health Section: has no comments with regard to potential land contamination. With regard to amenity and pollution, planning conditions are sought to require (a) that it be demonstrated prior to the commencement of development that the private drainage system would be maintained in a serviceable condition; (b) that no water supply other than public mains water should be used for human consumption, without the prior written consent of the Planning Authority; (c) that written evidence should be supplied to the Planning Authority that the property has been connected to the public water supply network prior to its occupation; and (d) that conditions intended to regulate noise nuisance be applied. An informative is recommended to advise the Applicant of the need for the premises to be registered as a food premises with the Council, before any operations commence.

SEPA: has no objection, but has concerns with respect to the management of both foul drainage and surface water drainage at the site. With respect to the disposal of foul drainage, it is concerned that only one tank is indicated, when separate tanks would be required to manage the disposal of sewage and the disposal of animal blood and by-products. Advice is given as to how drainage would be appropriately regulated on-site, and what environmental regulatory mechanisms would be applicable to the development's operation.

Food Standards Scotland: advises that it has received an application for a food business establishment (operation of Micro Abattoir and Lairage facility) to which both Regulation (EC) No 852/2004 and Regulation (EC) No 853/2004 apply. It advises that it is content with the proposed plans that have been laid before it to date. It will continue to liaise with the owner going forward.

#### **PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Council Local Development Plan 2016:

Policy PMD1: Sustainability  
Policy PMD2: Quality Standards  
Policy ED7: Business, Tourism and Leisure Development in the Countryside  
Policy HD3: Residential Amenity  
Policy EP13: Trees, Woodlands and Hedgerows  
Policy EP16: Air Quality  
Policy IS7: Parking Provision and Standards  
Policy IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

**Recommendation by** - Stuart Herkes (Planning Officer) on 31st May 2017

#### **SITE DESCRIPTION AND PROPOSED DEVELOPMENT**

This application proposes the siting and operation of a micro meat processing unit and byre within an existing agricultural shelter belt, around 350m to the southwest of the farmyard at Hardiesmill Place, the existing centre of operations of the proposed unit's prospective operator.

At present, the farm not only rears, but also butchers, its own meat. It is though reliant upon an abattoir off-site for slaughtering. Notwithstanding this, the business has a concern to process its own meat from field to market, and to do so to the highest possible standards with respect to animal welfare. At this moment in time, slaughtering takes place at some distance from Hardiesmill, which requires lengthy vehicular journeys to move livestock to slaughter from the farm, and then carcasses back to the farm's butchery for processing.

The intention behind the current proposal is to allow the business to gain full control over the entire processing - and therefore quality - of its meat products by essentially accommodating an abattoir 'on-site' at the farm. This would avoid the costs of haulage, and facilitate improvements in animal welfare through reduced handling and stress for livestock; principally by avoiding long journeys to abattoirs in other regions; an inevitable part of this, or indeed, almost any other cattle-rearing operation. These health and handling benefits, it is anticipated, have potential to lead directly to an improvement in the quality of the meat, translating into a better product, and critically, into a high quality product at the top end of the business'

target meat markets. The Applicant advises that the proposal would allow the business to take the next step in securing and improving its products, and in accessing new markets, and in a way that it anticipates, would be liable to achieve the highest levels of animal welfare in the world.

The planning proposal consists of the siting of two main structures. The first of these, would be a modular unit with a footprint of 13.5m by 8.2m, attaining a height of 8.3m to its roof ridge. This would more particularly be made up of three white-painted metal units aligned in parallel to one another, mounted on concrete blocks under a steeply sloping shingle or green-finished metal roof. Second of all, to the northwest, there would be what is described as a stables building, which is intended to contain livestock ahead of their processing within the unit. This would have a footprint of 12.3m by 4.61m, with an overall (roof ridge) height of 3m, and would be a relatively standard timber clad structure. In association with these structures, would be areas of hard standing, required for assembly of the unit and also car parking for up to three employees. The Applicant proposes to use an existing track for its 'clean' access, which is largely overgrown. While liable to require upgrading, this appears to already be finished in some form of hard surfacing. It is a requirement of the operation of the proposal that there should be 'clean' and 'dirty' accesses. Vermin proof fencing is also a requirement with respect to site management considerations.

More recently, the Applicant has proposed that the site, or at least the lower sections of it, should be screened by bunds planted with trees, and has provided photomontages which describe a building with a computer-generated slate grey coloured roof. These images are based upon a unit, which is now on site. The latter raises some difficulties with respect to the assessment of the current application in that what has been installed on site is notably different to what is proposed. The unit on site is effectively a double-height container unit, and in a position that appears to be in closer proximity to the northeast boundary of the site and to the public road than within the configuration that is described on the Proposal Drawings. Accordingly, the description of the photomontages can only appropriately be treated as indicative at best. It is unclear how the Applicant could resolve the discrepancies between what has been installed on site, and what is proposed under the application. However, for the avoidance of doubt, it is the proposal that is described by the Applicant's Proposal Drawings which is the subject of the planning application, and which is therefore only appropriately the subject of the Planning Authority's assessment.

Within more recent communications, the Applicant considers that more recessive coloured finishes in combination with bunds and tree-planting, would suffice to address the concerns of Planning Policies PMD2 and ED7 that the development should be finished in a way that is sympathetic to the site and surrounding area. The Applicant also considers that were the upper section of the micro-meat processing building to be finished as such, it would also be capable of being 'read' as a residential property in line with the finishes and designs of dwellings within the wider area at Hardiesmill in particular, and further afield.

Supporting advice seeks to justify the design of the proposed micro meat processing unit in technical terms, noting that features such as the raised floor level and high roof, are requirements of the meat processing operations, and would allow the operation to conform to the highest standards.

## PLANNING PRINCIPLE

Although Economic Development has not responded to the public consultation, it has verbally communicated that it is aware of the subject business, and considers the proposal to be in alignment with the business' established operations. The Planning Officer has at the time of the site inspection, visited the Applicant's existing premises, and has inspected the premises of its existing butchery operations (which were approved in 2009 under Planning Consent 09/00270/FUL). The Planning Officer is therefore content that the butchery business is an established concern and employer. Having reviewed the Applicant's business case, it is considered that the proposal would be well-related to the Applicant's existing business operations, and therefore that it would not reasonably be held to be objectionable in principle.

It is also considered that positive regard might reasonably be had to the identified economic and employment benefits of allowing this facility; as well as to potential environmental benefits. There is at present a traffic of livestock to, and carcasses back from, the off-site abattoir, which would not be required, were the livestock to be processed on-site. There are also clear benefits to animal welfare at least in the case of livestock stored on the farm at Hardiesmill, where the need for long vehicular journeys to slaughter, can be removed out of the cycle from field to butchery.

Beyond the principle itself however, it is still not usual within modern farming operations for slaughtering to take place on-site at the farms where cattle are reared. Abattoirs are more commonly operated centrally and independently of individual farms, and are more likely to be accommodated within industrial estates in, or in close proximity to, settlements where road and rail access are good, and where residential amenity is more easily protected through the strict separation of industrial and residential land uses.

Accordingly, while it is accepted that the proposal does relate well to, and can benefit, the specific farm/butchery business currently operating at Hardiesmill, a point of concern would be any potential for the unit to process livestock other than those farmed by the Applicant himself. It is a concern at least, that any unqualified approval would have potential to result in the operation of a commercial abattoir, which would conversely be liable to increase - and not decrease - traffic movements to, and from, the site along relatively narrow country roads in the immediate vicinity of the site. In the event of approval, it might reasonably be required by planning condition that the micro meat processing unit should only be used to process livestock owned by the farm business at Hardiesmill, thereby ensuring that if approved, the facility would only be used to support the existing business operations. (It is reasonably allowed that the facility should be allowed to process livestock owned by the Applicant, albeit not necessarily stored at Hardiesmill, since it is understood that the Applicant does lease land within the surrounding area to graze some of his own cattle, albeit that the majority are understood to be stored at Hardiesmill).

In summary, and subject to the above noted condition, it is not considered that the Applicant's proposal would be unacceptable in its principle. However, notwithstanding that the development would be well-related to the Applicant's existing farming and butchery operations, it still needs to be considered whether or not (or in what circumstances) the specific proposal would satisfactorily be capable of being accommodated in, and operated from, this particular isolated rural location.

#### SITE SELECTION

In planning terms at least, any new structures required to accommodate the proposed micro meat operations would be most appropriately accommodated within, or adjacent to, the existing farmyard at Hardiesmill, rather than in any isolated situation as is currently proposed. However, the Applicant advises that both Animal & Plant Health (APHA) and Food Standards Scotland (FSS) have specified that the unit must be isolated from the existing farm for bio-security reasons. (There would also seem to be administrative reasons why the Applicant would require to accommodate the unit out with the farm - particularly if there were any concern to process livestock originating out with the Applicant's own herds - but since these appear to relate more to paperwork than practical considerations, it is not considered that these matters should reasonably concern the Planning Authority within its decision-making on this particular matter). More recently, the Applicant has provided advice from the Meat Industry Guide (Aug 2015), with its explicit requirement that "environmentally polluted areas" should be avoided, and located 400m from the nearest non-related dwelling.

Having regard to the letter from APHA provided by the Applicant as well as the consultation response of Food Standards Scotland, the Planning Service is content that the Applicant does have a reasonable requirement to identify a new site at an appropriate distance from the established farmyard itself, and on the basis of the identified biosecurity considerations alone. However, notwithstanding this, the particular site selected does still require further consideration, particularly with respect to how such a proposal might be sited as efficiently and discreetly as possible.

There are no other building groups or structures within the farm's ownership, out with the farmyard itself. Accordingly the need for a new isolated site for the micro meat processing unit is considered to be reasonable in itself.

The Applicant has identified an existing shelter belt as the proposed site. In terms of the justification for this particular site, the Applicant maintains his concern to site the unit within the tree-belt on the grounds that: (a) this is the best site out with the farmyard in which the requisite vehicular access arrangements are more readily able to be accommodated without significant alterations being required; (b) this is the closest site within the Applicant's ownership to the main road, being adjacent to the public road, and closer to the A6089 than the farm itself; (c) the site is at the furthest remove to the southwest from houses at Hardiesmill, and otherwise isolated from other surrounding residential properties, as to make operation from this location liable not to have any unacceptable impacts upon the residential amenity of any surrounding properties; and



(d) the Applicant considered that location within a tree belt was itself liable to be a positive factor with respect to providing some means of screening or softening views of the unit itself.

It is considered that positive regard can indeed reasonably be had to the first three of these considerations noted above. However, with respect to the proposal to site the unit within an existing tree belt, even a clearing or lightly wooded area within the tree belt area, it is noted that in planning terms at least, the site would be more appropriately located next to, rather than within, the existing tree belt. This would then have allowed the Applicant to retain the existing shelter belt in its entirety as a screen in views from the public road and the west. In combination with additional tree planting around the site, there would have been some opportunity to have accommodated the facility more discreetly in landscaping terms than is proposed, without there being any loss or diminution within the tree belt as a landscape feature.

The Applicant was made aware of these concerns by the Planning Officer, and he has provided a professionally prepared Tree Report, which advises that the existing tree belt is not of particularly good quality. He has added proposals to strengthen and improve the quality of tree planting along the boundaries of the tree belt land. The potential landscape and visual impacts are considered below.

### LANDSCAPE AND VISUAL IMPACT CONSIDERATIONS

The proposed micro meat processing structure raises concerns in terms of its unsympathetic appearance, which is visually awkward, unusual and not obviously agricultural or rural in its nature. It is not of a form or design of structure that is easily or readily absorbed into a rural or agricultural landscape context. The Planning Officer has taken this matter up with the Applicant, who advises that what is described is essentially an existing bespoke unit, and that this is the form in which this particular unit is manufactured and would be supplied to them. The design, the Applicant advises, is set by the EC veterinary, and that in coming to the final approved design, this organisation examined every aspect of the process, including animal welfare, operator safety and welfare, food hygiene, plant health, rural sustainability and product quality. The Applicant advises that the form and height of roof is directly informed by the requirements of the proposed meat processing operation itself, specifically with respect to the management of slaughter. The walls, the Applicant advises, are required to be white, because these are standard refrigerated units which operationally, need to reflect as much heat as possible. According to the Applicant, the building is therefore a functional response to the accommodation of the most efficient and humane methods of processing cattle.

The height, size and colour of the proposed micro meat processing structure, and its proximity to the public road, combined with what can only reasonably be anticipated to be the substantial loss of trees from the centre of the tree belt in the first instance, would mean that this building would be liable to feature as a high structure of unusual and indeterminate character, which would not be readily reconciled with a rural or agrarian context. Although they address operational requirements, features such as the white walls, unusually steep roof pitch and raised floor level, all contribute to an unsympathetic appearance, which is simply not capable of being accommodated visually in this isolated rural location. The appearance is made all the more incongruous by heavy roof overhangs, canopies, a porch and domestic-looking windows.

Although the Applicant would seek (through the proposed bunding and tree-planting) to make the proposed micro meat processing unit more visually recessive, there is an acknowledgement that a building of this height could not be screened out, and that its upper section at least, would remain highly visible in views from the public road and surrounding area. However, the Applicant considers that an acceptable appearance might still be achieved by making the upper sections of the building at least, appear domestic in character. It is acknowledged that certain features of the proposed building would theoretically at least, be more easily resolved into a domestic or residential appearance than an agricultural one. This is a feature which the Applicant considers might be usefully accentuated, rather than diminished, through the proposed use of a slate-coloured finish for the roof. This, the Applicant advises, would be in character with surrounding residential properties at Hardiesmill and those further afield. The Applicant also considers that the steepness of the roof pitch is not so far removed from a Fjordhouse at No 5 Hardiesmill Place Farm, as not to have some precedence within the wider area.

Notwithstanding the difficulties and peculiar challenges that would inevitably be associated with accommodating such an unusual building in the countryside, it would have to be said that any proposed 'resolution' of its design into a building of residential character (and particularly such an obviously non-traditional residential character in this case) is in itself not reasonably in keeping with the character of an isolated rural site. The Applicant's hybrid solution of screening as much of the lower part of the building as

possible, and then disguising the upper section as a non-traditional house, is simply not an effective way of accommodating this proposal in landscape and visual terms.

Ultimately the introduction to an isolated rural site of a building that might be taken to be a house of a non-traditional and unusual design, raises exactly the same landscape and visual impact concerns as an actual proposed house of a non-traditional and unusual design. Accordingly and had this been a housing proposal with an operational justification for location on this particular site, the Planning Authority would certainly have been liable to have sought either as traditional a design as possible for any proposed dwelling, or as recessive and low-key a design as possible, for any contemporary design of dwelling. As far as it is reasonable to assess the proposed micro meat building as a "pseudo-house", its design is both non-traditional and not at all, low key or recessive in its design or finishes. I consider that it would not be supported by this Planning Authority were it to have been proposed as the design of a house, even one with a justification for being in this location. Accordingly the proposal that the building might be disguised as a development that the Planning Authority would not have been liable to support on design grounds in the first place, were it in fact a house, is therefore in itself, inherently flawed. Such a proposal only draws attention to the fact that the basic design of the building is at a fundamental level, irreconcilable with any form of development that the Planning Authority would otherwise be liable to support in this location.

As noted above, it is not a matter that the current assessment needs to address, but it is not actually clear how the Applicant would reconcile the proposed appearance (slate coloured pitched roof etc) with what has in fact been installed on site since the proposed and installed appear to be fundamentally different units. The introduction of a pitched roof to the installed unit would only be liable to exaggerate its height and incongruity.

The Applicant has been asked whether the proposed micro meat processing unit building could itself be accommodated within a larger agricultural shed, but the Applicant has pointed out that this would be liable to raise biosecurity concerns, primarily due to the potential for birds and vermin to access the outer building, with potential to contaminate operations. By contrast, the proposed unit is raised and sealed to exclude birds and vermin from all operational areas. The Applicant also advises that installation within a shed was ruled out because the unit functionally, also has to have multiple entrances in order to separate out: live cattle, "clean" meat, dirty waste, people and the technical area.

As noted above, accommodation of the proposed unit within a farmyard or existing group of buildings would more readily have allowed the structure to be screened by other buildings, or at least resolved into a more securely agricultural context, in which its presence and appearance might be appropriately mitigated in landscape and visual terms. However, as an isolated structure, the only potential mitigation would be that the structure might be suitably screened out in views from the public realm by surrounding landform and/or surrounding trees.

In the case of the identified site, and notwithstanding reasonable visual containment within the landform at distance, the land within the immediate surrounding area is relatively low-lying and open. There are clear views between the site and the adjacent public road. Surrounding topography does not provide any strong visual containment. The Applicant has advised that the unit would be situated in a natural dip in the landscape, but any change in levels relative to the natural ground levels is not particularly pronounced and would not reasonably be expected to mitigate the visual impacts, particularly if the proposal were to be accompanied by a hollowing out of the site as seems directly implicit. The Applicant also acknowledges that the structure would continue to be visible despite the involvement of any relatively lower topography.

Accordingly, the only potential mitigation would be for the proposed micro meat processing building to be screened out by trees. However, as noted above, the proposal to site the unit within an existing tree belt ostensibly runs counter to this, in so far as the location of the unit within a relatively narrow tree belt actively reduces the extent of visual containment that might otherwise have been afforded to it. A location adjacent to the tree belt, with proposals to strengthen the tree-belt and even introduce new tree-planting around the site, would have been a more effective approach to the accommodation of this proposal within the local landscape around the site. However, while this might have allowed for the tree belt to be retained to greater screening effect, it would still not have screened out the building in views from the public road to the east, where it would still feature as a high and prominent structure, without any mitigation from any existing landscape screen.

EXISTING TREE BELT

Despite being advised of the Planning Service's concerns with respect to the impacts upon the existing tree belt, the Applicant has insisted that the proposed site represents the most appropriate and efficient location for the proposed micro meat processing operation. Rather than propose any new siting to one out with the tree belt, the Applicant now includes amongst his proposals, proposals to strengthen tree-planting around the edges of the existing tree-belt, to allow some form of screen to develop to either side.

Although professionally-prepared, the Tree Report is fairly basic in its consideration of the existing trees, and does not seek to identify in any detail how the development might be managed so as to minimise impacts upon specific trees. Instead, the trees of the site are described as prevailing within three main zones - G1 (a southwestern sitka spruce group), G2 (a central silver birch group) and G3 (a northeastern ash group) - which all run parallel to one another, back from the public road.

The Tree Report perceives potential to reinforce planting along the sides of the shelter belt area in the G1 and G3 areas. Its preliminary recommendation that a tree would need to be felled within the central area (G2) is conservative. Ultimately the Tree Report confirms what is largely apparent on the ground, which is that the existing tree belt is a relatively young and in places, very poor and patchy group of trees. However, while it is difficult to maintain that the existing tree belt is a high quality landscape feature, its existence as a shelter belt in itself is still significant, and the potential is there at present, to improve this area of land as a woodland resource. Such potential would though be lost, were the site to now be substantially 'hollowed out' to accommodate the micro meat processing unit within its core.

If the proposal were to go ahead, it could only reasonably be allowed that the centre of the site would require to be substantially cleared. There is potential for tree planting to be retained and even strengthened along the boundaries as the Tree Survey Report advises, but the detail of this would still require to be regulated under planning condition if the proposal were supported in its current form. However, lateral reinforcement of tree-planting around the edges of the site would not be so substantial in itself as to be able to reasonably provide any effective screen at all of views of the site's interior (even if trees might still soften views of the site from the public road).

In summary, in the event of approval, it is considered that it would be appropriate to ensure as effective a screen of trees as possible, to either side of the buildings. This could be required and regulated under planning conditions. Ultimately however, it is apparent that such screening would not mitigate or off-set the adverse landscape and visual impacts that would result from siting and operating the proposal - specifically the design of the proposed micro meat processing unit building.

As an alternative or additional measure, the Applicant has more recently suggested that the land around the unit might be bunded, which might then be planted with trees. However, substantial made up ground levels would be liable to constitute a less favourable environment for new tree planting (which would be liable to establish itself more quickly and successfully on natural ground); while in this situation, any bunding would be obviously unnatural (liable to feature as a long ridge) which would be liable to draw attention to the site. In short, bunding would be liable to exaggerate the landscape and visual amenity concerns, rather than address them or provide any effective mitigation.

The Applicant considers that the site could be re-planted as a shelter belt to a higher standard than at present, in the event that the unit were removed from the site and not replaced, but this would not be reasonably required by planning condition, where it is only reasonable to assume an ongoing micro-meat processing unit in the longer-term.

#### ECONOMIC AND ENVIRONMENTAL BENEFITS V. ADVERSE LANDSCAPE AND VISUAL IMPACTS

It is material that the existing tree belt is not a good quality landscape feature, and that it might at present, be managed as a woodland resource at the farm's discretion. However, notwithstanding this, the proposal is ultimately only reasonably seen to represent a negative impact upon the landscape in that it would directly result in a 'hollowing out' of an existing tree-belt area rather than promote any enhancement or improvement of this feature (given at least, the actual reduction in the area available for tree-planting itself within the tree belt land).

If the proposal were to be supported, an appropriate landscaping treatment would certainly be appropriately required to off-set as far as reasonably possible, the negative visual impacts of siting this building as

proposed. However, the tree planting proposals would not reasonably be characterised as being liable to mitigate sufficiently the adverse landscape and visual impacts of this proposed development. The question before the Planning Authority is therefore only reasonably: whether or not the adverse landscape and visual impacts associated with this proposal, would or would not, be outweighed by its economic, employment and environmental benefits to the farm/butchery business and wider area?

On balance, the Planning Service is persuaded that the southwest corner of the Applicant's existing holding is the right area of the Applicant's holding for the accommodation of this proposal. While a more established shelter belt on the site may have made it appropriate to require that the Applicant reconsider the precise proposed siting, the principle of the use of the site is not in the circumstances considered to be objectionable, subject at least to appropriate landscaping proposals being required to counteract as far as possible, some of the negative visual impacts. In the event of approval, proposals to ensure a more sympathetic finished appearance to the unit itself should also be put in place to provide as much mitigation as possible, of the finished appearance. However, notwithstanding the potential to improve the appearance of the site through new tree-planting and more appropriate external materials and finishes, the Planning Service is of the view that the above noted measures would not mitigate sufficiently the finished appearance of the proposed micro meat processing unit structure sited in this location. The proposed design may be functional, but it is of poor quality; very different to any existing buildings within the surrounding area; and is of a notably indeterminate character that it is not readily reconciled with this isolated, and relatively open, rural location. Simply put, it would be highly unsympathetic in its appearance and would have an unacceptably detrimental impact upon the visual amenities of the site and surrounding area, even allowing for potential to improve both the proposed finished landscaping and materials and finishes. Ultimately however, the latter are not considered to constitute sufficient mitigation to the adverse landscape and visual impacts that might otherwise have allowed the proposal to be supported.

In coming to this view, the Planning Service has taken account of the economic and environmental benefits of the proposal and the functional aspects of the proposed design. Consideration has also been given to photomontages supplied more recently by the Applicant which he advises show the actual micro-meat processing unit building which is now in situ, but with a computer-generated roof. The latter is shown finished in a slate colour. However, the Planning Department is ultimately not persuaded that these benefits and functions outweigh the damage to the visual amenities of the site and surrounding area that would result from the siting of the proposed micro meat processing unit building in this location.

#### OTHER CONCERNS

In the event of approval, it is considered that it would be prudent to require that the finished height above ground level of the main meat processing unit at least, should be regulated. (This might be achieved relatively simply, by requiring that the roof ridge should not be over 8.3m above the existing ground level, as per the description of the supporting details).

The proposed stables or byre building could be realised as a relatively simple and relatively low timber building, and is not considered to raise equivalent landscape and visual impact concerns to the siting of the proposed micro meat processing unit.

Roads' concerns, and those of SEPA and Environmental Health, are capable of being met by appropriately worded planning conditions and informatives, primarily requiring that appropriate service provision for the development be demonstrated in advance of installation, while Roads' specifications with respect to the operation of the site access, would reasonably be required. While it is considered that there are valid amenity and environmental reasons for the Planning Authority to require the prior approval of appropriate details with respect to the management of water supply and drainage on-site, most of the direct concerns raised by Environmental Health are environmental health and not planning considerations, and are therefore only appropriately made the subject of informatives, rather than planning conditions.

In some instances, impacts are similar to those that might occur within an agricultural operation, and do not reasonably raise any issues, while other impacts are in any case, appropriately controllable under environmental health legislation and regulatory mechanisms. In short, it is not considered that the proposals would be liable to have any unacceptable impacts upon residential amenity or local amenity, and that such matters are otherwise appropriately regulated.

In the event of approval, informatives might reasonably draw the Applicant's attention to the potential for the shelter belt to provide habitat for bats and breeding birds. Since ecological considerations are integral to the management of the shelter belt, the proposals do not reasonably raise any considerations that the Applicant as the shelter belt's manager, would not otherwise have to address. However, informatives would usefully remind them of their responsibilities. Given the generally immature, small and patchy nature of the shelter belt's existing tree cover and the lack of old and veteran trees within the vicinity of the site, the Planning Officer did not consider it necessary or reasonable to seek any ecological survey from the Applicant in the particular circumstances of this site.

In the event of refusal, an informative would be required to advise the Applicant that the micro-meat processing unit that has been installed, has been installed without planning consent, and that enforcement action would be pursued beyond the period of any potential appeal to the Local Review Body if this structure is not subsequently removed from the site within a short period of time.

## CONCLUSION

It is the Planning Service's view that the proposal - specifically the proposed micro meat processing unit building - would have unacceptably detrimental impacts upon the landscape and visual amenities of the site and surrounding area, which are ultimately not outweighed by the economic and environmental benefits that the development would bring; and is not capable of being sufficiently addressed by the Applicant's tree-planting proposals and/or by the use of any alternative materials or finishes that might otherwise be used to clad or treat the external surfaces of the unit.

## REASON FOR DECISION :

It is considered that the proposal should be refused for the following reason:

The proposal does not comply with Adopted Local Development Plan Policies ED7 and PMD2 in that the design of the micro meat processing building is unsympathetic to the rural character of the site and surrounding area, and would be readily visible from the public realm (including from the adjacent local road) as a consequence of the isolated, greenfield nature of the site and the lack of any existing effective screen within the surrounding landscape (beyond the immature and patchy tree belt on the site, which would require to be cleared in part, in order to accommodate the proposal). This unacceptably detrimental landscape and visual impact is not outweighed by the potential economic and environmental benefits of the proposal to the Applicant's farming and butchery businesses and wider rural economy.

## **Recommendation:** Refused with informatives

- 1 The proposal does not comply with Adopted Local Development Plan Policies ED7 and PMD2 in that the design of the micro meat processing building is unsympathetic to the rural character of the site and surrounding area, and would be readily visible from the public realm (including from the adjacent local road) as a consequence of the isolated, greenfield nature of the site and the lack of any existing effective screen within the surrounding landscape (beyond the immature and patchy tree belt on the site, which would require to be cleared in part, in order to accommodate the proposal). This unacceptably detrimental landscape and visual impact is not outweighed by the potential economic and environmental benefits of the proposal to the Applicant's farming and butchery businesses and wider rural economy.

## Informatives

It should be noted that:

- 1 The container unit installed on site requires to be removed from the site at the Applicant's earliest opportunity. While it is reasonable to allow sufficient time for the Applicant to make alternative arrangements for the removal and disposal of the unit, the Planning Authority reserves its right to

inspect the site subsequent to this planning decision to ensure that the site is being operated in accordance with planning regulations, and if necessary, to pursue enforcement action against any observed breaches of these regulations including if the unit and/or any other related or alternative structures associated with the proposed micro meat processing unit, are found to be (still) in situ.

**“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013**

**Application for Planning Permission**

**Reference : 17/00239/FUL**

**To : Mr Robin Tuke Hardiesmill Place Gordon Scottish Borders TD3 6LQ**

With reference to your application validated on **28th February 2017** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-


**Proposal : Erection of micro meat processing unit and byre**

**at : Land At Hardiesmill Place Gordon Scottish Borders**

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s) stated on the attached schedule**.

**Dated 31st May 2017  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**Signed**

  
.....  
**Chief Planning Officer**

**APPLICATION REFERENCE : 17/00239/FUL**

**Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
HOLDING	Location Plan	Refused
SITE	Location Plan	Refused
	Planning Layout	Refused
VS1 MMPU	Elevations	Refused
VS2 MMPU	Elevations	Refused
VS3 MMPU	Elevations	Refused
MMPU	Floor Plans	Refused
VS 1 BYRE FRONT	Elevations	Refused
VS 1 BYRE REAR	Elevations	Refused
VS 1 BYRE GABLE	Elevations	Refused
VS 1 BYRE GABLE	Elevations	Refused

**REASON FOR REFUSAL**

- The proposal does not comply with Adopted Local Development Plan Policies ED7 and PMD2 in that the design of the micro meat processing building is unsympathetic to the rural character of the site and surrounding area, and would be readily visible from the public realm (including from the adjacent local road) as a consequence of the isolated, greenfield nature of the site and the lack of any existing effective screen within the surrounding landscape (beyond the immature and patchy tree belt on the site, which would require to be cleared in part, in order to accommodate the proposal). This unacceptably detrimental landscape and visual impact is not outweighed by the potential economic and environmental benefits of the proposal to the Applicant's farming and butchery businesses and wider rural economy.

**FOR THE INFORMATION OF THE APPLICANT**

It should be noted that:

The container unit installed on site requires to be removed from the site at the Applicant's earliest opportunity. While it is reasonable to allow sufficient time for the Applicant to make alternative arrangements for the removal and disposal of the unit, the Planning Authority reserves its right to inspect the site subsequent to this planning decision to ensure that the site is being operated in accordance with planning regulations, and if necessary, to pursue enforcement action against any observed breaches of these regulations including if the unit and/or any other related or alternative structures associated with the proposed micro meat processing unit, are found to be (still) in situ.

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 0SA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the

Visit <http://eplanning.scotborders.gov.uk/online-applications/>



**APPENDIX 3**

Robin and Alison Tuke  
T/A Hardiesmill Tombuie Charcuterie  
Hardiesmill Place  
Gordon  
Berwickshire  
TD3 6LQ

18 August 2017

Our ref: FSS/0817

Dear Robin

### **Proposed Abattoir Facility – Hardiesmill**

Recently, you have made Food Standards Scotland (FSS) aware that your planning application is to be presented before the review board. FSS can confirm that you have been working with our organisation since early 2015 towards setting up the facility at Hardiesmill.

You have worked towards ensuring that all findings/recommendations from visits FSS has made you have acted upon timeously.


The layout of the new facility has been situated to ensure that access is not hampered and separation between the slaughterhouse and the farm is possible.

FSS has paid particular attention to lairage facilities which will be constructed and designed to ensure the welfare of animals is primarily considered. Following an advisory visit on 5 June 2017, you are working towards confirming that recommendations put to you are addressed.

As a small and local establishment these premises will potentially provide a useful local resource with decreased animal travel times with obvious positive impact on animal welfare.

FSS has observed you are taking steps in safeguarding the environment and animal welfare prior to the facility being approved in future.

Yours sincerely



Rita Botto, MRCVS  
FSS Veterinary Manager  
Food Standards Scotland

The Planning Review Board  
Scottish Borders Council  
Newtown St Boswells  
Scottish Borders  
TD6 0SA

11 August 2017

Dear Members of the Planning Review Board.

**Micro Abattoir - Mr Robin Tuke, Hardiesmill, Hardiesmill Place, Gordon.**

I am the Chief Superintendent with the Scottish SPCA, Scotland's largest Animal Welfare organisation and have completed 30 years' service.

All Scottish SPCA Inspectors are authorised by the Scottish Minister to enforce the welfare provisions of the Animal Health and Welfare (Scotland) Act 2006.

The Scottish SPCA has a non-commercial link with Quality Meat Scotland to ensure high welfare standards in the livestock industry; this includes regular joint inspections of Scottish farms, hauliers and abattoirs.

The Scottish SPCA has raised a concern over dwindling abattoir plant numbers for many years, including the closure of the Galashiels plant several years ago.

On Thursday 10<sup>th</sup> August, I visited Mr Tuke at Hardiesmill Farm Gordon to view the farm and newly installed Micro Abattoir on site; this facility is in the final set up process and is yet to be licensed by the Local Authority. I found the farm to be very clean and well run with all the livestock in excellent condition.

Having inspected many abattoirs over the years, the Micro Abattoir at Hardiesmill offers everything required in a traditional licensed abattoir, albeit on a smaller scale to a very high standard. The intention of this facility is to enable Hardiesmill to process their own animals on site at the expected rate of 4 per fortnight.

I understand that Mr Tuke has already sourced the services of a well-qualified licensed slaughterman and supporting staff to operate the unit, which would be overseen by an Official Veterinary Surgeon appointed by the appropriate Government body as is required by legislation.

All animals heading for slaughter are strictly governed by legislation with regard to transport and handling to ensure their welfare and the Scottish industry is very good in this regard, as such I am making no criticism of any existing facility or operation in Scotland.

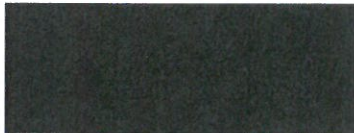


However, the Scottish SPCA policy is for livestock to be slaughtered as close as possible to where they were reared, to reduce the stress of handling, transport and movement to a strange environment all of which are known stress factors that can affect animal welfare and indeed meat quality.

The Micro Abattoir at Hardiesmill would undoubtedly improve the whole life welfare cycle of livestock reared on this farm and I would recommend that Scottish Borders Council approve this facility which will be unique in Scotland and could lead the way for others to follow.

The Planning Review Board is free to contact me if there are any further questions regarding this matter.

Yours sincerely



Michael Flynn MBE  
Chief Superintendent

[mike.flynn@scottishspca.org](mailto:mike.flynn@scottishspca.org)

Switchboard  
03000 999999



**Animal &  
Plant Health  
Agency**

Animal and Plant Health Agency  
Galashiels Field Services Office  
Cotgreen Road  
Tweedbank  
Galashiels  
TD1 3SG

T 01896 758806  
F 01896 756503

[www.gov.uk/apha](http://www.gov.uk/apha)

Mr and Mrs Tuke  
Hardiesmill  
Gordon  
Berwickshire  
TD3 6LQ

Your ref: 71/268/0001  
Our ref: LM/01/08/2017  
01/08/2017

Dear Mr and Mrs Tuke,

### **Meeting to review progress of the modular abattoir at Hardiesmill**

This letter is a confirmation of our discussion during our meeting on the 25<sup>th</sup> of May 2017.

I had previously visited Hardiesmill with Rita Botto from the Food Standards Scotland in order to discuss your proposal for building a small abattoir and the practicalities of this type of enterprise, as well as the implications for your farm.

On the 25<sup>th</sup> of May you invited me for a follow up visit to assess the progress of the abattoir and identify any possible issues with separation of your farm premises as well as to discuss general bio security and welfare issues.

We discussed that APHA's involvement on this project was very limited and the majority of your discussions should be happening with the Food Standards Scotland team. Nevertheless, I am delighted to be of any assistance to you on this pioneering enterprise.

We discussed the following:

You followed our advice and the parcel of land where the abattoir seats is completely separate from your farming CPH.

Although currently you are planning to slaughter only your own livestock, in the future, if the operations succeeded, you might consider slaughtering livestock for other businesses and so provide a useful local resource. In such case, this separation will mean that there are no implications in terms of standstills to your own cattle.

Other than the above, our discussion centred about basic welfare and bio security advice. I strongly recommend that you follow these points we discussed with the FSS, in particular the practicalities of lairaging and how animals will enter the abattoir.

Once again allow me to wish you all the best on your new project. As for my previous letter, this is an excellent opportunity for the Scottish Borders livestock industry. It is

The Animal and Plant Health Agency is an Executive Agency of the Department for Environment, Food and Rural Affairs working to safeguard animal and plant health for the benefit of people, the environment and the economy.

recognised that the closure of the Galashiels abattoir was a loss to the Borders livestock industry. Local slaughtering facilities would improve the welfare of the local livestock by means of reducing the transport times of animals and the stress associated to it.

Your innovative approach will be a trial which if successful, no doubt will be replicated by others, with a clear improvement on welfare standards for the Scottish livestock industry.

I am therefore copying this letter to the Scottish Government Veterinary Advisors which have expressed interest on being update on your progress.

Please do not hesitate to contact me if you require any further clarification about this or any other issue.

Yours sincerely

Luis Molero Lopez

MRCVS

Veterinary Advisor Field Delivery. South East of Scotland.

CC:

Dr Michael Park, Scotland Veterinary Lead.

Ms Rita Botto, Food Standards Scotland.

Mr David Mathewson, Senior Agricultural Officer SGRPID

Mr Richard Mackie, Trading Standards Scottish Borders Council.

Mr Jesus Gallego, Veterinary Advisor Scottish Government.

The Rural Centre, Ingliston,  
Newbridge, Midlothian, EH28 8NZ

Tel: 0131 472 4040  
Fax: 0131 472 4038  
Email: info@qmScotland.co.uk  
www.qmScotland.co.uk



20<sup>th</sup> July 2017

Robin Tuke  
Hardiesmill Farm  
Hardiesmill Place  
Gordon  
TD3 6LQ

Dear Robin,

Hardiesmill Modular micro-abattoir

In relation to your planning application to establish a modular micro-abattoir at Hardiemill, we are writing to demonstrate our full support for this project.

As you are aware, QMS have been involved in monitoring this potential project for 4 years and fully support your initiative which we believe could be a potential model across Scotland, for farmers who currently don't have access to a local abattoir. We believe that this is the first initiative of its kind and is leading edge for the ethical local production of high quality Scotch Beef

If you require anything further, we will be happy to assist in any way that we can.

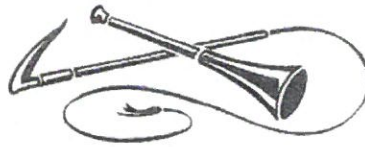
Best regards

Alan



Alan Clarke  
Chief Executive  
Quality Meat Scotland





# BUCCLEUCH ARMS

4 STAR COACHING INN - SCOTTISH BORDERS

4<sup>th</sup> August 2017


Dear Sir/Madam,

I write in support of the abattoir which is in the process of Robin and Alison Tuke at HardiesMill Place Farm, Gordon. Having known the Tukes for over 10 years now and been a loyal customer they have been a pleasure to work with and have relentlessly promoted their Pedigree herd both in the borders, nationally and in recent years on the continent, which has a subliminal impact on both national produce and the Borders for being a first rate food destination.

Having followed their progress I believe what is happening here is a fantastic, new and fairly unique product for HardiesMill Cattle and is out of necessity and welfare rather than profit. I am a huge believer of the seasonality variations of beef cattle and of stress in the animal en route to kill. Although mistakes and welfare can and is kept to a minimum there are inevitabilities in moving livestock around the country. An abattoir on the farm will increase consistency, maintain the highest standards of welfare, lower environmental impact, virtually eradicate mistakes which will all in turn better the flavour of this herd.

Lastly, I believe with the significant investment being made by the Tukes, that there should be a clause in their planning that their application for further killing/increased production outwith their own passport farm stock should come with time once their proven ability to maintain their standards outlined. Why? Because the Tukes are going about this in their time, and creating this without subsidy/grant funding and this may help them recoup some of their build costs in the future which I think would be a small reward.

Your Sincerely

  
Billy Hamilton  
Owner



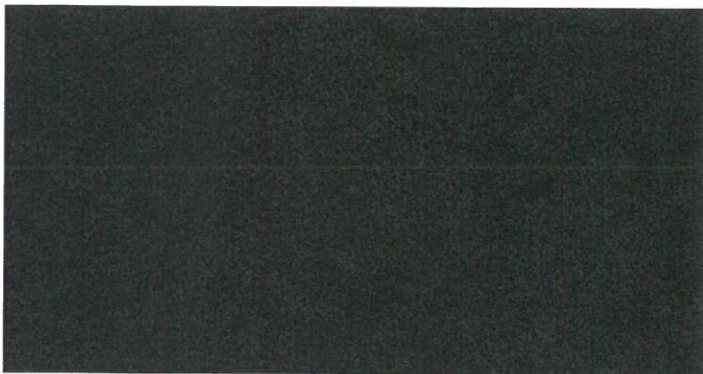
The Planning Review Board,  
Scottish Borders Council  
Newtown St. Boswells,  
Scottish Borders,  
TD6 0SA

Dear Sirs / Madams,

We are a Monaco-based company, supplying the superyachts with everything from fine wines and gourmet food to mops and loo rolls. We sell Hardiesmill beef to some of the world's largest and most expensive yachts.

In the world of beef, Hardiesmill is like a Petrus or Chateau Latour. It has great longevity of taste, with depth and balance across the palate that delights those who try it. There are few, if any, other brands of beef where the terroir comes through so clearly, placing it, and hence Scotch Beef, in the same bracket as Kobi and Roma Gallega. However in this game it's not just about flavour, it has to have consistency and a good story too. This abattoir, the first on-farm EC-approved micro-abattoir in Europe since mad-cow disease, sets a new bench mark just as the rest of the world is moving up a level. It gives greater control and a whole new standard of humane treatment. We urge you to support it please.

Yours faithfully,





1/8/17

Dear Sirs,

We are proud to say we are longstanding customers of Hardiesmill. They have been providing beef to our restaurant for the two years that we have been trading for and were a key supplier of ours in my previous role as Executive Chef at Kyloe Restaurant, which was at the time one of the best steak restaurants in Scotland.

Robin and Alison produce stunning beef, without doubt some of the best in the UK. Their passion and commitment to producing such a world class product is second to none.

While they have complete control over all the aspects of the process required- breeding, feeding, hanging and butchery, the one aspect where they have to rely on others is the slaughter of the beast, a vital part of the chain and one that has a huge bearing on the quality and consistency of the final product.

If Hardiesmill are granted permission to have an onsite abattoir, I believe this is the final piece of the jigsaw that will allow the Tuke's to achieve the consistency that they are striving for.

We truly feel this will take Hardiesmill beef to another level- something that would be a benefit to the region and indeed the country.

David Haetzman

Chef Proprietor

Firebrick Brasserie

7 Market Place

Lauder

TD2 6SR

Whitehill Cottage

Mellerstain

Gordon

TD3 6LQ

The Planning Review Board  
Scottish Borders Council  
High Street  
Newtown St Boswells  
Scottish Borders  
TD6 0SA

21<sup>st</sup> Aug 2017

Dear Sirs/Madams,

We are probably the nearest off-farm neighbour to the proposed Hardiesmill micro-abattoir. From our viewpoint such a facility on Hardiesmill can only be a good thing if it helps raise animal welfare standards even higher and encourages other remote farms (from an abattoir) around Britain to do likewise. We hope you will support it!

Yours faithfully

Brian George Eyles



**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

Town and Country Planning (General Development Procedure) (Scotland) Order 1992

**Application for Planning Permission**

**Reference : 09/00270/FUL**

**To : Robin & Alison Tuke Hardiesmill Place Farm Hardiesmill Road Scottish Borders TD3 6LQ**

With reference to your application validated on **18th March 2009** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Conversion of agricultural building to form commercial kitchen and butchery unit**

**at : Hardiesmill Place Farm Hardiesmill Road Gordon Scottish Borders TD3 6LQ**

the Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 **subject to the following condition:-**

that the development to which this permission relates must be begun within five years from the date of this consent.

and **subject to the conditions on the attached schedule** imposed by the Council for the reasons stated.

**Dated 8th May 2009  
Planning and Economic Development  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**Signed**

  
**Head of Planning & Building Standards**

**Application reference : 09/00270/FUL**

### **SCHEDULE OF CONDITIONS**

- 1 Noise levels emitted by any plant and machinery used on the premises must not exceed Noise Rating Curve NR30 when measured at the façade of the nearest noise sensitive dwelling.  
Reason: To safeguard the amenity of the surrounding area.

### **FOR THE INFORMATION OF THE APPLICANT**

It should be noted that:

The installation should comply with the DEFRA publication Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems.

Please find attached a copy of a consultation response received during the process of the planning application from Scottish Borders Council's Contaminated Land Officer for your information.

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD  
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA  
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU  
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND  
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA  
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL  
BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH  
THUS, Susiephone Department, 4<sup>th</sup> Floor, 75 Waterloo Street, Glasgow, G2 7BD  
Susiephone System – **0800 800 333**

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address:

The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire. NG18 4RG

If the applicant is aggrieved by the decision of the Planning Authority, an appeal may be made to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997, within six months from the date of this notice. The appeal should be addressed to the Chief Reporter, Scottish Executive Inquiry Reporter's Unit, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of

reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part V of the Town and Country Planning (Scotland) Act





**SCOTTISH BORDERS COUNCIL**

**APPLICATION FOR PLANNING PERMISSION TO BE DETERMINED UNDER POWERS DELEGATED  
TO THE HEAD OF PLANNING AND BUILDING STANDARDS**

**PART III REPORT**

**REF :** 09/00270/FUL

**APPLICANT :** Robin & Alison Tuke

**AGENT :** None

**DEVELOPMENT :** Conversion of agricultural building to form commercial kitchen and butchery unit

**LOCATION:** Hardiesmill Place Farm  
Hardiesmill Road  
Gordon  
Scottish Borders  
TD3 6LQ

**TYPE :** FUL Application

**Observations by Development Control Officer - Miss Karen Hope**

This application seeks full planning consent for the conversion of an existing agricultural building to form a commercial kitchen and butchery in association with the livestock at Hardiesmill Place Farm. The commercial kitchen / butchery would be used in conjunction with the operations at the existing farm.

No objections have been raised by Westruther and Gordon Community Council and no neighbour objections have been received.

There are no planning policy difficulties with the proposal.

**Recommendation:**

It is recommended that the application be approved subject to the following condition:

1. Noise levels emitted by any plant and machinery used on the premises must not exceed Noise Rating Curve NR30 when measured at the façade of the nearest noise sensitive dwelling.  
Reason: To safeguard the amenity of the surrounding area.

**Informative:**

The installation should comply with the DEFRA publication Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems.

Please find attached a copy of a consultation response received during the process of the planning application from Scottish Borders Council's Contaminated Land Officer for your information.

Miss Karen Hope  
Senior Planning Officer

Recommended On: 7 May 2009



# REGULATORY SERVICES



To: **Development Management Service**  
**FAO Stuart Herkes**

Date: **23<sup>rd</sup> March 2017**

From: **Roads Planning Service**  
Contact: **Keith Patterson**

Ext: **6637**

Ref: **17/00239/FUL**

---

**Subject: Erection of Micro Meat Processing Unit and Byre, Hardiesmill Place, Gordon.**

---

Whilst I have no objections in principle to this proposal I shall require clarification of the following points before I am able to offer my full support:

- Confirmation as to why the unit has to be isolated for the farm? My preference would be for it to be located adjacent to the existing farm therefore limiting the number of access onto the public road and ensuring that vehicular trips are kept to a minimum.
- Details on proposed vehicular movements associated with the proposal.
- Clarification as to what is meant by 'Dirty' and 'Clean' access roads and confirmation as to whether or not they can be amalgamated prior to joining the public road.

I look forward to receiving the above information at your earliest opportunity.

**AJS**

Our ref: PCS/151840  
Your ref: 17/00239/FUL

If telephoning ask for:  
Stephanie Balman

Stuart Herkes  
Scottish Borders Council  
Planning & Economic Development  
Council Headquarters  
Newtown St Boswells  
Melrose  
TD6 0SA

By email only to: [dcconsultees@scotborders.gov.uk](mailto:dcconsultees@scotborders.gov.uk)

22 March 2017

Dear Mr Herkes

**Town and Country Planning (Scotland) Acts  
Planning application: 17/00239/FUL  
Erection of micro meat processing unit and byre  
Land at Hardiesmill Place, Gordon, Scottish Borders**

Thank you for your consultation email which SEPA received on 1 March 2017.

**Advice for the planning authority**

We have **no objection** to this planning application. Please note the advice provided below.

**1. Regulatory requirements**

- 1.1 The foul sewage must be discharged separately from the blood and animal by-products. It is unclear from the information provided if only one tank for both sewage and blood is proposed. It should be noted that this would be unacceptable. The sewage discharging from the septic tank should be via a solid pipe to the reedbed and then to the soakaway system. Soil porosity tests will be required to ensure the soil is suitable for a soakaway. The applicant should contact our local regulatory team (see Section 2.2 below) to discuss the drainage proposals in more detail.
- 1.2 Blood and animal by-products will need to be collected separately by a licensed renderer. We note that it is proposed to spread muck on land. This should be stored and spread according to General Binding Rule 18 of CAR (the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended)).

Continued....



Chairman  
Bob Downes  
Chief Executive  
Stuart Herkes



SEPA Edinburgh Office  
Silvan House, 3rd Floor, 231 Corstorphine Road,  
Edinburgh EH12 7AT.  
[www.sepa.org.uk](http://www.sepa.org.uk) • customer enquiries 03000 99 66 99

- 1.3 Agricultural developments should be located and designed in accordance with The Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003 (as amended) and the Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Applicants should ensure their development complies with these Regulations. In order to comply with these Regulations it is important to ensure that any surface water associated with yard areas is conserved on the farm for disposal, and any part of any slurry storage system is located at least 50m from any potable water supply and 10m from any surface water or wetland.
- 1.4 Uncontaminated surface water, including roof water, should be disposed of by the use of SUDS in accordance with General Binding Rules 10 and 11 of CAR. These measures could be incorporated through the development of an infiltration system, such as a filter trench or soakaway at the site. You can find further guidance on how to comply with the above Regulations in the [Code of good agricultural practice](#) and in the [PEPPAA Code of Good Practice](#) which provides practical advice on minimising pollution.

## **Regulatory advice for the applicant**

### **2. Regulatory requirements**

- 2.1 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulations team in your local SEPA office at:

Burnbrae, Mossilee Road, Galashiels, TD1 1NF, Tel: 01896 754797

If you have any queries relating to this letter, please contact me by telephone on 0131 273 7218 or e-mail at [planning.se@sepa.org.uk](mailto:planning.se@sepa.org.uk).

Yours sincerely

Stephanie Balman  
Planning Officer  
Planning Service

#### *Disclaimer*

*This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).*

**Scottish Borders Council**

**Regulatory Services – Consultation reply**

<b>Planning Ref</b>	17/00239/FUL
<b>Uniform Ref</b>	17/00563/PLANCO
<b>Proposal</b>	Planning Consultation - Erection of micro meat processing unit and byre
<b>Address</b>	Land South West Of Farmhouse Hardiesmill Place Kelso Scottish Borders
<b>Date</b>	20 <sup>th</sup> March 2017
<b>Amenity and Pollution Officer</b>	Forbes Shepherd
<b>Contaminated Land Officer</b>	Gareth Stewart

**Amenity and Pollution**

**Assessment of Application**

**Private Drainage System**

Private drainage systems often cause public health problems when no clear responsibility or access rights exist for maintaining the system in a working condition.

Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law.

To discharge the Condition relating to the private drainage arrangements, the Applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.

**Condition**

*No development should commence until the applicant has provided evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition*

*Reason: To ensure that the development does not have a detrimental effect on public health.*

**Mains Water**

As the proposed development is to be serviced by a public water supply then the applicant should provide written communication from Scottish Water indicating that the development will be accepted on to their supply.

**Condition**

*No water supply other than public mains water shall be used for human consumption without the written consent of the Planning Authority.*

*Reason: To ensure that the development does not have a detrimental effect on public health.*

*Prior to occupation of the property written evidence shall be supplied to the planning Authority that the property has been connected to the public water supply network.*

*Reason: To ensure that the development does not have a detrimental effect on public health.*

**Noise**

If any equipment is to be installed as part of the development then the applicant should provide some evidence that the equipment will not cause a nuisance to neighbours.

**Condition**

*Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2*

*Reason: To protect the residential amenity of nearby properties.*

*All plant and machinery shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.*

*Reason: To protect the residential amenity of nearby properties.*

**Food Premises Registration**

The premises will need to be registered with the Council before commencing operations. In order to ensure that the layout of the premises complies with the registration requirements the applicant should contact an Environmental Health Officer as the earliest stage possible. This can be done by calling 0300 100 1800 or emailing [PLACEhealth@scotborders.gov.uk](mailto:PLACEhealth@scotborders.gov.uk)

**Recommendation**

Information to be Provided Before Work Commences (see conditions)

**Contaminated land**

**Recommendation**

No Comment

Mr Stuart Herkes  
Scottish Borders Council  
Newton St Boswells  
Melrose  
TD6 0SA

29 March 2017  
Ref : FSS/RTuke/0317

Dear Mr Herkes

**NOTIFICATION OF APPLICATION FOR APPROVAL OF A MEAT  
ESTABLISHMENT UNDER REGULATION (EC) No 853/2004**

In response to your Request for Observations, Food Standards Scotland (FSS) has received an application for a food business establishment, to which both Regulation (EC) No 852/2004<sup>1</sup> and Regulation (EC) No 853/2004<sup>2</sup> apply, to be approved to operate as a Micro Abattoir and Lairage facility.

FSS are content with the proposed plans that have been laid before us to date. We will continue to liaise with the owner going forward.

The applicant name Mr Robin Tuke and premises address is:

Land at Hardiesmill Place, Gordon, Scottish Borders

If you have any further queries please contact the Approvals Team on ☎ **01224 288368** or by email on: [approvals@fss.scot](mailto:approvals@fss.scot)

*Karen Wallace*

Karen Wallace  
Approvals and Certification Executive  
**Food Standards Scotland**

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<sup>1</sup> Regulation (EC) No 852/2004 on the hygiene of foodstuffs

<sup>2</sup> Regulation (EC) No 853/2004 laying down specific hygiene rules for food of animal origin



# LIST OF POLICIES

**Local Review Reference:** 17/00036/RREF

**Planning Application Reference:** 17/000239/FUL

**Development Proposal:** Erection of micro meat processing unit and byre

**Location:** Land at Hardiesmill Place, Gordon

**Applicant:** Mr Robin Tuke

## Scottish Borders Local Development Plan 2016

### POLICY PMD1: SUSTAINABILITY

In determining planning applications and preparing development briefs, the Council will have regard to the following sustainability principles which underpin all the Plan's policies and which developers will be expected to incorporate into their developments:

- a) the long term sustainable use and management of land
- b) the preservation of air and water quality
- c) the protection of natural resources, landscapes, habitats, and species
- d) the protection of built and cultural resources
- e) the efficient use of energy and resources, particularly non-renewable resources
- f) the minimisation of waste, including waste water and encouragement to its sustainable management
- g) the encouragement of walking, cycling, and public transport in preference to the private car
- h) the minimisation of light pollution
- i) the protection of public health and safety
- j) the support to community services and facilities
- k) the provision of new jobs and support to the local economy
- l) the involvement of the local community in the design, management and improvement of their environment

### POLICY PMD2: QUALITY STANDARDS

All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. The standards which will apply to all development are that:

#### Sustainability

- a) In terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources such as District Heating Schemes and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance. Planning applications must demonstrate that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low or zero carbon technology,
- b) it provides digital connectivity and associated infrastructure,
- c) it provides for Sustainable Urban Drainage Systems in the context of overall provision of Green Infrastructure where appropriate and their after-care and maintenance,
- d) it encourages minimal water usage for new developments,
- e) it provides for appropriate internal and external provision for waste storage and presentation with, in all instances, separate provision for waste and recycling and, depending on the location, separate provision for composting facilities,
- f) it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the

## LIST OF POLICIES

wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,

- g) it considers, where appropriate, the long term adaptability of buildings and spaces.

### Placemaking & Design

- h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
- i) it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
- j) it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,
- k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
- l) it can be satisfactorily accommodated within the site,
- m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
- n) it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

### Accessibility

- o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,
- p) it incorporates, where required, access for those with mobility difficulties,
- q) it ensures there is no adverse impact on road safety, including but not limited to the site access,
- r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,
- s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

### Greenspace, Open Space & Biodiversity

- t) It provides meaningful open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,
- u) it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements.

Developers are required to provide design and access statements, design briefs and landscape plans as appropriate.

### POLICY HD3 – PROTECTION OF RESIDENTIAL AMENITY

Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against:

## LIST OF POLICIES

- a) the principle of the development, including where relevant, any open space that would be lost; and
- b) the details of the development itself particularly in terms of:
  - (i) the scale, form and type of development in terms of its fit within a residential area,
  - (ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking, loss of privacy and sunlighting provisions. These considerations apply especially in relation to garden ground or 'backland' development,
  - (iii) the generation of traffic or noise,
  - (iv) the level of visual impact.

### POLICY ED7: BUSINESS, TOURISM AND LEISURE IN THE COUNTRYSIDE

Proposals for business, tourism or leisure development in the countryside will be approved and rural diversification initiatives will be encouraged provided that:

- a) the development is to be used directly for agricultural, horticultural or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or
- b) the development is to be used directly for leisure, recreation or tourism appropriate to a countryside location and, where relevant, it is in accordance with the Scottish Borders Tourism Strategy and Action Plan;
- c) the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic and/or operational need for the particular countryside location, and that it cannot be reasonably be accommodated within the Development Boundary of a settlement.

In addition the following criteria will also be considered:

- a) the development must respect the amenity and character of the surrounding area,
- b) the development must have no significant adverse impact on nearby uses, particularly housing,
- c) where a new building is proposed, the developer will be required to provide evidence that no appropriate existing building or brownfield site is available, and where conversion of an existing building of architectural merit is proposed, evidence that the building is capable of conversion without substantial demolition and rebuilding,
- d) the impact of the expansion or intensification of uses, where the use and scale of development are appropriate to the rural character of the area,
- e) the development meets all other siting, and design criteria in accordance with Policy PMD2, and
- f) the development must take account of accessibility considerations in accordance with Policy IS4.

Where a proposal comes forward for the creation of a new business including that of a tourism proposal, a business case that supports the proposal will be required to be submitted as part of the application process.

### POLICY EP13: TREES, WOODLANDS AND HEDGEROWS

The Council will refuse development that would cause the loss of or serious damage to the woodland resource unless the public benefits of the development clearly outweigh the loss of landscape, ecological, recreational, historical, or shelter value.

Any development that may impact on the woodland resource should:

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- a) aim to minimise adverse impacts on the biodiversity value of the woodland resource, including its environmental quality, ecological status and viability; and
- b) where there is an unavoidable loss of the woodland resource, ensure appropriate replacement planting, where possible, within the area of the Scottish Borders; and
- c) adhere to any planning agreement sought to enhance the woodland resource.

### POLICY EP16 AIR QUALITY

Development proposals that, individually or cumulatively, could adversely affect the quality of air in a locality to a level that could potentially harm human health and wellbeing or the integrity of the natural environment, must be accompanied by provisions that the Council is satisfied will minimise such impacts to an acceptable degree. Where it is considered appropriate the Council may request that an Air Quality Assessment is undertaken to assist determination of an application.

### POLICY IS7: PARKING PROVISION AND STANDARDS

Development proposals should provide for car and cycle parking in accordance with approved standards.

Relaxation of technical standards will be considered where appropriate due to the nature of the development and/or if positive amenity gains can be demonstrated that do not compromise road safety.

In town centres where there appear to be parking difficulties, the Council will consider the desirability of seeking additional public parking provision, in the context of policies to promote the use of sustainable travel modes.

### POLICY IS9: WASTE WATER TREATMENT STANDARDS AND SUSTAINABLE URBAN DRAINAGE

#### WASTE WATER TREATMENT STANDARDS

The Council's preferred method of dealing with waste water associated with new development will be, in order of priority:

- a) direct connection to the public sewerage system, including pumping if necessary, or failing that:
- b) negotiating developer contributions with Scottish Water to upgrade the existing sewerage network and/or increasing capacity at the waste water treatment works, or failing that:
- c) agreement with Scottish Water and SEPA where required to provide permanent or temporary alternatives to sewer connection including the possibility of stand alone treatment plants until sewer capacity becomes available, or, failing that:
- d) for development in the countryside i.e. not within or immediately adjacent to publicly sewered areas, the use of private sewerage treatment may be acceptable, providing it can be demonstrated that this can be delivered without any negative impacts to public health, the environment or the quality of watercourses or groundwater.

In settlements served by the public foul sewer, permission for an individual private sewage treatment system will normally be refused unless exceptional circumstances prevail and the conditions in criteria (d) above can be satisfied.

Development will be refused if:

- a) it will result in a proliferation of individual septic tanks or other private water treatment infrastructure within settlements,

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b) it will overload existing mains infrastructure or it is impractical for the developer to provide for new infrastructure.

### **SUSTAINABLE URBAN DRAINAGE**

Surface water management for new development, for both greenfield and brownfield sites, must comply with current best practice on sustainable urban drainage systems to the satisfaction of the council, Scottish Environment Protection Agency (where required), Scottish Natural Heritage and other interested parties where required. Development will be refused unless surface water treatment is dealt with in a sustainable manner that avoids flooding, pollution, extensive canalisation and culverting of watercourses. A drainage strategy should be submitted with planning applications to include treatment and flood attenuation measures and details for the long term maintenance of any necessary features.

### **OTHER MATERIAL CONSIDERATIONS**

- Scottish Planning Policy
- SBC Supplementary Planning Guidance on Placemaking & Design 2010
- SBC Supplementary Planning Guidance on Trees and Development 2008
- SBC Supplementary Planning Guidance on Landscape and Development 2008

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