

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 Details				
Please enter Agent detail	s			
Company/Organisation:	Clarendon Planning & Development Ltd			
Ref. Number:		You must enter a Building Name or Number, or both: *		
First Name: *	Antony	Building Name:	5a	
Last Name: *	Duthie	Building Number:		
Telephone Number: *	01312972320	Address 1 (Street): *	Castle Terrace	
Extension Number:		Address 2:		
Mobile Number:		Town/City: *	Edinburgh	
Fax Number:		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:	Mr	You must enter a Bu	You must enter a Building Name or Number, or both: *		
Other Title:		Building Name:	Hardiesmill		
First Name: *	Robin	Building Number:			
Last Name: *	Tuke	Address 1 (Street): *	Hardiesmill Place		
Company/Organisation	Hardiesmill Farm	Address 2:			
Telephone Number: *		Town/City:	Gordon		
Extension Number:		Country: *	United Kingdom		
Mobile Number:		Postcode: *	TD3 6LQ		
Fax Number:					
Email Address: *					
Site Address	Details				
Planning Authority:	Scottish Borders Council				
Full postal address of th	e site (including postcode where available	е):			
Address 1:					
Address 2:					
Address 3:					
Address 4:					
Address 5:					
Town/City/Settlement:					
Post Code:					
Please identify/describe the location of the site or sites					
Northing	640197	Easting	366599		

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 a 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? *
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				
A 11 41 PA 4 11				
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 select more than one option if you wish the review to be a combination of procedures.	for the handling of your	review. You	may	
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 respectively 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 comoboration).				
In the event that the Local Review Body appointed to consider your application decides to ins	spect the site, in your op	inion:		
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? *	X	Yes 🗌 No		

Checklist – App	lication 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 a review? *	and reference number of the application which is the subject of this	X Yes ☐ No		
If you are the agent, acting or and address and indicated whe review should be sent to you	n behalf of the applicant, have you provided details of your name thether any notice or correspondence required in connection with the or the applicant? *	⊠ Yes □ No □ N/A		
Have you provided a stateme procedure (or combination of	X 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.				
	cuments, material and evidence which you intend to rely on ich 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	e 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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APPENDIX 1: Proposed Location, Site Layout & Elevation Plans

APPENDIX 2: Case Officers Report on Handling

APPENDIX 3: Letters of Support (Agencies & Community)

EXECUTIVE SUMMMARY

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 respectively 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 16th February 2017, validated on the 28th February and, subsequently, to the disappointment of the applicant, refused by delegated decision to the Head of Planning on the 31st 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 biosecurity. 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 faming 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 <u>presumption in favour</u> 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 work 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, <u>no objections were received.</u> 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.

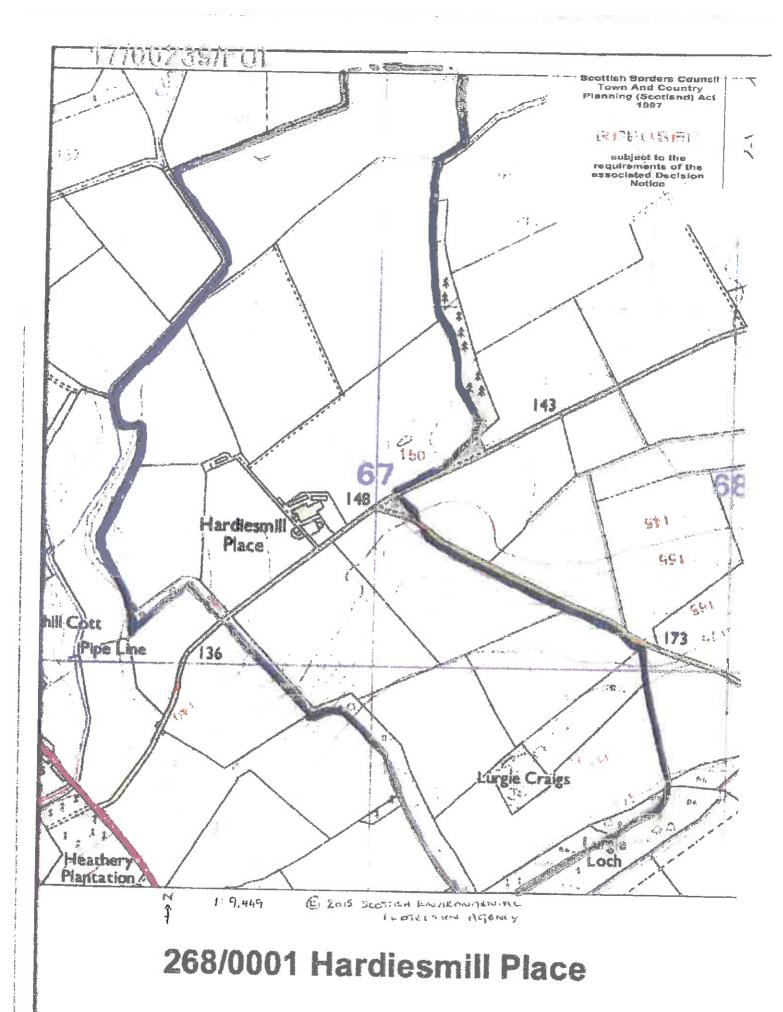
5.0 AGENCY & COMMUNITY SUPPORT

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 Scotlish 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



Buy A Plan
this Fastest and Easiest Planning Site

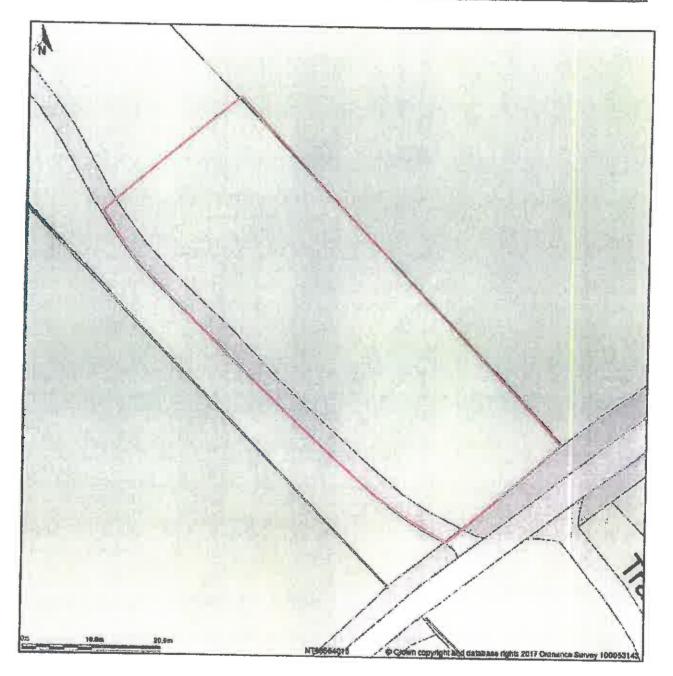
Scottish Borders Council Town And Gountry Planning (Scotland) Act 1997







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



Block Plan shows area bounded by 368520.48, 840106 83 286610 48, 640196 83 (at a scale of 1:500), OSGridRef. NT66554015. The representation of sealers as Real in no evidence of a property boundary.

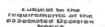
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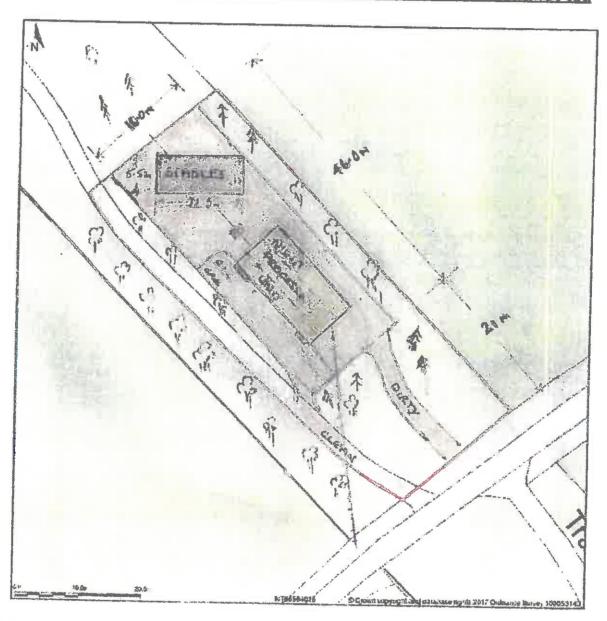
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Proposed Modular Micro Meat Processing Unit, Hardiesmill Place, Scottish Borders, TD3 6LQ



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KEY: I FENCE LINE

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MAIN HATER

STABLES, WOODFIN. W. SHINGLES ROOF. 55mx 12 5m

- MEAT PROCESSING ONT. LITTL METHL WALLS WITH SHINGLES OF THE ROOF, 16-4 MX 8 2M.

1 - Young FR TRIEL " Young CON BRECH

7/01.238/FIL LIARDIESMILL MODULAL MICRO MENT PROCESSING UNIT. Scottleft Borders Council Town And Country Planning (Scotland) Act 1897 END VIEW . (NORTH SIDE) REFUSER KEY! - CONCRETE BLOCKS subject to the requirements of the associated Decision Notice III - WHITE WOODEN BOREDING - WHITE METAL SILIN M - METAL STAND SHINGLE PORCH CANOPY. 000

8200 ---

Vs 1. DATE 22 FES 2017

7/00239/11/1 HARDIESMILL MADULAR MICRA MENAT PROCESSING UNIT. - END VIEW (SOLITH SIDE) Sentish England Gouncit Town And Country Plancing Hispitand Act 1997 Key, 📓 - CONCECTE PLOCK REFUSED WHITE WOOD PANELL rubject to the requirements of the associated Decision Notice - WHITE METAL SKIN - CONDENSOR. 2 - WEIGH STEND 3650 Million Hamilton 9500

