

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:

Plan Ref	Plan Type	Plan Status
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:

Plan Ref	Plan Type	Plan Status
HOLDING SITE	Location Plan	Refused
	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

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 10th 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

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

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 25th 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 25th 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 Moleró 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



20th July 2017

Robin Tuke
Hardiesmill Farm
Hardiesmill Place
Gordon
TD3 6LQ

Dear Robin,

Hardiesmill Modular micro-abattoir

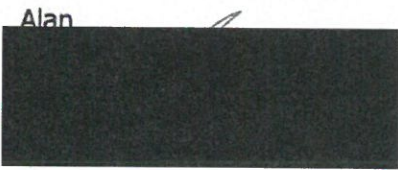
In relation to your planning application to establish a modular micro-abattoir at Hardiemill, we are writing to demonstrate our full support for this project.

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.

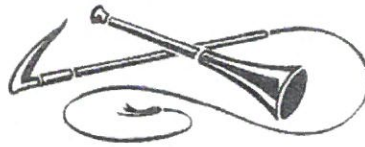
Best regards

Alan



Alan Clarke
Chief Executive
Quality Meat Scotland





BUCCLEUCH ARMS

4 STAR COACHING INN - SCOTTISH BORDERS

4th 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

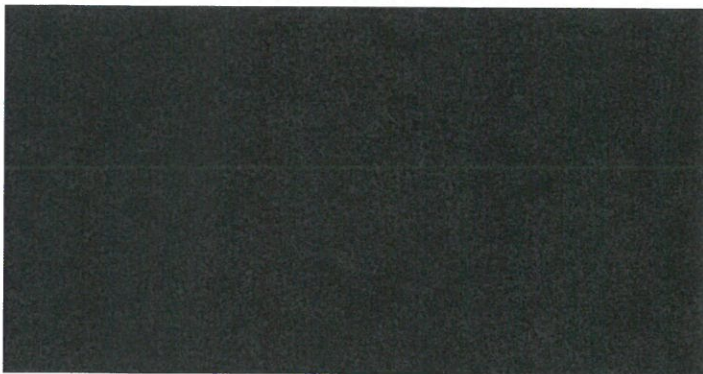
The Planning Review Board,
Scottish Borders Council
Newtown St. Boswells,
Scottish Borders,
TD6 0SA

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 Kyles 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 Tukes 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

21st 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

