

Mr & Mrs O. McLaren
Land at Silo Bins
Edington Mill

22/00961/PPP & 22/00040/RREF

Response to Planning Officer/Environmental Health representation of 8.2.23

The Planning Officer's states that the amended site plan submitted with the appeal documentation does not change his or the Environmental Health Officer's views on the matter of residential amenity impacts.

We have copied the EHO's representations below in blue, with our response following in red-

Environmental Health recommended refusal for the application 22/00961/PPP due to the likely adverse impact the existing adjacent agricultural building currently used to store poultry manure will have on the amenity of the planned dwellings. The proximity of the proposed dwellings to the poultry manure shed will mean that odour and insect issues are highly likely. Poultry manure is particularly pungent, and every movement of manure into and out of the building, will likely cause amenity impacts for the use of the proposed properties indoor and outdoor. There is the potential for flies to be an issue in warmer weather also.

Our response -

- The EHO states '*likely* adverse impact'; '*odour and insect issues are highly likely*'; '*likely* cause amenity impacts'; '*potential* for flies to be an issue'. These are all his opinion and are all purely subjective.
- The Scottish Borders is a rural area and there are many houses, both new and existing, located adjacent to or within agricultural buildings and farm steading complexes and these are not seen to be an issue.
- In any case, it is surely a matter of personal choice whether to reside in the vicinity of an agricultural building.

The EHO notes that *The Code of Good Practice on the Prevention of Environmental Pollution from Agricultural Activity (PEPFAA)* from the Scottish Government and *Technical Guidance Note IPPC SRG 6.02 (Farming) Odour Management at Intensive Livestock Installations* from SEPA advise storing manure as far from residential properties as possible to minimise odour issues.

Our response –

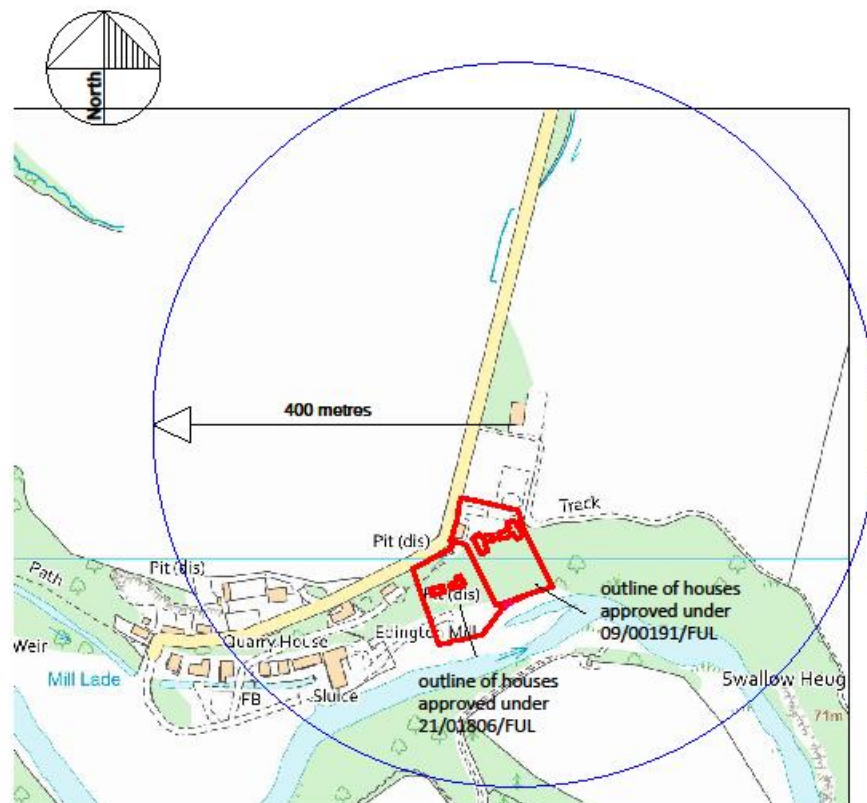
- A recommended minimum distance to housing from an agricultural building of 400 metres is mentioned in the PEPFAA document, and this is covered in our response below. There are no other minimum distances stated in these documents.

- The SEPA document mentions prevailing wind, and the agricultural building is downwind of the proposed site (the prevailing wind being west or south-west).

There is no control to prevent the adjacent building being used for livestock rearing which would also have concerns for odour, insects and noise to the proposed dwellings. The PEPFAA guidance recommends that any new buildings used for livestock purposes should not be within 400m of residential accommodation to prevent nuisance from odour. Environmental Health generally refer to this guidance even though this situation is in reverse (i.e. a residential development is planned next to an existing agricultural building).

Our response -

- The statement that the agricultural building could be used for livestock is speculation and is not relevant to this application or appeal.
- A site excerpt is shown below with the 400-metre zone to residential properties added. It can be seen that a number of existing houses as well as the houses approved under applications 09/00191/FUL & 21/01806/FUL are within this zone. In particular, the nearest house approved under 09/00191/FUL is only 87 metres from the agricultural shed, yet no concerns or objections were raised within that application process. The applicant would therefore appeal for some consistency on how this judgement is made by the Planning Authority.



The proposed amendments to include a hedge around the perimeter and increase the dense planting belt from 5m to 8m will have a negligible impact on the likely odour and insect issues that will likely arise in the garden ground and within the proposed dwellings.

Our response –

- We do not agree that the planting belt will have a negligible impact on the *likely* odour and insect issues that will *likely* arise.
- A dense planting belt will aid in odour mitigation through interception and retention of odour particulates.
- In particular, a Leylandii hedge will filter out particulates due to the dense nature of its foliage. Being an evergreen, this would provide an all-year barrier.
- A Leylandii hedge would also provide a visual barrier to the agricultural shed.