



Appeal Decision

Site visit made on 21 January 2020

by JP Tudor BA (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 02 April 2020

Appeal Ref: APP/P1615/W/19/3238865

Green Hill Farm, Dymock, Gloucestershire GL18 2AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mohammed Jaffer against the decision of Forest of Dean District Council.
 - The application Ref: P1291/18/FUL, dated 15 August 2018, was refused by notice dated 10 April 2019.
 - The development proposed is demolition of existing poultry shed and replacement with new abattoir.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing poultry shed and replacement with new abattoir at Green Hill Farm, Dymock, Gloucestershire GL18 2AD in accordance with the terms of the application, Ref: P1291/18/FUL, dated 15 August 2018, subject to the conditions in the attached schedule.

Preliminary Matters and Background

2. The proposal is a resubmission of a previous application for a similar scheme¹ which was refused by the Council and subsequently dismissed on appeal in 2018.² The current proposal sought to address the reasons why the previous appeal was dismissed, which related to effects on living conditions with regard to odour. In addition to odours, the Council has expressed concerns about the potential effects of noise in refusing the resubmitted proposal.
3. An updated Odour Assessment (OA) and Odour Management Plan (OMP)³ have been submitted by the appellant with the appeal. Referring to Annex M of The Planning Inspectorate's Procedural Guide: Planning appeals – England⁴ and a recent appeal decision relating to Bridge Farm (the Bridge Farm appeal)⁵, the Council suggests that this further information should not be accepted as it is evolving the scheme and could prejudice relevant parties. However, the updated versions of the OA and OMP seek to address specific comments made by the Council's odour consultant, rather than substantively amending the proposed development to an extent that would prejudice relevant parties.

¹ P1405/16//FUL

² APP/P1615/W/17/3190182

³ Prepared by Redmore Environmental and both dated: 9 September 2019

⁴ The Procedural Guide has been recently updated with the current edition being March 2020 but the relevant content is essentially the same.

⁵ APP/P1615/W/19/3228304

4. It also appears from email exchanges between the appellant's agent and the Council that the appellant was not given the opportunity to respond to the later comments of the Council's odour consultant, prior to the determination of the application,⁶ and has sought to address those concerns by means of the appeal documentation. In the Bridge Farm appeal, referred to by the Council, the Inspector refused to accept revised plans which changed a boundary fence, which differs from the situation here. In any case, a judgement needs to be made in the individual circumstances of each appeal. Moreover, here the Council and third parties have had the opportunity to comment on the content of those updated submissions during the course of the appeal process.
5. Similarly, further information supplied by the appellant at the final comments stage, including an Odour Technical Note (OTN),⁷ along with a Further Environmental Noise Assessment (FENA),⁸ seek to respond to the Council's appeal statement and its associated Statement of Potential Odour Impact (SPOI)⁹ along with a statement from the Council's Environmental Regulatory Officer (ERO). Therefore, I see no reason not to consider them.
6. There are a number of residential properties not far from the proposed abattoir building including Moor Oak Cottage and Moor Oak Bungalow to the north-west, with dwellings along Crowfield Lane beyond. To the south, adjacent to the entrance to the site is another residential property, known as Portwaytop.
7. While third parties have disputed some of the distances from dwellings given in the appellant's submissions, some of the differences appear to result from whether the measurement is taken from the boundary of the site or from the location of the proposed abattoir building within the site and whether it is measured to the relevant dwelling or its garden boundary. It is appreciated that garden areas provide outdoor living space. Overall however, there is no clear evidence before me to show that any of the alleged differences, if correct, would significantly compromise the basis of the technical reports supplied by the appellant and I note that the Council, its odour advisor and ERO do not appear to suggest otherwise.

Main Issues

8. The main issues are:
 - the effect of the proposed development on the living conditions of occupiers of nearby residential properties, with regard to odours; and,
 - whether sufficient evidence has been provided regarding effects on the living conditions of nearby residential occupiers, with regard to noise.

Reasons

Effect on living conditions – odours

9. The appeal site comprises a former poultry farm consisting of seven long poultry sheds, situated around a central vehicular access from the B4215, and

⁶ Appellant's Written Statement of Appeal (October 2019): Appendix D6

⁷ Prepared by Redmore Environment and dated: 20 January 2020

⁸ Prepared by JSP Consultants and Dated: 30 December 2019

⁹ Prepared by Stephen Peirson, Principal Odour Consultant, RSK ADAS UK Ltd and signed/dated: 7 January 2020 (notwithstanding the date of 7 January 2019 given on its front page) – paragraph 2.8

some grazing land. It is located to the south-east of the rural village of Dymock. It is understood that the abattoir would process about 20 cattle and 300 sheep each week¹⁰ and would, therefore, be a relatively small-scale operation, as recognised by the Inspector in the previous appeal decision.¹¹

10. Potentially, odours would emanate from the abattoir building. Despite the disagreements on precise distances from residential dwellings or their property boundaries, what is clear is that there are a number of residential properties in fairly close proximity to the site, again as recognised by the Inspector in the previous appeal.¹²
11. I note that the Council's odour consultant advises in the SPOI: *'In my experience arising from numerous other abattoir and meat processing plants, separation distance[s] of less than 200m to 400m (from abattoirs to dwellings) are likely to be particularly challenging in terms of controlling nuisance arising from decaying wastes, by-products and particularly blood and effluent etc.'*¹³ I also recognise the limits of nuisance legislation and the retrospective nature of its use. Given the relative proximity of several residential properties to the proposed abattoir, with some within about 100m or 200m, I agree with the Council's odour consultant that the potential for significant effects resulting from the abattoir use would necessitate high levels of odour control.
12. It is recognised that the proposal seeks to address a number of issues specifically identified by the Inspector in the previous appeal decision. These include the use of refrigeration and chemical treatment of blood to reduce odour emissions from the waste blood storage tank; the use of carbon filters to treat air/odours displaced from the tank during loading and storage, with treated air to be dispersed through a stack; the use of carbon filters for a similar purpose on the wash water storage tanks; provision for manure from the animal resting pens to be removed and loaded into a trailer by a conveyor or elevator, with the trailer covered with an impermeable sheet at other times; and an increase in the washwater storage tank capacity and assurance that washwater will be disposed of at a wastewater treatment plant.
13. The Council's odour consultant expressed dissatisfaction with the level of detail contained in the appellant's original Odour Assessment and Odour Management Plan¹⁴ regarding the location, size, design, performance specification and lack of detail of monitoring and maintenance of the carbon filters and the size and location of the dispersion stack, the refrigeration of the blood storage tank, the chemical treatment of stored blood, and limitations in the assessment methodology.
14. In response the appellant produced an updated OA and OMP, already referred to above, which the Council's odour consultant indicates contain information that *'goes well beyond the evidence'* previously submitted. The OA is based on Environment Agency (EA) guidance on odour¹⁵ which contains indicative benchmark levels for use in assessments and The Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Odour for Planning

¹⁰ According to the Appellant's Design and Access Statement

¹¹ Paragraph 16

¹² Paragraph 7

¹³ Paragraph 2.8

¹⁴ Both dated 31 July 2018

¹⁵ H4: Odour Management, EA, 2011

- V1.1.¹⁶ The OA's predictive modelling found that odour concentrations would be below the relevant EA benchmark levels and that impacts would be 'negligible' at 16 of the nearby receptors and 'slight' at one location. In many instances, worst case scenarios also appear to have been considered. Therefore, the overall odour effects as a result of the proposed abattoir were, in accordance with the relevant guidance, predicted to be 'not significant'.
15. The Council's expert odour consultant also finds in his SPOI that: *'The Redmore September 2019 OA is now based on a more appropriate assessment methodology than the earlier OAs, with generally suitable model inputs and assumptions, and the findings demonstrate that the impact of the modelled emissions from the abattoir roof extraction fans and odour control stack would not adversely affect local amenity.'*¹⁷
16. Third parties have questioned the appropriateness of the use of meteorological data from the Hereford Credenhill weather station used in the OA indicating general wind directions. However, the review of the odour dispersion modelling within the OA carried out by RSK Environment Ltd,¹⁸ on behalf of the Council, finds that: *'This station is at a similar altitude above sea level (76m) to the site (approximately 50m) and is considered likely to be reasonably representative of conditions at the Dymock site.'*
17. Therefore, given that the basis for the OA findings appear to be accepted, the critical factor, as indicated in the Council's SPOI, is that the actual odour emissions do not exceed the modelled levels described in the OA. That would largely be dependent on the monitoring and management measures detailed within the OMP. For example, as detailed in the SPOI, the carbon filter odour abatement system would need to be conscientiously and effectively monitored, with the activated carbon media being replaced in a timely manner along with good hygiene measures and compliance with the waste storage, handling and collection procedures set out in the OMP.
18. While the Council's odour consultant still has some concerns about aspects of the proposed monitoring in the OMP, such as monitoring of the carbon filter abatement performance between annual testing, the SPOI appears to accept that many of those concerns could be addressed by means of suitable conditions and I take a similar view. In addition, the SPOI, amongst other things, questions where the proposed 11m dispersion stack would be located within the building, as it is not clear from the submitted plans, and speculates about whether it would require separate planning permission.
19. The appellant's OTN provides the further technical information and clarification requested in the SPOI and suggests appropriate modifications to the OMP, which could be secured by means of a suitable condition. It also clarifies where the dispersion stack could be accommodated within the layout of the building and that a reduced stack height of about 8.36m, equivalent to the ridge height of the building, would not result in any significant increase in predicted odour concentrations at sensitive receptors within the vicinity of the site.¹⁹ The OTN considers that on that basis additional planning consent would not be required. While the stack would feature within the shallow-pitched roof, the relatively

¹⁶ AIQM 2018

¹⁷ Paragraphs 5.30 and 7.32 of the SPOI

¹⁸ Review of Odour Assessment for Proposed Slaughterhouse at Green Hill Farm, Dymock - dated: 3 January 2020

¹⁹ As illustrated in Table 7 of the OTN

minor alteration to the submitted plans could be dealt with by means of a suitably drafted condition.

20. Given the above, it seems to me that the objections and legitimate technical questions raised by the Council's odour consultant with regard to the assessment and control of odours in various reports, relating to both the previous application and the current appeal proposal, have now been addressed and that no real or substantive basis remains for objecting to the proposal on those grounds.
21. According to the appellant, the site, with its seven sizeable sheds, has operated as a poultry farm for more than 40 years raising broiler chickens, with that operation ceasing in August 2015, apparently because of market fluctuations affecting the viability of the business at that time. Nevertheless, it appears that use endured over a significant period and could potentially be resumed, albeit with some investment required. I note that the 'Local Residents Written Representation'²⁰ refers to odour issues associated with its former use. Therefore, it is reasonable to take the possibility of the resumption of that previous lawful use into account to some extent when considering the present proposal. However, given the previous viability issues, I give that possible 'fallback' position only moderate rather than significant weight in my deliberations. In any event, the relevant technical reports indicate that the proposed abattoir should not have a significant adverse effect in terms of odours, subject to appropriate monitoring and controls.
22. If the proposed abattoir were allowed, the appellant has indicated that the site would no longer be used for rearing poultry, with the remaining poultry sheds used for the storage of hay/straw, agricultural machinery and lambing. Therefore, that should limit the possibility of significant cumulative or additional odour impacts. That aspect could be secured by condition.
23. Overall therefore, the proposed development would not, subject to appropriate conditions, have a significant adverse effect on the living conditions of occupiers of nearby residential properties with regard to odours. It follows that the proposal would comply with policy CSP.1 of the Council's Core Strategy (CS)²¹ which, amongst other things, addresses environmental protection and seeks to ensure that development does not cause pollution. It would also comply with relevant parts of the National Planning Policy Framework (the Framework),²² including paragraph 127 f) which indicates that development should create places with a high standard of amenity for existing and future users.
24. The Council also refers to policies AP1 and AP4 of its Allocations Plan 2006 to 2026 (AP)²³ within its first reason for refusal relating to odours. However, policy AP1 relates to the broad issue of sustainable development which is more appropriately considered in my 'conclusion' section below. Policy AP4 relates more directly to the design of development in terms of character, appearance, local distinctiveness, style, materials and creating safe and accessible environments rather than to the effect of odours. Therefore, it is not specifically relevant to this issue.

²⁰ Dated: January 2020

²¹ 23 February 2012

²² February 2019

²³ June 2018

Effect on living conditions – noise

25. The Council's second reason for refusal refers to insufficient information having been submitted to assess the noise impacts of the proposed plant and equipment. I note that concerns about noise were not raised by the Council in relation to the previous application for an abattoir at the site and, consequently, were not discussed as part of the subsequent appeal. Indeed, the relevant Officer's Report associated with the previous application, which appears to have been recommended for approval by Officers, indicates that the Council's Environmental Health Team did not object to the proposal on noise grounds. It appears that the Council's more recent concerns in that regard were triggered by an Environmental Noise Assessment (ENA),²⁴ produced on behalf of the appellant during the course of the latest application in response to a noise assessment (NA) submitted by a third party.²⁵
26. Nevertheless, the Council now considers the noise information supplied to be inadequate. The Council's Appeal Statement refers to a statement from its ERO, in which various specific concerns are identified in relation to the proposal and the ENA. The appellant has provided a 'Further Environmental Noise Assessment (FENA)²⁶ with his final comments to respond to those concerns.
27. The Council's Appeal Statement also refers to additional comments regarding noise provided by its odour consultant within the SPOI. However, I note that the Council's odour consultant advises at paragraph 6.1 of the SPOI: *'Although I am not qualified or suitably experienced to provide expert evidence in relation to noise emissions and impacts, I am aware from practical consultancy experience and agricultural background that noise, as well as odours, is frequently the cause of complaints about slaughterhouses and meat processing plants because of the types of equipment used, and activities carried out.'* Therefore, I have considered the comments on noise within the SPOI on that basis.
28. Access to the site from the B4215 is to the southwest near the house at Portwaytop. The Council expresses concern about night-time noise from cattle trucks and other vehicles delivering animals for slaughter early in the morning. That is on the basis that, although the ENA refers to operating hours of 7am to 5pm, elsewhere in the application documentation it is suggested that there would be vehicle movements from 6am.²⁷ While I note that concern, the appellant has confirmed that the site shall only operate from 7am to 5pm and is prepared to accept a condition to that effect. Therefore, there should not be night-time noise from vehicles entering or leaving the site or from forklift trucks operating within it.
29. The Council and third parties also submit that the number of likely heavy vehicle journeys cited in the ENA and FENA, which refers to 2-3 deliveries per day of livestock, is underestimated as that figure does not correspond with information in the appellant's proposed vehicle movements document.²⁸ Nor does it appear to take account of additional movements associated with the

²⁴ Environmental Noise Assessment for Proposed Abattoir at Green Hill Farm, Dymock, Newent, prepared by JSP Consultants – dated: 8 January 2019

²⁵ Acoustic Consultancy Report – Background Noise Survey. Prepared by LCP, dated: 2 November 2018

²⁶ Prepared by JSP Consultants, dated: 30 December 2019

²⁷ Although not specified it appears that the ERO is alluding to: 'Green Hill Farm Proposed Abattoir Vehicle Movements' document dated: 12/10/2018

²⁸ See footnote 27

- removal of waste materials from the site. However, given the relatively limited scale of the abattoir operation, it appears that the overall number of vehicle movements per day, including larger commercial vehicles, is still likely to be relatively modest. Moreover, vehicle movements would also have been associated with its previous use as a poultry farm, as noted in the appellant's Transport Statement,²⁹ even recognising the dispute with the highway authority concerning the relevant comparison figures.
30. Further analysis provided in the FENA concerning the unloading of livestock, such as sheep, indicates that, although it would take place outside the abattoir building, it would benefit from similar acoustic shielding to that of the forklift operations provided by the existing surrounding poultry sheds. Moreover, the unloading of livestock would take place over short time spans. Consequently, and taking account of distances from residential properties, the effects in terms of noise and disturbance from that operation would be limited.
 31. Particular concern is expressed by the Council about potential noise emanating from the proposed high-level roof fans, especially as such low frequency noise or hums can be a source of disturbance and engender complaints. The ENA indicated that no frequency information for the fans was available and that actual noise levels could be higher than those predicted. However, this issue is addressed in the subsequent FENA, which explains that a different fan model is now proposed, which could be made the subject of a condition. According to the FENA, the manufacturer's technical data now allows a more accurate prediction to be made of noise levels at the nearest receptor, Moor Oak Cottage. It calculates that the noise level for 5 roof fans, even including acoustic feature corrections of up to 6dB for tonality or distinctiveness, would be 42 dBA Leq, which is still below existing daytime background noise levels of 44-45 dBA L90, which reflects, amongst other things, traffic noise from the B4215 and the M50.
 32. It is recognised that the ENA and FENA refer to 5 roof fans while the OMP³⁰ indicates 6 and the submitted plans show 6 roof vents.³¹ However, while that apparent inconsistency is regrettable, the effect of one additional fan, even cumulatively, is unlikely to be significant or result in a significant perceptible change in noise levels, given the existing background noise environment. Other residential properties, such as Portwaytop, are further away from the abattoir building than Moor Oak which is likely to further reduce predicted noise levels at those receptors. It is also understood that the roof fans will only be used during site operating hours between 7am and 5pm, which could also be secured by condition.
 33. The Council's ERO also refers to bandsaws and '*other noisy plant*' including pressure washers and vacuum packers. However, this plant would be located within the building which would have sound insulation panelling. The FENA, confirming the view expressed in the ENA, concludes that, even in combination, these items '*were of sufficiently low noise levels not to be of concern when the attenuation characteristics of the building and distance effects were taken into account.*' While the Council's ERO says that entrance or exit points could compromise noise reduction, sound insulation mitigation measures could be made subject to the approval of the Council by means of a suitable condition.

²⁹ Prepared by Mark Baker Consulting Limited: August 2016

³⁰ Paragraphs 2.42 and 2.5.1

³¹ Drawing No: 160614/PL/003

34. Moreover, there would also be some shielding effects from the existing surrounding poultry shed buildings. Those shielding effects would also apply to the operation of a forklift truck outside the abattoir building. The ENA and FENA conclude that taking account of the relevant factors, including distances from the nearest properties, the noise levels from those sources would be below existing background noise levels.
35. The FENA also refers to other items of plant, including the blood tank refrigeration unit and odour extraction system. It finds that as they would be located largely inside the building with its sound insulation and have low noise levels, they would not be problematic. I see no clear reason to take a different view.
36. While the Council's ERO expresses doubt about aspects of the ENA including its assumptions, rating corrections, the period of the noise survey and the influence of prevailing wind directions, little explanation or analysis of the specific reasons for those particular concerns is provided. The FENA clarifies matters sufficiently and gives further comparison data in support of the original conclusions of the ENA.
37. I have also considered the third-party NA produced in 2018. However, that report is relatively brief, with limited explanation of the basis for its 'Residential Design Rating Level' or justification of its methodology. Furthermore, I understand that its noise monitoring took place during the half-term school holiday period, when vehicle traffic emitting noise is likely to be at reduced levels, and its noise source data derived from an earlier 2016 report.³²
38. Although the Council and others have made general comments questioning the ENA findings, the ENA is reasonably detailed and has subsequently been supplemented by the FENA, which includes additional information and analysis. While the Council expresses general concerns about the proximity of residential properties to the site, overall, I am satisfied that the level of information and analysis provided in the ENA and FENA justifies their basic conclusions that noise emitted as a result of the development should not have a significant adverse effect on nearby residents, given existing background noise levels.
39. Again, it is also relevant that the previous use of the site as a poultry farm would itself have generated levels of noise in relation to its operation and associated vehicle movements.
40. Overall therefore, I conclude that sufficient evidence has been provided regarding likely effects on the living conditions of nearby residential occupiers, with regard to noise. That evidence indicates that there would not be significant harmful effects in respect of noise emissions resulting from the development. It follows that the proposed development would comply with policy CSP.1 of the CS which, amongst other things, addresses environmental protection and seeks to ensure that development does not cause pollution. Similarly, it would comply with relevant parts of the Framework, including paragraph 170 e) which indicates that new development should not contribute to unacceptable levels of noise pollution and paragraph 127 f) which seeks to ensure a high standard of amenity for existing users.

³² Produced by PJS Acoustics in July 2016

41. The Council also refers to policies AP1 and AP4 of its AP in its second reason for refusal, which relates to noise. However, as indicated above, policy AP1 concerns the broader issue of sustainable development which is more appropriately considered in my 'conclusion' section below. Policy AP4 relates more directly to the design of development in terms of character, appearance, local distinctiveness, landscaping, style, materials and creating safe and accessible environments rather than to the effects of noise on living conditions. Therefore, it is not directly relevant to this issue.

Other Matters

42. In addition to the matters dealt with above, Dymock Parish Council (DPC)³³ and local residents³⁴ have raised a range of other issues.
43. Concerns include suitability of the location in relation to the settlement hierarchy and the countryside and effects on the character and appearance of the area and tourism, including views from public footpaths. However, those issues were considered in some detail by the Inspector in the previous appeal³⁵ who found no significant harm or conflict with the development plan or relevant parts of the Framework in those respects. Therefore, although I have considered those matters, and the recent AP, given the similar nature of the previous scheme, I see no reason to take a different view from the previous Inspector.
44. While concerns were also raised about possible negative visual effects of the proposed 11m stack, as discussed in the first main issue above, a modified stack, limited to the ridge height of the abattoir building, has been shown to be sufficient and could be secured by condition.
45. I am conscious of the statutory protection given to designated heritage assets such as listed buildings and their settings and conservation areas.³⁶ The Framework³⁷ provides further protection and also confirms that effects on the settings of heritage assets must be considered.³⁸ The appeal site is well outside the Dymock Conservation Area (DCA) and about 600m south-east of St Mary's Church, a Grade I listed building. There are also some Grade II listed buildings, including Ivy House and Gamage Hall in the area.
46. Although alleged effects on heritage assets have been raised by third parties, that issue does not form part of the Council's case against the development. Moreover, the appeal site is some distance from the CA and the listed buildings. The site of the proposed abattoir building is also at a lower level than the adjacent B4215 and trees and vegetation in the surrounding area would provide partial screening along with any additional landscaping secured by condition. Given those factors, notwithstanding that the new building would be significantly higher than the existing poultry sheds, the proposed development would not have an adverse effect on the setting or significance of designated heritage assets in the wider area.

³³ Proof of Evidence of Peter H Tufnell on Behalf of Dymock Parish Council (undated)

³⁴ Within 'Representation Submitted on Behalf of Local residents' - dated: January 2020 and other individual submissions

³⁵ See footnote 2

³⁶ ss. 66(1) and 72(1) Planning (Listed Buildings and Conservations Areas) Act 1990

³⁷ Chapter 16

³⁸ Paragraphs 194 and 200

47. Concerns have been expressed by DPC about the ecology and biodiversity information supplied by the appellant. However, the Council's Sustainability Officer is content with the submitted Bat Roost Assessment and Preliminary Ecological Appraisal, subject to the imposition of suitable conditions to secure a construction environmental management plan, a lighting scheme and the implementation of bat enhancement measures. While I have considered those aspects, I am satisfied that there would be no material environmental harm, subject to suitable conditions.
48. Other concerns include overall levels of traffic in the area and highway safety. However, the relevant highway authority has found the proposal to be acceptable subject to suitable conditions. While concern has also been expressed that the level of production at the abattoir could be increased, that would be ultimately be limited by the size and capacity of the building and associated facilities. Drainage issues have also been referred to, but the Council Officer's Report advises that the relevant bodies and the Council's Land Drainage Officer are satisfied with the proposed arrangements.
49. I have also considered various inconsistencies in information presented in the appellant's submissions over the course of this and the previous application and a range of further matters raised by DPC and local residents. However, I do not find that those matters, either individually or cumulatively, compromise the proposal or lead to significant concerns, given the further clarification on relevant issues provided during the course of the application and appeal.

Conditions

50. The Council has suggested conditions which I have considered, making amendments, if necessary, to ensure clarity and compliance with the tests contained in the Framework³⁹ and the Planning Practice Guidance (PPG). A condition setting a time limit for commencement of the development is required by statute. A condition requiring it to be carried out in accordance with the approved plans is necessary for certainty. A condition regarding the dispersion stack is necessary, because it is not shown on the submitted plans, while a limitation is imposed on its height to protect the character and appearance of the area. The appellant indicates via the OTN that such a modification to the proposal would be acceptable to him.
51. A condition restricting operating hours is necessary to protect the living conditions of surrounding occupiers from possible night-time disturbance, particularly in relation to vehicle deliveries or other on-site operations. Although the Council has not suggested such a condition, the appellant has indicated that the principle of restricting operating hours to 0700-1700 would be acceptable to him. The appellant's submissions refer to 5-day operation with occasional weekend production. Given that, it is reasonable to restrict working to Monday to Friday whilst allowing Saturday working until 1300. That would provide some flexibility for weekend working but give additional protection for the living conditions of surrounding residents during the rest of Saturday and on Sundays and Bank Holidays. That condition also restricts operation of the roof fans to operational hours, preventing night-time use, for similar reasons.

³⁹ Paragraph 55

52. Conditions regarding the storage and removal from the site of manure, waste and animal by-products, along with the disposal of washwater and effluent from the plant are necessary to control odour impacts and to protect the living conditions of surrounding residents. A condition restricting use of the other buildings at Green Hill Farm from being used for poultry or pig rearing is necessary to prevent the potential cumulative odour effects from such an additional activity at the same site. A condition relating to the underground blood and effluent tanks is necessary to prevent groundwater pollution and to protect the environment.
53. I have modified the Council's suggested condition relating to an odour management plan to reflect the appellant's suggestion within the OTN,⁴⁰ provided after the Council's suggested conditions, that an updated OMP could be provided which would be subject to a periodic review of its effectiveness. That condition is necessary to ensure appropriate odour management to safeguard the living conditions of surrounding residential occupiers. A condition relating to the approval of sound insulation mitigation measures and roof fans is also necessary to protect living conditions. The Council's similar suggested conditions were 'pre-commencement', but I see no reason why some works such as demolition of the existing poultry shed could not be undertaken prior to discharge of those conditions. Therefore, I have also modified the conditions in that respect.
54. Conditions relating to a construction environmental management plan (CEMP) and bat enhancement measures are necessary to safeguard and enhance biodiversity and the environment. It is essential for the CEMP to be provided before development is commenced as construction, without agreed safeguards, could harm biodiversity and the environment. A condition regarding a lighting scheme is necessary to protect the rural character of the area from adverse light pollution which would also safeguard biodiversity. A condition concerning a landscaping scheme is necessary to protect the character and appearance of the area, but I have modified the Council's suggested condition to allow for demolition of the existing poultry shed.
55. Conditions regarding visibility splays, a construction and demolition method statement, the access surface, passing and turning areas and the position of the access gates are necessary for highway safety and to ensure a safe and suitable access, taking account of the proposed use of the site and the construction period. The appellant has questioned whether conditions relating to visibility splays, the construction and demolition method statement and two-way passing are necessary or reasonable, given that the access already exists. However, they have been recommended by the relevant highway authority who have expertise in highways matters and I am not persuaded that they are unnecessary or unreasonable.
56. Although the appellant has also queried whether the two-way passing and site access and turning area condition (20) needs to be a pre-commencement condition, given that larger vehicles are likely to be entering the site during the construction period and beyond, I consider that it does. Similarly, conditions 18 and 19 also need to be pre-commencement conditions, as it is essential that a construction and demolition method statement and appropriate road surface are agreed and in place prior to those works commencing.

⁴⁰ Paragraphs 5.37 and 5.3.13

57. The Council suggested a separate condition regarding the treatment of air displaced during the loading of blood, effluent and washwater collection tankers. However, that could be dealt with within the updated OMP required by condition 12. In that case, therefore, a separate condition is unnecessary. A condition for a landscape and ecological management plan suggested by the Council largely duplicates measures already secured by other conditions, such as those requiring a CEMP and lighting and landscaping schemes, which should sufficiently safeguard the character and appearance of the area and its landscape. Therefore, as the further suggested condition is unnecessary, I have omitted it. Similarly, the provision of fire hydrants would be covered by relevant Building Regulations and no clear justification for the suggested condition has been provided. Therefore, I have omitted it.

Conclusion

58. The Framework offers support to a prosperous rural economy and encourages the development and diversification of agricultural and other land-based rural businesses.⁴¹ As recognised by the Inspector in the previous appeal the proposed development would have local economic benefits in providing employment during the construction period and subsequently during its operation, where the appellant refers to the potential for 10 jobs. It would also bring a currently largely disused site back into a commercial use and there would be likely to be at least some benefits in terms of support functions from local businesses. In addition, it would also potentially minimise the distance that livestock in the area have to travel, with attendant animal welfare benefits. There would be some biodiversity enhancements through additional landscaping and other measures. While it would not be appropriate to overestimate the level of the benefits, given the relatively modest scale of the proposed operation, they are still of value.

59. I am aware that paragraph 180 of the Framework indicates that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions. However I am also conscious that paragraph 183 of the Framework advises that: *'The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.'*

60. In this case, while I understand the general concern about the proximity of the abattoir to some residential properties, I have found that sufficient technical information has been provided, and appropriate measures proposed, to show that odour and noise emissions could be satisfactorily controlled, subject to appropriate conditions. Accordingly, the issue that led to the previous appeal being dismissed, which related to concern about the control and effects of odours, has been overcome. Therefore, on the basis of the evidence before me, the scheme would not adversely affect the living conditions of nearby residents.

61. Given my findings, the proposal would not conflict with the development plan considered as a whole, including policy A1 of the AP which refers to the

⁴¹ Paragraphs 83

overarching aim that development proposals should be sustainable, as supported by the CS and the Framework.⁴²

62. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

JP Tudor

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Floor Plan GHF01 & Drawing Nos 160614/PL/001 Rev A; 160614/PL/002 and 160614/PL/003.
- 3) Notwithstanding condition 2, no above ground development shall take place, beyond demolition of the existing poultry shed, until details of the dispersion stack, which is not to exceed the ridge height of the abattoir building which it shall be located within, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The abattoir shall be operational, and processes carried out and deliveries taken at or despatched from the site, only between 0700 and 1700 hours on Mondays to Fridays, 0700 to 1300 on Saturdays and not at any time on Sundays or on Bank or Public Holidays. The roof fans shall only be operated during operational hours.
- 5) Manure from the abattoir shall not be stored on the site other than in trailers which shall be removed from the site and emptied at least once each week. Trailers shall be covered with an impermeable sheet at all times other than when being loaded.
- 6) Waste and by-product materials shall be removed from site in accordance with the following schedule:
 - Offal – shall be stored in covered dolavs in a refrigerated storage area and shall be removed from the site on the day of slaughter; no offal and animal carcase or by product material shall be held on-site over weekends.
 - Gut/belly contents – shall be stored in covered dolavs in a refrigerated storage area and shall be removed from the site twice each week; no gut/belly contents shall be held on-site over weekends.
 - Carcase waste materials – shall be refrigerated and removed daily;
 - Residual solids removed from wash-down wastewater grids and the DAF shall be stored in covered dolavs in a refrigerated storage area and shall be removed from the site on a daily basis; no material shall be held on-site over the weekend.
 - Hides and skins – shall be removed from site on a daily basis; no material shall be held on-site over the weekend.

⁴² Paragraph 7 and 8

- 7) Offal, gut/belly contents and residual solids from washwater shall not be stored on site other than in sealed dolavs in a refrigerated storage area. The materials shall not be tipped from dolavs into bulk collection vehicles on the site.
- 8) Washwater and effluent from the plant shall not be applied to agricultural land in an area closer than 2 km from the site.
- 9) Neither the existing poultry buildings nor any replacement or additional buildings at the Green Hill Farm site shall be used for the housing or rearing of pigs or poultry for the lifetime of the development hereby permitted.
- 10) All underground blood and effluent tanks shall be accommodated within discrete bunded enclosures with leak detection equipment being provided with them.
- 11) Notwithstanding other conditions of this consent no above ground development shall commence, aside from demolition of the existing poultry shed, until an updated Odour Management Plan, incorporating the content of the Redmore Environmental Odour Management Plan dated 9 September 2019 and the modifications to it contained in the Redmore Environmental Odour Technical Note dated 20 January 2020, has been submitted to and agreed in writing by the local planning authority.

In particular, the plan must include details of installation of and robust and effective methods of monitoring the performance/effectiveness of the carbon filter system, and suitable media replacement and maintenance regimes to ensure that the abatement system consistently meets the modelled levels of odour emissions and abatement. The plan must also include details of the blood tank refrigeration system and how the proposed blood tank temperature shall be monitored and maintained at the target levels (<100C). The plan must also include provision for its periodic review and amendment, if necessary, to ensure that control measures remain appropriate.

Thereafter the approved extraction and abatement plant must be fully implemented prior to the abattoir's first use and be maintained as approved thereafter for the duration of the development hereby permitted.

- 12) Prior to any above ground works commencing, apart from demolition of the existing poultry shed, full details of the sound insulation mitigation measures and roof fans (as detailed in the Further Environmental Noise Assessment dated 30 December 2019) for the abattoir building shall be submitted to and approved in writing by the local planning authority. Thereafter the approved sound insulation mitigation measures shall be fully implemented and approved roof fans installed prior to the first use of the abattoir and be maintained as approved for the lifetime of the development.
- 13) Prior to any works commencing (including demolition, ground works, vegetation clearance) a construction environmental management plan for biodiversity (CEMP: Biodiversity) shall be submitted to and be approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

d) The location and timing of sensitive works to avoid harm to biodiversity features.

e) The times during construction when specialist ecologists need to be present on site to oversee works.

f) Responsible persons and lines of communication.

g) The role and responsibilities on site of an ecological clerk of works (ECow) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs.

Thereafter the CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 14) All works shall be fully implemented in accordance with the bat enhancement measures set out in section 5.2 and figure 3 of the approved Phase 2 Bat Roost Assessment, by Pure Ecology, dated February 2017. The bat enhancement provision shall thereafter be permanently maintained for the stated purposes of bat conservation.
- 15) Prior to the first use of the abattoir building hereby permitted, an external lighting scheme, including a timeframe for delivery, shall be submitted to and agreed in writing by the local planning authority. The scheme shall provide details of any external luminaries, including measures to control light spillage to maintain potential dark bat flight corridors (hedge lines). The lighting should follow the advice provided by the Bat Conservation Trust "Bats and Lighting in the UK". Thereafter the lighting scheme shall be fully implemented as approved and be permanently maintained. No further lighting shall be thereafter installed without the approval of the local planning authority.
- 16) No above ground development, aside from the demolition of the existing poultry shed, shall commence until full details of a landscaping scheme (incorporating existing and proposed planting), and timing of implementation for the northern and eastern boundaries, as indicated in the submitted Landscape and Visual Appraisal report (December 2016), and Tree Survey and Condition Report (June 2017) including landscaping on the western boundary, has been submitted to and been approved in writing by the local planning authority. Thereafter the landscaping shall be carried out in all respects in accordance with the approved scheme, and not later than the first planting season following the commencement of the use of the building hereby permitted. If at any time during the subsequent five years any tree, shrub or hedge forming part of the scheme shall for any reason die, be removed or felled it shall be replaced with another tree, shrub or hedge of the same or similar species during the next planting season.
- 17) The vehicular access shall not be brought into use in relation to the abattoir building until any existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge or nearside vehicle track edge (the X point) to a point on the nearer carriageway edge or nearside vehicle track edge away from the nearer carriageway edge of the public road 83m north and 130m south (the Y points), to be maintained thereafter.
- 18) Prior to any works commencing, including demolition and site clearance, a Construction and Demolition Method Statement shall be submitted to and be approved in writing by the local planning authority. The Statement shall:

- i. specify the type and number of vehicles;
- ii. provide for the parking of vehicles of site operatives and visitors;
- iii. provide for the loading and unloading of plant and materials;
- iv. provide for the storage of plant and materials used in constructing the development;
- v. provide for wheel washing facilities;
- vi. specify the intended hours of construction operations;
- vii. specify measures to control the emission of dust and dirt during construction

Thereafter the approved Method Statement shall be fully adhered to throughout the construction period.

- 19) No works shall commence on site (other than those required by this condition) on the development hereby permitted until the first 20m of the proposed access road, including the junction with the existing public road, has been completed to at least binder course level.
- 20) Prior to any works commencing, including demolition and site clearance, full details for allowing two-way passing of the largest expected vehicles inside the site access, including inter-visible passing between the site access and onsite turning area including vehicle swept path tracking shall be submitted to and be approved in writing by the Local Planning Authority. Thereafter the approved site access and turning area shall be completed prior to commencement (including demolition) of any further works and be permanently maintained.
- 21) Prior to the first use of the abattoir hereby permitted the access gates shall be set back a minimum of 20m from the carriageway edge and be permanently retained in that position for the lifetime of the development.

END OF SCHEDULE