



PLANNING COMMITTEE

MINUTES of the meeting of the Planning Committee held on Thursday 22 November 2018 commencing at 10.00 am.

**PRESENT
MEMBERSHIP:**

Cllr Phil Awford	Cllr Graham Morgan
Cllr Robert Bird	Cllr Shaun Parsons
Cllr David Brown	Cllr Steve Robinson
Cllr Dr John Cordwell	Cllr Pam Tracey MBE
Cllr Terry Hale	Cllr Robert Vines
Cllr Simon Wheeler	Cllr Stephen Hirst

Apologies: Cllr Bernard Fisher, Cllr Alan Preest and Cllr Keith Rippington. It was noted that Cllr Rippington abstained from the Committee meeting, as he wished to speak as the local County Councillor in relation to the application.

26. Election of chairperson

On calling for nominations for the Chairperson for the ensuing civic year, Cllr Awford was proposed and duly seconded. There being no other nominations, the Committee

Resolved

That Cllr Awford was elected as the Chairperson for the ensuing civic year.

26. ELECTION OF VICE CHAIRPERSON

On calling for nominations for the Vice Chairperson for the ensuing civic year, Cllr Cordwell was proposed and duly seconded. There being no other nominations, the Committee

Resolved

That Cllr Cordwell was elected as the Vice Chairperson for the ensuing civic year.

27. Declarations of interest

No declarations of interest were made.

28. Minutes of previous meeting

Resolved

That minutes of the meeting held on 25th January 2018 be approved as a correct record and signed by the Chairman.

30. Public Questions

No public questions had been received.

31. Members' Questions

No Members questions had been received.

29. Members Site Visit

It was noted the site visit notes indicated the incorrect Chairperson and Vice Chairperson, subject to the amendment the notes were agreed. It was noted at the time of the meeting, Cllr Awford was the Chairperson and Cllr Preest was the Vice Chairperson.

Resolved

That the notes of the Members' Site Visit on the 15th November 2018 be received as a correct record, subject to the amendment.

APPLICATION NO: 18/0043/STMAJW SITE: Fourways Farm, Water Lane, Oakridge, Stroud, Glos GL6 7PH

The Chairperson invited officers to introduce themselves and their respective roles. A summary of the application was presented by Linda Townsend, Planning Officer, aided by a power point presentation. (A copy of the presentation is attached to the signed Minute book).

This was a planning application by Dr T Watson and Ms S Williams, the owners of Water Lane Equine Veterinary Practice for planning permission to use part of a barn on their working farm for the disposal of the bodies of horses, ponies and donkeys by incineration in connection with the veterinary practice.

The Committee were informed that Planning application 18/0043/STMAJW was a resubmission of application (17/0082/STMAJW), which came before Committee at

the Meeting held on 25th January 2018. Members were reminded that it was resolved at the January meeting to defer the application.

It was noted that Members visited the site on the 15th November 2018 and notes of the meeting had been published.

Members were advised that the application site lay approximately 9.67km north-west of Cirencester and 5.24km east of Stroud's urban fringe. The site was within the Cotswolds Area of Outstanding Natural Beauty.

The application site was located within Stroud District and the parish of Bisley with Lypiatt. The application site formed part of Fourways Farm which lay to the south of the small settlement known as Water Lane.

An aerial photograph showed the spatial separation between the proposed incinerator, the "play area" and residential properties in Water Lane. The closest properties were Highfield House, and Fourways Farmhouse, which were located 140 metres to the north. At 189 metres to the north-west of the proposed incinerator is Spinneywell Farmhouse. It was explained that key point 5, only the photograph was a triangular area of grass that was used as an informal "play area".

The detailed plans were displayed on the wall of the Council Chamber depicting the properties in Water Lane. There were also photographs showing the properties located on Limekiln Lane, east of the crossroads.

The Committee's attention was drawn to slide 5 of the presentation; the land outlined in blue formed part of Fourways Farm and was in the ownership of the applicants, which included Fourways Farmhouse lying to the north of the applicant's landholding. The application site outlined in red was part of an agricultural barn located in the farmyard of Fourways Farm. Vehicular access had been created, crossing the applicant's field and linked the farmyard to Water Lane running along the western edge of the applicant's farm. Ms Townsend stated that a Bridleway MBL76 intersected the vehicular access track that linked the veterinary practice to the highway and ran along the western boundary of the farmyard where the barn was located.

The plan showed the application site as part of the group of farm buildings within Fourways Farmyard. The bridleway was running along the left hand side of the farmyard. Access and parking were located close to this boundary and a disabled parking space would be created close to the office entrance.

The photograph (slide 7) showed the view from Water Lane looking down the access track towards the application site. The second photograph was taken from the entrance of the farmyard with the barn outlined showing the extent of the agricultural building that was the subject of the proposed change of use from an agricultural barn.

The Committee were shown a photograph (slide 8) which clearly showed the view from the farmyard looking across the bridleway and along the access track leading to Water Lane.

Two photographs (slide 9) displayed Water Lane at the junction with the vehicular access to Fourways Farm. The left photograph showed the view looking south-west along Water Lane towards Oakridge Lynch. The right photograph showed the view along Water Lane looking north-east towards the settlement of Water Lane. It was noted that the applicants had submitted a traffic count on Water Lane which confirms there is a low level of existing traffic close to the access. The Highway Authority had confirmed that they have no objection to the proposal.

At slide 10, the photograph on the left showed the front elevation of the barn from within the farmyard. The photograph on the right showed the east facing side elevation, along with the extent of the proposed change of use, which was outlined in red, looking towards the entrance and the car park.

The Committee was shown photographs (slide 11) from the inside of the barn. It was explained that the County Council's Principal Ecologist was of the opinion that the design and fabric of the barn meant that it was extremely unlikely that bats would roost in this building. Apart from the need to insert the flue pipe in the roof, there were no further alterations required to the building to facilitate the proposal.

Slide 12 showed the elevational drawings and floor plan with annotations highlighting the position of the incinerator, fuel tank and ash skip. Ms Townsend informed the Committee that the height to the top of the proposed flue would be 7 metres above ground level, which was 300mm higher than the ridge line of the barn. The proposed flue stack would be 450mm in diameter and would have a dark green matt external finish. The Committee noted that the addition of the flue stack was the only external change to the barn proposed. The proposed fuel for the incinerator which would be stored was diesel. In addition, a sealed skip in the corner of the barn would be used to store ash from the incinerator.

Members were advised that the incinerator was already in the barn but was not operational and did not have the flue stack installed. Slide 13 displayed two photographs, the right picture showed the drainage channel in the concrete floor where any liquid waste washed out of the trailer would be discharged into a sump and then vaporised in the incinerator. The applicants had explained that this wash down would not contain disinfectant but only bodily fluids released during transport. The disposal method of the disinfectant wash down to be used had not yet been agreed but could form part of the Environmental Control Manual recommended by the District EHO. A planning condition requiring the submission of a scheme for approval by the WPA for its satisfactory disposal prior to operation commencing could be imposed if the Committee thought it was appropriate.

The technical data sheet showed the dimensions and top loading design of the incinerator, which were 3.8 metres long and 3.565 metres wide to the outside edge of the swing arm. The Committee were informed that the incinerator was designed to operate at a maximum burn rate of 50kg per hour. This type of small scale incinerator was not subject to an Environmental Permit. Ms Townsend explained this incinerator had Type Approval from the Animal and Plant Health Agency, an executive agency of the Department for Environment, Food and Rural Affairs that controlled, inspected, approved and regulated this type of facility through animal by-products legislation.

At this juncture, a video clip provided by the applicants of a TB Addfield incinerator operating in another location was played in order to demonstrate the level of noise which the unit would make.

It was noted that a 4x4 vehicle and horse box would be used to transport the equine carcasses. The standard horsebox would be modified internally to include a winch as well as a sealed floor with sump tank to meet relevant Animal and Plant Health Agency requirements.

The Committee was informed that the applicants had advised that there was no need for equines to be transported through Water Lane. For all vehicular routes, the collection vehicle would turn left out of Fourways Farm to the crossroads towards Oakridge. It would then turn right and proceed along Holloway Road to the junction with Cheltenham Road. This was the route taken by the school and public bus services to Oakridge and avoided narrower roads in and around Water Lane, Far Oakridge and Tunley. In addition, for collections south of the practice, the vehicle would then turn left following Toadsmoor Hill down to the A419 and on towards Stroud or Cirencester. For collections to the north, the vehicle would turn right and along the Cheltenham Road through Bisley.

Members viewed slide 18, which showed a 20 mile radius from Fourways Farm which represented the catchment of the equine veterinary practice. The Committee noted that from a national study of the number and location of horses, the applicants estimated that there could be around 20,000 horses within this area.

Ms Townsend advised the Committee that since the publication of the committee report, the Action Group called Friends of Water Lane had submitted three further representations, two of which were from the objector's consultant Mayer Brown on noise and air quality issues. It was noted that similar to their earlier representations which had been reproduced in the appendices to the report, these latest representations were quite lengthy and were a detailed critique of the committee report and the advice received from the Council's own specialist advisors.

It was noted that copies of these most recent submissions and also a copy of a submission from the group sent in July giving details of the costs of other disposal facilities, had been circulated to members of the Committee prior to the meeting. These documents were also published online. In response to a question by the Chairperson, Members confirmed they had read the additional information.

Ms Townsend invited Roland Woodbridge and Dan Pope from Atkins to give their advice and comments on the most recent Mayer Brown air quality representation and acoustic consultant's issues, as raised by the Friends of Water Lane.

Mr Woodbridge informed the Committee that he was an Associate in Atkins with more than thirty years' experience as an air quality specialist. He advised the Committee of his professional qualifications, knowledge and experience in detail.

Mr Woodbridge provided clarification on some the issues in order to assist the Committee with its deliberations and provided detailed background information on the regulatory control of animal remains incinerators.

He explained that DEFRA commissioned AEA Technology Environment to review the emissions from small carcass incinerators (<50 kg/h) in the context of the then impending amendment of the Animal Waste Directive (90/667/EEC). Their report "Atmospheric Emissions of Small Carcass Incinerators" was published in 2002, and was intended to inform the UK Government input to the EU on the amended directive.

The AEA report found that afterburners made a major difference to the emissions of some pollutants, and this was concluded to be the 'Best Available Technique' (BAT) for animal remains disposal. AEA also recommended a Type Approval scheme to minimise environmental impact from the use of small incinerators.

Following extensive consultation in 2009 Regulation EC 1069/2009 was formulated setting out health rules and the implementation of regulations (EC) 142/2011. The regulations are currently implemented by the Animal By-Products (Enforcement) Regulations 2013 (SI 2013/2952). This 'Type Approval' process was regulated by the Animal and Plant Health Agency (APHA). It was noted that this was the background to the requirement for the use of afterburners in small animal incinerators and the requirements for 850 degrees centigrade minimum temperature for at least two seconds.

These requirements were no less stringent than those applicable to the larger plant regulated under the statutory Local Air Pollution Prevention and Control (LAPPC) regime. The severe temperature conditions achieved using afterburners in type approved plant, minimised emissions of Volatile Organic Compounds (VOC's), carbon monoxide and particulate matter.

Type approved low capacity incinerators did not require further assessment or control as they are inherently low risk due to the design controls and operational constraints, e.g. operation of main chamber burner interlocked with the afterburner temperature.

It was noted that the AEA Technology report quoted a range of oxides of nitrogen (NOx) emission rates equivalent to 0.0125g/s to 0.035g/s. Mr Woodbridge remarked that whilst these results may not be representative of the current 'type approved' design, for example the Addfield unit had a low NOx burner the reported emission rates were extremely low.

In terms of diesel fuel combustion, there had been considerable attention in the media in recent years regarding fine particle matter from diesel engine vehicles. The Committee noted that vehicle engines were optimised to produce power over a range of engine speeds and at variable loads. The fuel combustion time in any engine is very brief, less than a millisecond. As a consequence, combustion of the fuel is incomplete and these engines emit fine carbon based particulate matter containing absorbed VOCs.

Members were advised that in contrast, an incinerator is optimised to ensure good combustion by design, thereby achieving minimal emissions of particulate matter, carbon monoxide and VOCs. Carbon based compounds would be oxidised to carbon dioxide and water. In summary, the choice of fuel for the incinerator was therefore considered to be immaterial in terms of potential emissions.

Mr Woodbridge referred to the National Planning and Policy Framework (NPPF), paragraph 183 *“The focus of planning policies and discussions should be on whether proposed development in 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. Equally where a planning decision is made in on a particular development, the planning issues should not be revisited through permitting regimes by pollution control authorities”*.

The Committee were advised that planning controls should not seek to impose environmental measures more onerous on the operator than those deemed to be appropriate in the pollution control regime, in this case the facility was so small, as to fall below the threshold for a Part B regulation. Nevertheless, the equipment was subject to “type approval” and duly certificated and hence no further environmental assessments were deemed to be necessary, under the pollution control regime. In line with national planning policy, the planning procedure should not require further environmental assessment.

Mr Woodbridge proceeded to comment on the letter submitted by the Friends of Waterlane dated the 18th November 2018. The following points addressed in full in his written response (as available in documents on the GCC Planning Portal) were summarised:

- Paragraph 2.6 Combustion of fuel: It was reiterated that the choice of fuel for the incinerator is immaterial in terms of potential emissions, due to the complete combustion achieved as the flue gas is subject to temperatures above 850°C for at least two seconds throughout operation.
- Paragraph 4.15: In relation to the Gloucestershire Waste Local Plan, it was explained that the small capacity of the incinerator fell beyond the scope of the Local Authority. As a certified “low capacity” incinerator DEFRA are satisfied that it will operate without any significant adverse effects on the environment. This is the rationale behind the EU type approval approach, as implemented in the UK by regulations.
- Paragraph 6.20: DEFRA commissioned AEA Technology to inform the UK technical input to the formulation of European regulations EC 1069/2009 and 142/2011 which now form the basis of the safe operation of such facilities, as implemented in the Animal By-Products (Enforcement) (England) Regulations 2013 (SI 2013/2952). It was noted that the “low capacity” type-approved incinerator is compliant with the regulations and is deemed by DEFRA to not require an environmental permit for operation. Also, the high chimney stack and intense temperatures would produce minimal emissions.
- Paragraph 7.34: As advised above in response to 2.6, diesel engine emissions are not comparable to those from a properly designed incinerator using diesel fuel. It was confirmed that the type of fuel was irrelevant.

With regard to the FoW comments on proposed planning conditions in the Officer’s report, the Committee were advised that the manufacturer’s equipment was compliant with the less than 50 kg/h throughput for a “low capacity” unit and subject to UK certification and it was previously stated that each of the three burners is restricted to 120 kW. It was noted that there was a typographic error in relation to the export version of the equipment has an overall thermal input of 360 kW, each of the three burners rated at 120 kW. The EU/UK version of the equipment had an

overall thermal input of 190 kW, hence each of the three burners was rated at 63 kW.

Mr Woodbridge referred to paragraph 7.27 of the officer's report, where his typographical error was reproduced, and confirmed that the incinerator was actually 190 kW thermal input, and not 360 kW as previously indicated.

With regard to the FoW comments on items not included within conditions:

- No. 1: Regarding compliance with APHA and DEFRA guidance (GN5/03). It was explained that the "low capacity" incinerator fell below the minimum size threshold for DEFRA regulation and The DEFRA PG Note 5/03(13) was not applicable to this "low capacity" unit.
- No. 3: A condition as to type of fuel used. It was reiterated that the choice of fuel is considered immaterial in terms of potential emissions.
- No. 4: Regarding "Inclusion of an air emissions limit in accordance with table 4.1 of DEFRA GN5/03 and ongoing monitoring in accordance with required limits". It was explained that The DEFRA PG Note 5/03(13) is not applicable to this "low capacity" unit. Any stack monitoring is unduly onerous. It was reiterated that in line with Paragraph 183 of the National Planning Policy Framework (NPPF), planning controls should not seek to impose environmental measures that are more onerous on the operator than those deemed to be appropriate in the pollution control regime. In this case the facility is so small as to fall below the threshold for a Part B regulation. The planning procedure should not require further environmental controls.

With regard to the FoW proposed conditions:

- The condition proposing emissions monitoring was not appropriate as it sought to impose more stringent environmental measures than were required under the pollution control regime. This was not consistent with National Planning Policy Framework guidance paragraph 183: "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 would operate effectively."

Mr Woodbridge explained that the plant was subject to the type approval and certification requirements of the Animal By-Products (Enforcement) (England) Regulations 2013 (SI 2013/2952), in line with the EU regulatory approach for such low-risk installations.

The proposed daily odour monitoring may be unduly onerous. It was noted that the Environmental Control Manual section 4.2 had a procedure for recording external complaints.

Mr Woodbridge then commented on the letter submitted by Mayer Brown (MB) received on 20th November 2018 (dated 28th June 2016). The following points, addressed in full in his written response (as available in documents on the GCC Planning Portal), were summarised verbally:

- *MB comments on Committee report paragraphs 2.10 and 2.14:*

Response: MB criticise the manufacturer's data sheet statement on emissions. In response it was agreed that the data sheet was poorly drafted as there were no relevant EC limits specified in terms of emission concentrations for such small low-capacity facilities. However, The EC directive for type approval of <50 kg/h incinerator and UK regulations specify a minimum residence time at an elevated temperature, (2 sec at 850°C). This achieves complete combustion and minimises potential emissions such as particulates and odorous compounds

- *MB stated that "the fact that it does not require environmental permit or not requiring an EIA does not remove the possibility of such equipment having localised adverse impacts and certainly does not remove the requirement for any potential impacts to be adequately assessed to demonstrate that such impacts are acceptable when compared to national air quality objective levels, in accordance with national planning policy."*

Response: It was stated that the facility was too small to fall within the scope of the DEFRA PG Note 5/03(13). It was not appropriate to seek to impose conditions under the planning regime that would properly be applied under the local air pollution control regime, were the plant to fall with that remit. This principle is set out in National Planning Policy Framework paragraph 183.

- *MB commented on Committee report paragraph 5.7: MB refer to a potential planning condition requiring "... specific measures had been suggested as specified within Defra's "Process Guidance Note 5/03(13) Statutory guidance for animal carcass incineration". These measures could easily have been incorporated into a suitable and robust planning condition that would help demonstrate compliance with relevant standards and ensure suitable ongoing maintenance and monitoring."*

- **Response:** It was advised that the facility was too small to fall within the scope of the DEFRA PG Note 5/03(13). In line with Paragraph 183 of the National Planning Policy Framework (NPPF), planning controls should not seek to impose environmental measures that are more onerous on the operator than those deemed to be appropriate in the pollution control regime. In this case the facility is so small as to fall below the threshold for a Part B regulation. The planning procedure should not require further environmental controls.

- *MB commented on Committee report paragraph 6.7: MB referred to "Very important recommendations and concerns by the Parish Council in relation to the lack of baseline air quality emissions data appear to have been disregarded."*

Response: It was advised that the requirement for EIA for the proposed facility has previously been scoped out given the small scale and nature of the type-approved plant. The "low capacity" type-approved incinerator is compliant with Regulation EC 1069/2009 and the provisions of the Animal By-Products (Enforcement) (England) Regulations 2013 (SI 2013/2952). It is deemed by DEFRA not to require an environmental permit to operate due to its small capacity and inherently low risk of emissions to have an adverse effect on the environment and human health.

- *MB comments on Committee report paragraph 6.20: MB questioned a statement that "...the oxides of nitrogen emissions discharged from this 190 kW incinerator are not considered likely to have any significant air quality effects on the environment in terms of the subsequent formation of nitrogen dioxide and the potential effect on human health. This small facility is not likely to adversely affect the achievement of the air quality objectives for nitrogen dioxide concentrations at relevant receptor locations."*
Response: It was advised that the "low capacity" type-approved incinerator is compliant with Regulation EC 1069/2009 and the provisions of the Animal By-Products (Enforcement) (England) Regulations 2013 (SI 2013/2952). It is deemed by DEFRA not to require an environmental permit to operate due to its small capacity and inherently low risk of emissions to have an adverse effect on the environment and human health. Furthermore, the proposal for a stack height of 7 metres, (as confirmed to be appropriate via the chimney height memorandum stack height calculation), combined with a discharge temperature of 850°C, will ensure effective dispersion of the minimal residual pollutants.

- *MB comments on Committee report paragraph 7.27: MB questioned a statement regarding the main pollutants associated with such combustion plant and the advice that "the oxides of nitrogen emissions thus discharged from this 360kW incinerator are not considered likely to have any significant air quality effects on the environment in terms of the subsequent formation of nitrogen dioxide and the potential effect on human health. This small facility is not likely to adversely affect the achievement of the air quality objectives for nitrogen dioxide concentrations at relevant receptor locations."*
Response: In response it was advised that to clarify, the proposed unit is a 190 kW incinerator, as the reference to 360 kW was a typographic error. Having examined baseline air quality conditions in Water Lane, background NO₂ concentrations, mapped by DEFRA, are 5.1 µg/m³, indicating very good baseline air quality conditions. The proposed small-scale facility did not have the capacity to significantly affect pollutant concentrations in the local area.

- *MB comments on Committee report paragraph 7.29: MB questioned a statement regarding the proposed low capacity incinerator falling outside the scope of the Clean Air Act 1993.*
Response: It was advised that Paragraph 7.29 was a preface to subsequent paragraphs 7.31 – 7.33 which discussed chimney calculations and has in this case been taken out of context.

- *MB comments on Committee report paragraph 7.34: MB questioned a statement "...There is no reason to restrict the Applicant as to the type of fuel used in the incinerator... The choice of fuel is thus considered immaterial in terms of potential emissions."*
Response: It was advised that The Addfield TB-AB unit may use diesel fuel or LPG. The applicant proposed to use diesel fuel. Regardless of the type of fuel used, or capacity, an animal waste incinerator is required to achieve a temperature of 850°C in the secondary combustion chamber for two seconds. Complete combustion was achieved and hence all carbon-based compounds would form carbon dioxide and water. The residence time of two seconds has been set by the EU Animal By-Products Implementing

Regulation no. 142/2011 (ABPR). It was considered as the sufficient length of time to effectively remove the potential for harmful emissions including particulates. In the UK DEFRA had interpreted that this was best met by having a secondary 'after-burner' chamber, through which emissions had to pass at a higher temperature before being released into the atmosphere.

Mr Woodbridge referred again to his previous introductory statement describing the fundamental difference between partial combustion of diesel fuel in an engine and the use of such fuel in an incinerator optimised to achieve "good combustion" as proposed in this application.

- *MB comments on Committee report paragraph 7.39: MB referred to an objector raising the question of atmospheric inversion conditions that may limit dispersion of stack emissions, and questions the advice "that emissions are not considered likely to produce significant air quality effects with a stack of suitable height discharging above the roof ridge line and unimpeded by cowls or caps."*

Response: it was reiterated that the proposed facility will not generate significant emissions of NOx or PM10. The valley, running north east from Waterlane, lies over 300 m north north east of Fourways Farm. Weather conditions, such as the inversions described are infrequent and short in duration, limited to early morning. The high temperatures (850°C) generated within the unit may even allow stack emissions to be so hot as to penetrate through any inversion layer.

- *MB comments on Committee report paragraph 7.43: MB questioned a statement "there should be no concerns with regards to odour due to the stack emissions..."*

Response: It was advised that the incineration process will fully combust all organic matter, thus there will be no organic odorous constituents remaining in the emission.

- *MB comments on Conditions: In the absence of any other plant specific emissions data, monitoring of operational emissions should be undertaken in the vicinity of the incinerator for a minimum period of three calendar months subsequent to commencement of operation.*

Response: It was advised that the request for stack monitoring is unduly onerous. In line with Paragraph 183 of the National Planning Policy Framework (NPPF), planning controls should not seek to impose environmental measures that are more onerous on the operator than those deemed to be appropriate in the pollution control regime. In this case the facility is so small as to fall below the threshold for a Part B regulation and is deemed by DEFRA not to require an environmental permit to operate due to its small capacity and inherently low risk of emissions to have an adverse effect on the environment and human health. The planning procedure should not require further environmental controls.

- *The operator should set up a regular maintenance and emissions monitoring programme. The scope of testing or monitoring programme required (including the frequency and time of sampling) should be agreed in detail with LPA before operation commences. The operator should keep records of inspections, tests and monitoring, including all non-continuous monitoring,*

inspections and visual assessments. This should be provided to regulators/inspectors upon request.

Response: It was advised that as explained above, the request for monitoring is unduly onerous for this type approved unit. It is noted that the Environmental Control Manual, section 4.2, has a procedure for recording external complaints.

Mr Woodbridge referred to the closing paragraph of the Mayer Brown submission, requesting imposition of conditions pertaining to the operation of the proposed facility, he explained that this was not appropriate as it sought to impose more stringent environmental measures than were required under the pollution control regime. This was not consistent with National Planning Policy Framework guidance paragraph 183: “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.”

Mr Dan Pope informed that Committee that he was an Senior Acoustic Consultant in Atkins and a Chair of the South West Branch of the Institute of Acoustics. He advised the Committee of his professional qualifications, knowledge and experience in detail.

The comments can be separated into three groups, as follows:

1. Comments on “lack of rigour” in the report from Venta Acoustics (VA), the applicant’s noise consultant, and in Atkins’ subsequent checking of this. Although the applicant’s submission is lacking in detail in some areas, as highlighted by MB, Atkins role is to provide expert advice on whether the report looks like it covers what is required, not to repeat all measurements and calculations to recreate the assessment. As such, the VA report covers the most important matters that a BS4142:2014 report would be expected to cover and the results or the assessment appear sensible. In particular, the calculations shown in Appendix B to the VA report have been checked and Atkins has no concern about the conclusions reached.
2. Concerns about the measurement method used by the applicant’s noise consultant and assessment of stack noise levels. The VA report states that the standard used to assess noise in the flue stack is “BS EN ISO 5136:2009 Acoustics. Determination of sound power radiated into a duct by fans and other air-moving devices. In-duct method”. Although there are different ways of measuring this, Atkins agree that this method is appropriate. The VA report is short on detail on the findings of these measurements but MB seem to have confused the additional radiated case noise levels, in Sound Pressure Level (Lp) at 5m, with the duct noise level, reported correctly as a Sound Power Level, Lw. Appendix B makes it clear that these are two separate measurements with two separate attenuation calculations, and that the results are then combined at the receptor locations. This methodology is agreed with VA, and the assumptions made on sound insulation of the building and propagation from the flue were both on the conservative side, meaning this can be regarded as a worst case assessment. It is also worth noting that with these calculations, the noise level from the flue still falls over

20dB below that of the breakout noise level from the building, meaning that MB's concerns about noise from the stack not being accounted for are not significant.

3. The suggested planning conditions. It is agreed with MB that an additional planning condition to ensure that the noise limits presented in the VA report are adhered to would be helpful. A condition along these lines had previously been discussed by Atkins and the Case Officers but was deemed unnecessary as the VA report was already in the planning application. However, this does leave the methodology condition lacking precision. Therefore, Atkins recommends that a condition is added that states the target noise limits from the VA report and ensures that these are met.

Mr Pope informed the Committee that in response to the Friends of Water Lane (FOW) correspondence dated the 16th May 2018, the figures at Appendix B had been checked and had been agreed to include the numbers in the Planning Conditions, therefore if anything changed in the future the noise level would be restricted to 34dB during the day and 29dB at night, in order to protect the residential amenities.

The Committee were advised that the calibration of equipment was covered in the technical data and was considered to be reasonable.

Ms Townsend then continued referred to the points raised by the Friends of Waterlane (FOW) in their late representation and provided the following officer responses to each of the issues raised:

- FOW expressed disappointment at late publishing of the officer's report as it gave little time for the objectors to respond, showing disregard for local residents concerns, engage with the case officer and local councillors and not a good model for resident engagement.
Response: The report was published in line with our committee timetable having been subject to the normal planning consultation procedures.
- FOW request that their representations to the committee report were published to highlight the changes to conditions that FOW required should the Waste Planning Authority (WPA) permit the development.
Response: the FOW representations had been published on our Public Access website and had been sent to the members of the Planning Committee.
- Paragraph 1.9 of the Officer Report, FOW felt it was essential that adequate pollution controls were included in the Environmental Control Manual (ECM) and their recommended conditions attached.
Response: Agree that ECM should include adequate pollution controls and the presenting officer would deal with the conditions later in the presentation.
- Paragraph 2.4 of the Officer Report, FOW felt the discharge of wash down to non mains drainage system was unacceptable.
Response: While the applicants did consider that this may be the disposal option, the applicants will be required by planning condition to submit an acceptable drainage scheme for the wash down solution which will then need to be incorporated in the ECM which also will need to be submitted for approval.

- Paragraph 2.5 of the officer Report, FOW felt the need for the operative noise limit to be specified.
Response: Atkins acoustic consultant had advised on this point and the need for a further planning condition if needed to be specified.
- Paragraph 2.6 of the Officer Report, FOW questioned the combustion of fuel and felt the use of LPG was a more sustainable fuel source.
Response: Atkins Air Quality consultant had advised on use of diesel as a fuel.
- Paragraph 2.9 of the Officer Report, FOW felt the hours of delivery did not take account of the use of the bridleway and play area and there was no restriction on radius for deliveries. FOW claimed the Parish Council wanted to see 10 mile radius as part of a condition.
Response: the applicants had existing rights to cross the bridleway at any time of day or night with any vehicle. It was not reasonable to limit delivery times relating to the use of the bridleway at weekends. The crossing point was short and vehicle numbers proposed would be low, there should not be any conflicts. If the vet worked on Saturday, it seemed reasonable to allow him to bring back a carcass. If the planning permission was tied to the operation of the vet practice which had about a 20 mile radius there would be no need to restrict the radius by planning condition.
- Paragraph 4.11 of the Officer Report, FOW stated the NPPF required a demonstrated quantitative and market need where waste facilities were not in accordance with local plans. FOW felt the applicants had failed to demonstrate this and the FOW would like a cap at 100 incinerations per year.
Response: NPPW only required quantitative and market need where the waste facility was not in accordance with the development plan. This development was not considered to be inconsistent with the Waste Core Strategy which was an up to date development plan. The applicants had demonstrated the potential horse population and relatively small throughput from their own client base. Therefore, Members could consider placing a limit on incinerations, but it was not considered necessary given the size of the plant and other conditions to limit operation of the vet practice.
- Paragraph 4.14 of the Officer Report, FOW referred to WCS14 AONB – reference to the policy requiring a lack of other sites to serve market need. FOW had provided detailed cost comparison information about alternative disposal facilities for equines. In addition, the impacts on special qualities of AONB by affecting recreational use of the bridleway and play area.
Response: Officer's accepted that there were existing facilities for the disposal of horses. The only other equine incinerator in Gloucestershire was at Foss Cross. It was noted that the Tewkesbury site (Cheltenham pet crematorium) did not incinerate a carcass larger than a large dog and transfers equines to Hertfordshire for disposal. The other sites listed also were some distance away, involving the need to transport carcasses over long distances. Disposal by some of the others operatives listed may involve having to wait for collection, stockpiling carcasses over long periods and uncertainty over the final destruction which can be upsetting for some owners and high costs maybe beyond the financial limit of some owners. The applicants being a vet practice was offering a different type of service to just simply arranging disposal like the

other operators identified which clearly had the support of the horse owning community. This was an ancillary operation to the applicants vet practice involving the care of equines up to the end of life. It was not expected to be a high volume alternative to the other disposal facilities. The disposal takes place within an existing building where the AONB would not be affected. There would be no impact on the play area as deliveries would not go into Water Lane. It was noted that the Cotswold Conservation Board did not object.

- WCS17 - FOW says that a sustainable drainage plan had not been submitted to comply with the policy.

Response: the drainage from wash down would be subject to a planning condition 21 and set out with the ECM. No change was being made to surface water drainage to justify the submission of a SuDS scheme. Provision would be made for drainage prior to commencement of development.

- Waste Local Plan – FOW questioned the requirements of policies of Waste Local Plan (WLP) not demonstrated were not being demonstrated: Policy 33 - risk to surface and groundwater, Policy 37 - proximity to play area; Policy 38 - hour of operation not restricted only delivery hours.

Response: A planning condition requiring the submission of a scheme would comply with policy 33. The proximity of the play area noted in Policy 37 was noted in the report but there should be no adverse should be no impact on anybody whether child or adult. Restricting delivery hours only would protect amenity from disturbance by vehicle movements in accordance with Policy 38 but as the burning cycle can take 12 hours to complete it would be overly restrictive to restrict hours of operation of the incinerator. Operational noise and emissions are to be kept within acceptable night-time limits.

- FOW considered there was no evidence of compliance with SDC Local Plan policy CP14 and lists lack of information on adequate drainage, adverse impact on amenity, safe use of the bridleway (speed restriction) and development was not near good transport links.

Response: The drainage issue would be resolved and was a matter reserved by planning condition. The Highway Authority did not require a 5mph speed limit on the bridleway. Other conditions mitigated impact on amenity and drainage. It is accepted that the location being in a rural area is not well served by essential services or transport links but as this site is not going to be visited by the public transport links are not considered particularly relevant. A specialised pick up vehicle needs to be used. The proposal does not conflict with the policy.

- FOW do not consider that the development would be in accordance with delivery policy ES3 of the SDLP and makes reference to there not being submitted plans for adequate chemical disposal.

Response: The proposal could be conditioned requiring an acceptable scheme to be approved before commencement. The lack of detail now doesn't mean it is non-compliant. The Environment Agency have advised that disposal of disinfectant could be off-site.

- Paragraph 4.18: FOW challenged the view that the Environmental Strategy (ES) was not relevant to this application and questioned if WPA overrides this initiative Stroud District Council (SDC) cannot meet its targets.

Response: The ES is not part of the development plan used to determine appropriate use of land. SDC did not object or raise this as an issue in any of their responses. The Air Quality consultant advised that the use of diesel fuel was not as polluting as the objectors seemed to think.

- Paragraph 6.10: FOW would like to see and agree the plans for drainage of wash down to prevent groundwater contamination.
Response: Planning condition 21 would be agreed in consultation with the Environment Agency and the Environmental Health Officer (EHO) for inclusion in the ECM.
- Paragraph 6.20 of the Officer Report: FOW makes reference to a failure of the report to refer to the children's play area as a sensitive receptor for air emissions from the incinerator being downwind.
Response: The location of the children's play area was acknowledged in the report and referred to in paragraph 1.4 and shown on the attached application plans. Atkins Air Quality Advisor had reported that there should not be air emissions to affect any receptor.
- FOW challenged the statement in paragraph 7.2 of the Officer Report, that there were no policies in the WCS and referred to explanatory text ref E22 which referred to 'other wastes (agricultural, radioactive, clinical and waste water) and for there being no additional capacity required. It should be noted that veterinary waste was not a type of other waste which was largescale or of a strategic scale such as the waste types listed but was small scale and specialist in nature so that no sites were allocated or specific capacity anticipated.

(At this juncture of the meeting, it was noted that Councillor Tracey left the meeting)

- Paragraph 7.12 of the Officer Report: FOW questioned the scope of the business. The dropping off of carcasses was not specifically stated in the application. FOW considered that the scope of proposed condition 2 and 5 relating to collections for disposal by Waterlane Equine Vets (WEV) was ambiguous and carcass collection should be limited to 100 per year.
Response: The applicants would accept a change to condition 2 to their names only, however the collection would need to extend to other company employees as there were 2 full time and 1 part time vets employed. The applicants had been asked if they would consider accepting a limit on the number of carcasses which may be brought to the site for disposal by WEV. Members might like to consider amending condition 5 to add a cap of 200 carcasses incinerated per year rather than the 100 suggested by FOW. This represents 30% of the incinerator's maximum capacity of 730 carcasses a year.
- In paragraph 7.34 of the Officer Report: FOW were unhappy with the view that use of diesel was immaterial to emissions when there were cleaner fuels which would contribute to wider government and district strategies.
Response: The Air Quality Advisor addressed this point earlier in his presentation.
- Paragraph 7.37 of the Officer Report: FOW considered it disingenuous to say that the District Council did not object to the effect of air emissions on listed

buildings when they were not made aware of the locality of buildings with listed status.

Response: Air quality advice was that there should not be an impact on any building from air emissions. District councils plot site locations on their planning registers and routinely run constraint checks so should not have to be made aware of the location of such assets. They have given their own planning consents on this site and would be therefore be aware of the constraints of the site location.

- Paragraph 7.52 of the Officer Report: FOW challenge the Atkins advice on the adequacy of the calibration of equipment.

Response: The Atkins Acoustic Advisor had dealt with this aspect.

Ms Townsend explained that FOW had advised the Authority that they did not accept the recommended planning conditions as they appeared in section 8 of the committee report. At this point, Ms Townsend reviewed the changes FOW would like to see made to the recommended planning conditions:

- Condition 2 Scope – in the report inures for the benefit of the Water Lane Equine Vets as a business entity and is referred to as a ‘personal permission’. FOW challenged this condition believing that the permission can only run with the land. However, it was possible for a permission to be for the benefit of an individual, company or other specified group for purposes such as restricting the occupation of a dwelling to an agricultural worker.
- In this case as the proposed waste disposal has been presented in this application as an ancillary operation to the vet practice, it was considered appropriate to limit the scope of the permission to WEV’s business. However, given the concerns expressed that the business may be sold on, retaining the name, the applicants had agreed that the condition could be amended so that both the applicants’ names: Dr T Watson and Ms S Williams appear in the condition instead of the company name of Water Lane Equine Vets Ltd. This means that the permission would fall away once their interest in the business ends. An amendment to condition 2 was accepted.
- Condition 3 in the report listed the plans and documents which formed part of the planning permission. FOW considered that the scope of the permission should be limited to a 10 mile radius of the application site. This amendment to condition 3 was not accepted. The applicants have advised that the practice operates within a 20 mile radius of the site. The aim of the practice was to provide a whole life service to horse owners not just the end of life. It would not be reasonable to exclude those clients seeking to have their horse’s euthanised for which the vet had provided on-going care just because they were outside of the 10 mile radius. It was not considered necessary or easily enforceable to impose such a restriction.
- Condition 4 referred to a limit on the burn rate of 50 kg/hr. FOW considered that there was uncertainty that the incinerator model could be capable of a higher rate. The condition stipulated the rate which the incinerator needed to meet which was 50 kg/hr. No change was required to the condition.

- Condition 5 limits the permission to the collection of waste by Water Lane Equine Vets. FOW consider that this condition should be further limited to the collection of animal's euthanised by the vet practice to prevent collections being made regionally. This limitation was not considered necessary given that not all animals need to be euthanised and die for other reasons. It would also not make sense for a horse kept on a neighbouring property, looked after by another vet practice, not to be able to be disposed of at the closest facility if that was what the owner wished. No change was considered necessary to this condition.
- Condition 7 limits the hours of construction to weekdays and Saturdays. The FOW consider that the condition should refer to commissioning as the incinerator is already in place and Saturday should be excluded due to increased use of the bridleway. The only construction necessary would be the installation of the flue pipe and a hole to be cut in the barn roof to accommodate the flue. Saturday working was not considered unreasonable and traffic movements which may be associated with the installation works were not believed to have an unacceptable impact on the use of the bridleway. No change was considered necessary to this condition.
- Condition 8 - Delivery hours. FOW considered that it was unacceptable not to limit the hours of operation as well as the delivery hours. Weekends and bank holidays should be excluded. Given that it could take up to 12 hours to complete the burning of one horse, it was considered that it would be unduly restrictive to prevent the operation of the incinerator outside of the delivery hours and would severely limit the times when the vet could carry out the euthanising. A limitation of times of operation could lead to the need to store carcasses on site which would be avoided if the carcass could be disposed of soon after arrival. As there was only one two way trip associated with each collection, the number of vehicle movements associated with activity was low. If the vet needed to work on Saturday, the low number of vehicle movements crossing the bridleway would be unlikely to interfere with any recreational use of the bridleway or play area. No change was considered necessary and the limitation on deliveries only was considered to be proportionate for this activity which only involves a land rover towing a horse box.
- Condition 10 Flue – FOW considered that the condition should stipulate the height of the flue. The condition referred to the overall height of the flue as 7 metres above ground level. Elevational drawings which were listed in the drawing references in condition 3 showed the flue measurements. These drawings would form part of the planning permission. Therefore it was not considered that the condition needed to be amended.
- Condition 14 - visibility splays on the bridleway were considered acceptable but FOW wished to see a 5mph speed limit crossing speed to protect children. Given the existing uneven surface of the bridleway and that the vehicle movements would be by a land rover type vehicle and trailer, it was not considered necessary to impose a speed limit at the entrance to the farmyard. The Highway Authority did not consider that a speed limit was required in this location. Such a speed limit would also be difficult to enforce. No change was considered necessary to the condition and not proportionate to the impact of the development.

- Condition 17 - required the submission of a lighting scheme in the event of any change. FOW considered that it should form part of the ECM and agreed by them not to disturb residents and wildlife. The condition was considered adequate to control the impact of any change to the lighting scheme of the barn. Any such scheme if required to be submitted would be subject to approval by the County Ecologist in order to protect wildlife interests.
- Condition 18 - FOW considers that the ECM needs to cover malfunction, ash, training and chemical disposal. The EHO had specified the necessary content of the ECM and the approved scheme pursuant to condition 21 for disinfectant disposal would also form part of the ECM when finalised. No change was proposed. The provisions of the ECM were considered proportionate to the development.
- Condition 19 - FOW would like to see the condition specify an operative noise limit. The County's Acoustic Advisor has commented on this in the report and in his presentation.
- Condition 20 - FOW considered that the controls relating to potential groundwater contamination needed to be explicit in the ECM and agreed with FOW as well as the WPA. The condition requires the submission of an acceptable scheme for disposal. While the EA had initially advised that disinfectant wash down should be disposed of off-site, the applicants were investigating alternative disinfectant types which would be acceptable to be disposed of to land. The wording of the condition allowed the applicants some flexibility to produce an acceptable scheme which would need to be approved by the EA and the EHO and then form part of the ECM. No change was considered necessary to the condition.

Ms Townsend informed the Committee that FOW considered there were 5 additional requirements, these being:

- Strict compliance with APHA and Defra guidance. It was explained that this was not considered necessary as it replicated another body of regulations outside of the planning permission.
- Plant hedging along the farmyard boundary to the bridleway. The Committee were advised this was not considered necessary as the disposal would take place within a building and 2 m high fencing would be erected to screen the area in front of the barn doors.
- A condition on the fuel type to be least polluting of choice of fuels e.g. LPG. It was reiterated this was not considered necessary as confirmed by the County Air Quality Advisor.
- Inclusion of air emissions limit and ongoing monitoring with required limits. The wording of a condition had been suggested by the objectors' consultant Mayer Brown. This condition was not thought necessary as explained by the County Air Quality Advisor.
- A condition relating to odour. The wording of a condition had been suggested by the objectors' consultant Mayer Brown. This was not considered necessary as it was covered by condition 18 and the approval of the ECM by the EHO.

Ms Townsend explained that the applicants have tried in this resubmitted application to resolve issues which arose during the course of the previous planning

application. They have attended parish and public meetings in order to provide information about the proposals to local residents. While Bisley with Lypiatt Parish Council has objected there is no other statutory consultee objection. The Parish Council does not consider that incineration should be carried out close to a residential area. In spite of the small scale of this proposal there have been a large number of objections from local residents but also support for the proposal from the local horse owning community.

Ms Townsend concluded that for the reasons set out within the agenda report and summarised at paragraphs 7.68 to 7.70 it was recommended that planning permission was granted and subject to the following amended conditions detailed in section 8 of the agenda report:

- *Condition 2: substitute the applicants names: Dr T Watson and Ms S Williams in place of 'Waterlane Equine Vets Ltd.'*
If Members consider it necessary to add a limit of 200 carcasses incinerated, this could be added to the wording of condition 5 which appears on page 69.
- *New condition 19: Operative Noise Limit*
- *Noise from the operation of the incinerator shall be limited to 30dB (LATR) during daytime hours (0700 to 2300 hours) and 26dB (LATR) during night-time hours (2300 hours to 0700 hours) at the facade of the closest noise sensitive receptor. This shall include BS4142 (2014) penalties as per the Venta Acoustic Report.*
Reason: In the interests of the amenity of the occupiers of nearby residential properties and the tranquillity of the Cotswolds Area of Outstanding Natural Beauty, pursuant to saved policy 37 of the Gloucestershire Waste Local Plan, policy CP15 of the Stroud District Local Plan and the aims and interests that the National Planning Policy Framework seeks to protect and promote.
- *Renumber recommended planning condition 19 requiring a Noise Method Statement on page 72 of the report as condition 20, renumbering all subsequent conditions in the report.*

Concluding the officer's presentation and at this the juncture of the meeting, the Chairman called for a short adjournment at 11.25am before proceeding with the other speakers. Members were reminded by the Legal Officer that they were still in Committee session and should not discuss the application with members of the public or amongst themselves outside the Council Chamber.

The meeting reconvened at 11:30am.

The Chairman invited the following to address the Committee:

Objecting: Dr Simcox:

"Good morning Mr Chairman and Members of the Planning Committee. My name is Roderick Simcox. I am a parish councillor in the Bisley with Lypiatt Parish Council but I am speaking for myself and on behalf of my neighbours.

I am a trained and experienced risk manager. Vital risk assessment in the case officer's report is poor and risk reduction is extremely poor. I take air quality risk as my example.

The reassurances we are given stand on feet of sand. SDC relies upon the EHO who in turn relies upon Atkins Ltd. But Atkins merits little confidence, incapable of suggesting noise conditions until helped by Mayers Brown, and infamous for suggesting that Water Lane is largely unpopulated. It gets worse when Atkins in turn relies on the manufacturer's figures. Those figures are heavily caveated with ideal operating and maintenance conditions which no-one in the real world would credit. The operator of Foss Cross incinerator has said to me personally that there are always accidents -- always times of low efficiency.

The same feet of sand are everywhere. DPH relies on "information received" Manufacturers figures again. The optimistic quote from DEFRA can go against dire warnings of pollution from DEFRA elsewhere (omitted in this paper) because, in the optimistic passage quoted, standard operating conditions are assumed - manufacturer's figures once more, including particle and emission rates. But manufacturer massively caveats those figures and so remains wholly unaccountable.

Look at the implied significance of APHA's lack of objection. APHA's responsibilities, priorities and services make no mention whatever of human health. They look after animals, plants and bees. Yet in the case officer's report Somehow they appear to reassure us about emissions safety in the context of Residents' fears. A false impression.

Look at the way the report appears to address the fears of families, only to dismiss them. Look at unconvincingly complicated assumptions to cater for contingencies. Or at the way the EHO's recommended monitoring of smoke and smell is excluded from the Environment Control Manual finally proposed.

Finally, we are invited to pass the buck. We are told that pollution risks to other people's families concern only pollution control regimes. If that were true, there would be no attempt to protect them with planning policy. But patently there is. So it is not true, and it invites complacency in the committee's decision making.

This unfortunate report is the result of HM Government's command that there shall be an Assumption in Favour of Development - cited four times. Mr Chairman when we obey our Government we have room to add an ethical dimension. We can say to the applicant, YES you can have your incinerator; YES the planning authority will pro-actively help you, BUT you must run this intrinsically unpleasant Industrial process in an industrial site. Risk as a "significant negative impact" in Water Lane would then be acknowledged in line with NPPF guidance while still following the presumption in favour of development. No child or vulnerable person would then be put at risk. That is the only valid risk management in prospect, it is the only ethical and political way through."

Objecting: Mr Craine (speech summarised):

Mr Craine addressed the Committee as a resident of Water Lane and as an ecological consultant. He referred to the National Planning Policy Framework

(NPPF), which was updated in 2018 to include sustainable development, biodiversity and the waste core strategy policy in relation to local conservation targets. The NPPF included significant effects, which ensured that the planning process should seek to mitigate.

Mr Craine remarked that the application provided no improvement to the NPPF and the application went against the strategy. It was suggested that the Council had environmental obligations, in terms of environmental compensation for enhancement of the local area.

Mr Craine disputed the manufacturer's data sheet, he felt that the information didn't give true and accurate figures. The stack height of 7 metres would mean the smoke would drift and sit at ground level and as a local resident he confirmed this would be the case especially lower in the valley where he resided. As such he asked the Planning Committee to consider this in accordance with the NPPF and conserve the Cotswold Area of Outstanding Natural Beauty environment.

Objecting: Mr Paul Gray

"I am Paul Gray. I am a Technical Director at Mayer Brown, who are transport planning and environmental consultants. I am here today on behalf of the Friends of Water Lane. I have 29 years of experience as a consultant but won't give the long list as per the Council's Advisor.

I have reviewed the noise assessment submitted with this application and I have made representations to the Waste Planning Authority highlighting numerous technical concerns.

My principal concern rests with the information provided in relation to the exhaust stack of the incinerator, since this is a direct noise path from the internal burners to the outside world.

The Applicant's noise consultant asserts they have undertaken measurements of this noise in accordance with a British Standard. However, their report is silent on the primary data and detail from such testing.

We have highlighted this lack of information on no less than four occasions and yet no additional information has been provided.

Your Officers advise you that the Applicants report has been reviewed by Atkins, who have "accepted" the findings.

However, the concerns we have highlighted, have not been addressed.

You can see this at paragraph 2.5 of the Officer Report, which states:

"Any noise from this activity and the operations of the incinerator would be mitigated by the fabric of the building"

This statement is quite obviously incorrect. Noise emitted by an exhaust flue will not be attenuated by the fabric of the building.

This lack of technical rigour amplifies the concerns I have regarding the technical data that is inherent within this application.

So how can these concerns be addressed?

That is actually quite straightforward. The planning regime clearly advocates that impacts can be controlled and enforced through the use of planning conditions.

That is the case here, and in my representations I set out my views on conditions I believe should be imposed.

Unfortunately, you will see from the Officer's Report that only one condition – a "prior to use" requirement for validation monitoring – is recommended.

Whilst the principle of that is welcomed, I say that it is not sufficient.

The condition is poorly constructed – it refers to an "operative noise limit specified in the Applicant's noise assessment" – however, the assessment does not prescribe any such limit.

Furthermore, a validation exercise is a one-off demonstration of compliance and does not provide any assurance that future noise levels will be adequately controlled, for example, under different meteorological conditions.

The above deficiencies could, however, be remedied by imposing an additional condition which sets an operative noise limit and which a validation condition can then refer to.

The need for such an operative condition is not, however, solely my opinion. The consultation response of Stroud District Council's Environmental Health Team also recommends the use of such a condition.

So, your Officer's report ignores the advice of perhaps the most important statutory consultee. I say that because it is the District Council's noise team who would be statutorily obliged to investigate any noise nuisance caused by the development, should planning controls prove ineffective. I would therefore respectfully request that should you resolve to grant permission for this application, the additional condition that both I and the District Council have recommended, is imposed.

I don't agree with Condition 19 and 20.

In conclusion, I would highlight that all we are asking for, is a condition that will ensure the proposed plant will be reasonably operated with due regard to the amenity of neighbouring dwellings"

Objecting: Mr Marcus Eales (speech summarised):

Mr Eales addressed the committee as a consultant and resident of Water Lane. He informed the Committee that from a business perspective there was no local demand for such a business, which in effect could be scaled up for profit.

He informed the Committee that there were businesses locally that could collect and dispose of horse carcasses. As a resident he felt the noise and odour from the incinerator would affect local residents, their amenities and would impact on their emotional needs.

Mr Eales noted if the permission were granted for a 20 mile radius and operated 24/7 for the burning of carcasses then horse owners who were not clients of the veterinary practice would use the service. He questioned where they were coming from and how long had they been stored. In addition, he questioned the need to set up two separate business entities, one being the vets practice and the other being the Equine Incineration Business.

During his speech, Mr Eales referred to WCF14: waste disposal in an AONB and given the current level the use of the Gloucestershire Waste Disposal Plan.

Mr Eales summarised by saying that a condition should be applied that only horses in the Waterlane Equine Vets care could be disposed of at the facility and an upper limit of 100 carcasses per year should be applied.

Objecting: Mr Shaun Leach (speech summarised):

Mr Leach informed the Committee that there was a difference between what was on paper and reality; this application raised significant concerns and required stringent conditions. He added that there was no data on how the incinerator would function if it were not running at the optimum temperature.

He reiterated that the condition should include a limit of 100 carcasses per year and the collection of the carcass should be restricted to a 10 mile radius and only those horses euthanised by Waterlane Equine Vets should be disposed of at the facility.

Mr Leach explained that if the business were to operate 24/7 that would in effect equate to 600 horses per year, therefore the operational hours should be restricted to 07:30 – 16:00 on weekdays only and that the permission should be named to Dr Watson & Ms Williams personally.

The Committee were informed that reassurances were sought in relation to the monitoring of the plant and that odour readings, etc, would be taken on a daily basis and corrective action would be taken if necessary. Mr Leach also suggested that LPG should be used in place of diesel to limit the emissions.

Mr Leach urged the Committee to refuse the application and suggested that perhaps the facility should be built at the Javelin Park Site, creating an incineration hub instead.

Supporting: Mrs Cheralyn Willcox

“My name is Cheralyn Willcox. I am here today in support of the application by Dr Watson and S Williams for the installation of an incinerator to dispose of equine carcasses.

I run Newbrook Farm Equestrian which is based in Uley, between Dursley and Stroud. We have at any one time around 100 horses with us. The majority of the

animals with us are retired so Newbrook is their final place before they are put to sleep.

I feel that there is most definitely a need for the incinerator proposed. I have read the various comments and would like to raise the point that there is no service like the one that shall be offered by Water Lane. There have been comments suggesting the use of services from as far away as Newton Abbot which is simply ludicrous. A service is needed where the animal is put to sleep and then the carcass is removed and dealt with in a prompt manner. It is not acceptable for carcasses to be lying in fields or buildings awaiting collection. I also question as the cost to the environment has arisen on several occasions, how it seen to be environmentally better to haul carcasses for long distances?

I have also seen that there is the suggestion that the service is not needed as there is a service in Chedworth. This particular service offers individual cremation only with the ashes being returned. The cost of this is £800 and many horse owners are simply not in the position where they can afford this. It is assumed by many that if you own a horse you can and should be able to afford this but, I can assure you that the vast majority of owners plough every spare penny into their horses. Finding £800 to have a horse put to sleep would be beyond many people's means. Owning a horse is no longer something only those from a certain social class can enjoy. Many people, especially in this area have horses for pleasure riding and the benefits of using horses in a therapeutic sense are on the increase. With the increase of fly grazing and many people rescuing horses, this is all done on tight budgets. £800 to dispose of one horse is not realistic in such circumstances.

Currently when a horse is put to sleep, if they are taken for a group cremation they sit in cold storage until there are enough carcasses to go. This is a very difficult concept for owners. The service that will be offered by Water Lane is going to be different and is not offered anywhere else in this area. The horse will be put to sleep and taken to be cremated and the ashes will not be returned. It will be a straightforward service that many, including myself would use. The service will be affordable and is absolutely needed in this area. What Water Lane are proposing is a simple service of which there is nothing comparable locally. I raise all of these points, not as the owner of a horse, expressing a personal opinion, but from years of running a business and liaising with owners when it comes to the end of their much-loved animal's life. One of the greatest concerns is what happens to the horse once it is put to sleep. Many are unaware that they can sit in cold storage and are horrified when they realise this is the situation. The proposal made by Dr Watson and S Williams will be welcomed in the area, where horses play a huge part in many people's lives."

Supporting: Mrs Sharon Workman

"My house is the closest property to the site of the proposed plans at Fourways Farm, Water Lane. My family and I, together with our dogs and horses have lived at Highfield for three years and our land adjoins Fourways Farm yard boundary. We are therefore likely to be the most affected by any activity, plans or proposals for the farm and farm buildings.

When we moved into our property in 2015, many of Fourways Farm buildings were in a considerable state of dilapidation and disrepair. Since then Dr Watson and Ms Williams have made considerable improvements to the state of the land and buildings, clearly benefitting their livestock and running of the farm. It is very evident that thought, consideration and care has been taken to ensure that the buildings are environmentally more sensitive, aesthetically more pleasing and more fitting to the local area and neighbouring residential properties. As the closest resident to the farm it is also apparent that they have improved the efficiencies and operation of Dr Watson's veterinary practice which now has an office based at the farm rather than previously at Fourways Farm Bungalow. The highly respected practice supports many horse owners, myself included, and is regarded as an invaluable local service.

Dr Watson and Ms Williams have taken a sensitive and transparent approach with us about all of the alterations and improvements they have proposed for the farm. This includes the current application for siting an equine incinerator in one of the buildings. We have been able to discuss the application at length, share our concerns and establish the facts. These discussions and our own research into the issues surrounding the use of an incinerator have left us in no doubt that this is a safe, well considered and ethical proposal that will benefit many local horse owners.

Having discussed, seen and read information relating to the incinerator, we are wholly reassured that it is a small scale, low-impact model, with a maximum use of 14 times a week for equine purposes only. We feel fully informed about the technical specification and manufacturers data relating to the incinerator and are content that there will be no adverse effects from pollution, be it smoke or chemical damage, waste products or noise. We have considered all of this in relation to both residing the closest to its siting and having animals grazing constantly close by.

Understanding the day to day operation and management of the incinerator, and experiencing the daily traffic demands through Water Lane. I struggle to understand the heightened concerns or suggestions that there will be an increase in the type and frequency of traffic going to and from the site, of the scale and nature being suggested in opposing correspondence. The very location of Water Lane, the Oakridge's, Sisley and the surrounding areas, being set primarily in agricultural land, mean the narrow roads and lanes are frequently used by large vehicles, including large scale farm traffic for a number of local farms and land owners, fuel tankers as many of the properties are not serviced by mains gas, and a large number of horse transporters. It has been made very clear that horses being brought for cremation will be transported in a stock trailer, the likes of which are used frequently in the area by different people. These can pass my property several times a day as owners take care of their livestock locally and enroute to surrounding areas

The care and attention Dr Watson has taken to improving and running his farm is reflected in his professional role. Through recommendation he has been our vet since we moved to Water Lane. His knowledge, expertise and treatment has always been first rate, his and his team's genuine care for the animals is always apparent, and this extends to end of life care and treatment. I, and many other horse owners whom he supports believe the incinerator will offer

local people a real choice and peace of mind knowing that their beloved animals are being treated with this level of care and dignity at a very difficult time.

As a horse owner, with a daughter studying in the equine industry I understand there is a demand for this service and knowing this option would be available locally is something we are fully in favour of. This method of disposal is not only more humane, but something I know many horse owners would use, compared to limited and expensive alternatives. We do not feel this is purely a 'money making scheme' but a genuine and safe service being offered by a well-respected and highly regarded equine vet supported by family members."

Agent/Applicant: Mr Malcolm Hunt (Agent) & Dr Watson (Applicant):

"My name is Malcolm Hunt and I am the Agent for the Application.

I have over 40 years of experience as an Agent dealing with planning applications throughout Gloucestershire and the neighbouring Counties, but I have never encountered such a seemingly straightforward application escalated to be such an involved and drawn out application. This is mainly due to the level of opposition, most of which has been repetitive, factually incorrect and unfounded. I have to thank and give credit to the Planning Officers and to the County Council for their professionalism and diligence in dealing with this application. They have addressed every objection as they have been raised and sought further detailed information from the Applicants where appropriate at every stage, often with expert independent input to demonstrate that what we are proposing is entirely reasonable. This is all well documented in the comprehensive report on this application that you have from the Planning Officer.

I would like to draw Members attention to the fact that the only reason this is being considered by Gloucestershire County Council here today as a waste application, is due to the fact that this enterprise might produce 5 to 30 kg of ash per day, and then only in the unlikely event that it was to be operated at its maximum capacity. Had it not produced this small amount of ash per day it would be deemed to be an application that would have been dealt with by the District Council as a minor application, perhaps a year ago. Indeed, if this operation were cremating the Applicants cows or sheep instead of horses it would not require any formal planning permission at all, it would be deemed as 'Permitted Development' under The Planning Act.

We have demonstrated via specialist reports, which have been examined and approved by the County Councils retained expert Consultants, that this development will not cause any nuisance by way of noise or air borne pollutants or any other manner to any neighbouring person or property. The long term operational quality of the facility is covered by the numerous Planning Conditions proposed to be attached to any consent that might be given.

I would respectfully urge members to support this application and grant permission today.

Thank you".

Dr Watson

“My name is Dr Tim Watson and I am the lead applicant. I am a veterinary surgeon with over 30 years’ experience in equine practice and also have a PhD in medical science. My co-applicant is Susan Williams, who is the sixth generation of her family to live and farm in the Bisley-with-Lypiatt Parish.

Together we purchased Fourways Farm, a badly dilapidated pig unit, in 2012 and have transformed it into a modern, albeit small, livestock farm. We established Water Lane Equine Vets in 2013 and this practice now provides high quality veterinary care to nearly 3,000 clients in Gloucestershire and North Wiltshire.

The reality is that there is only one incinerator in Gloucestershire capable of handling equine carcasses and it provides only an expensive ashes-back service. Operators that offer affordable communal cremation simply collect carcasses that are either stored prior to bulk collection or are transported to incineration or rendering plants outside the county.

This year to-date we have euthanised 82 horses and in each case I have been left feeling that I could and should be doing more to improve the experience for my clients. Our facility will enable prompt collection and cremation of horses, without storage or long distance transportation, and allow us to provide for dignified disposal of much loved animals at what is a difficult and often tragic time for our clients.

Fourways Farm is special to us and is the place where we spend the majority of our working and non-working hours. The friendship and support of our immediate neighbours is important to us. We were careful to choose a machine that presents no nuisance to them or the local amenity and to tailor our service so that any impact is minimal.

Personally I must say that this application has been difficult, drawn out and taken a toll on my family. We have endeavoured to be open, honest and engage with the local community but to no avail. Our personal lives and business affairs have been subject to intense scrutiny, speculation and criticism: I have had to refer one objector to the Police as a crime was committed under the Malicious Communications Act and another to solicitors for defamation.

Those that seek to object to this proposal continue to peddle misunderstanding and mistruth as a means of achieving their goals. I urge you to listen to what our supporters say, follow the reasoning of your planning officer and trust the experts you engage ... and then provide a sound decision based on the facts presented to you rather than the unfounded fears of objectors.”

Mr James Green, representing the Bisley with Lypiatt Parish;

“My name is James Martin Green and I live at The Crown in the centre of Water Lane. I am a retired solicitor. I am speaking as the representative of the Bisley with Lypiatt Parish Council.

The Parish Council unanimously opposes the application to place an equine incinerator in the residential hamlet of Water Lane and urges the Planning Authority to insist on a non-residential alternative location.

The parish council thanks the case officer for her proposed conditions which would indeed be beneficial in the unfortunate event of approval. However, we submit that permission, if it were given, should be subject to the following additional restrictions. I ask that committee members consider raising them as proposals to put to a vote.

No. 1. If the current omission of an Environmental Impact Assessment can be still be reversed, we would ask that this be considered today. It would have an entirely relevant scope: health and emissions, biodiversity, groundwater, amenity and noise. Omitting it may look too much like selection of evidence.

No. 2. The incinerator should only take horses from a radius of 10 miles. That would make the clientele genuinely "local", as constantly claimed, instead of coming from the 1,200 square miles which a 20 mile radius implies.

No. 3. Daily operation and control of end-of-bum waste should be in compliance with all relevant statutory and best practice including APHA and DEFRA guidance. This compliance should be regularly checked and audited.

No. 4. The hours proposed in the case officer's report would be restricted to 07:30 to 18:00 Mondays to Fridays, and then 08:00 to 17:00 on Saturdays. However, no Saturday operation, delivery or collection should be allowed in order to protect public amenity and the use of the bridleway at the weekends. The proposed emergency arrangements would stand.

No. 5. No "ashes back" service should be allowed, to protect against noise from future cremulation.

No. 6. Air emissions data should not exceed the guidance values included within Table 4.1 of DEFRA GNS/03 and periodic (annual) air monitoring data should be carried out at the play area during peak bum periods. Para 2.20 of the case officer's report refers to regular monitoring for smoke and smell as advised by the Environmental Health Officer in his proposed Environmental Control Manual. After para 2.20, that idea disappears. The applied conditions should surely include independent monitoring for smoke and smell, as essential to the health and well-being of this residential area.

No. 7. No waste other than equine animal tissue should be incinerated, and wrappings and PVC should be explicitly excluded.

No. 8. The case officer claims that diesel is not a hazard when fumes and particulate matter are after-burned. That is contentious, and safety demands that we take a conservative path and use LPG instead.

No. 9. The case officer's report mentions servicing and operation in accord with maker's instructions. We suggest a record should be kept of this, and the incinerator should only be operated by trained personnel (accredited and recorded).

No. 10. There should be no on-site ash disposal. Ash waste skips should be enclosed and ash spillages should be promptly vacuumed (not swept).

No. 11. There should be on-site storage of dead horses for no more than 10 hours rather than 12 as currently proposed.

No. 12. There should be no operation of the incinerator during weather inversions. These inversions, when warmer air does not rise, are well known locally and would threaten residents with lack of emissions dispersal.

No. 13. There should be immediate cessation of business and prompt remedial action taken when the incinerator has operational malfunctions, which are inevitable.

No. 14. Traffic routes for in/out deliveries should be carried out in accordance with the scope of the application via Oakridge/Toadsmoor to the South and Bisley/Birdlip to the North. No delivery vehicles should enter via Water Lane.

No. 15. The case officer has proposed restriction to horses COLLECTED by Equine Vets Ltd. However, permission is allegedly for the (quote) "special situation of the applicant", and permission is proposed to lapse when the business goes out of Equine Vets hands. It would therefore be consistent and appropriate to limit incineration to only those horses which Equine Vets has PREVIOUSLY TREATED.

These are the Parish Council's proposed additional restrictions. If the report in current form must be rejected in order to include them, please could that be considered.

Thank you Mr Chairman and Councillors for your attention."

(At this juncture of the meeting, it was noted that Cllr Cordwell left the meeting).

County Councillor Keith Rippington (speech summarised):

Councillor Rippington informed the Committee that he wanted to give something back to the local community and was duly elected in May 2017 to represent his division, which included a number of parishes. He explained that he attended the Bisley with Lypiatt Parish Council meeting in June 2017, when this application was first raised and he noted there was a great deal of tension at the parish council meeting. The Committee was advised that the Parish Council had discussed this application on numerous occasions and were fully aware of the FOW view.

He accepted that many residents in Water Lane did not want the incinerator, and in accordance with the rules as a County Councillor he was present at the Committee meeting to represent the views of his constituents. He stated that it wasn't in the resident's interest for this application to be granted. He added that if he lived in Water Lane, he too would have concerns particularly if he had young children/grandchildren. Therefore, he asked the Committee to reject the application.

The Chairman invited further questions from Members following the presentations.

Councillor Wheeler asked if fumes from the incinerator were more or less than those of diesel motor vehicle. He also noted that many of the homes on Water Lane had chimneys which would suggest that open fires, enclosed wood burners and a small amount of household waste were being burnt in homes, he proceeded to ask how the emissions from a house fire compared to the emissions from the incinerator?

Mr Woodbridge explained that there was a clear distinction between the two by orders of magnitude as the incinerator unit was designed to completely combust the carcass. He added that DEFRA were more concerned with the emissions from domestic wood burning in a fire place as fuel does not totally combust, as this produced higher emissions than the incineration unit, which was evidential from low lying smoke from house chimneys. The Committee were advised that the incinerator would have a high stack and would operate a temperature of 850oC (which would penetrate any weather inversion), as such there would be barely any emissions from the incinerator and he deemed the figures trivial in this instance.

Councillor Wheeler asked if fumes from the incinerator were comparable to that of a diesel tractor or Landrover.

Mr Woodbridge advised that there would be a higher particulate emission from such vehicles than from the proposed incinerator.

Councillor Parsons referred to the remark from Mr Craine (objecting speaker) that the NPPF had been amended in 2018 and questioned what the position was?

Ms Denness clarified that Mr Craine was referring to the NPPF & the Waste Core Strategy Policy 15. At this point Mr Craine was asked to confirm that this was the issue to which he referenced in his speech. Mr Craine confirmed that it was the NPPF and wording in terms of enhancement had been tightened up.

Mr Phillips confirmed that the Waste Core Strategy was adopted in 2012, and would be subject to review against any changes in national policy in due course. Policy WCS 15 which was referred to considers the impact of development proposals on the impact on the natural environment and also providing a net gain to biodiversity where appropriate and proportionate to the nature of the proposed development. It was confirmed that the County's Ecological Officer had been consulted and his advice was as contained within the officer's report. His conclusions were that the impact on natural assets would be minimal and therefore no enhancements were therefore recommended as being proportionate to the nature and scale of the proposals.

Councillor Robinson questioned the timings of the operation and asked if it would be Stroud District Council's task to monitor any noise in the event of a complaint?

Mr Pope, Atkins Acoustic Consultant, confirmed that it would only be necessary to do an initial test when the unit had been established or in the event of a complaint.

Councillor Hirst referred to the fact that the incineration of a carcass took 12 hours, with a two second burst of 850oC, he asked if the high temperature was to purge any remaining waste?

Mr Woodbridge, Atkins Air Quality Consultant, explained that the plant was required to maintain the 850oC temperature for two seconds residence time in the afterburner airflow from the primary chamber had passed through, completely destroying any carbon based particulate matter. He confirmed that these requirements were issued by DEFRA for type approval compliance.

Councillor Hale questioned the drainage control of the washdown area leading to the unit, given that carcasses leaked bodily fluids, asking if there was to be a soakaway and wished to know if the remaining wash down fluid would be disposed of by specialists.

Ms Townsend advised the Committee that the original proposal was that the wash-down fluid would be burnt with the carcass, however this had changed as the wash-down solution would contain disinfectant. The use of the farm's non-mains drainage system had also been discussed following concerns raised about the potential for pollution of groundwater from disinfectant. It was explained that any disinfectant wash down could be collected via a sump and disposed of off-site. However the applicants were in discussion with the Environment Agency into alternative disinfectants. Therefore a planning condition for the approval of an acceptable drainage scheme would require a final sign off by the Environmental Health Officer and Environment Agency.

Councillor Hale added if the plan's final scheme for disposal would be pursued with statutory consultees for approval as a pre-commencement condition?

Ms Townsend confirmed that the Planning Condition for the approval of an acceptable drainage scheme would be required before the incinerator could be operated to ensure that there would be no ground contamination.

The Committee entered into debate.

Councillor Bird suggested a motion could be made. However, the Chairperson advised that the proposal should be debated before a motion was made.

Councillor Wheeler felt that the questions in relation to the noise and the environmental concerns had been sufficiently answered. He referred to the Cheltenham Crematorium and the fact that it had been inefficiently running for a number of years, and given the close proximity of houses there were never any complaints in relation to the noise or smoke. He didn't feel that the residents of Water Lane had anything to fear.

Councillor Parsons clarified that the Committee were to consider the proposal before them and not any alternatives. He suggested that there should be a minor amendment to the condition to clearly state the names of the individuals who were operating the site and not the businesses.

Ms Denness confirmed amendments to the conditions, were deemed minor in their nature.

Councillor Parsons added that he felt the application was very controlled and had no issues with the application. He didn't feel the impact would be felt and the service would accommodate the local need and was therefore comfortable with the officer's recommendation.

Councillor Morgan felt that the technical information was second to none and that subject to the drainage condition being acceptable, he also agreed with the officer's recommendation.

Councillor Hirst remarked that officers had done a good job given the complexities of this application; he felt that the information available addressed residents' fears and gave sufficient protection to all.

Councillor Hale asked if there was a noise issue in due course could this be resolved by installing a noise curtain within the barn. The Chairman reminded members the Committee were now in debate and the time for questions was earlier in the process. However, he would allow officers to answer the question.

Mr Pope, Atkins Acoustic Consultant added there were actions which could be taken if necessary to reduce the noise. Mr Pope noted that his report contained an error and the noise limits should be 30dB (daytime) & 26dB (evening) (and not those figures he had quoted earlier i.e. 34dB (daytime) & 29dB (evening)).

Councillor Wheeler commented that white goods in a home produced higher noise levels than the incinerator would.

Councillor Bird remarked that there was a lot of information and that there were no fundamental planning reasons to reject the application and therefore he felt the officer recommendation should be accepted.

Ms Denness asked if this was a proposal and if the officer's recommendation for amended planning conditions be applied?

Councillor Bird proposed to accept the Officer Recommendation and the amended planning conditions. Ms Denness recapped the amended conditions: Condition 2 – the permission be made personal to the applicants Dr T Watson and Ms S Williams directly and not Waterlane Equine Vets Ltd. This ensured that when they no longer have an interest in the veterinary practice that the planning permission cannot run with the practice.

Condition 5 would remain unchanged.

The insertion of a new Condition 19 – the inclusion of operative noise limits of 30db (daytime) & 26db (evening) be applied to the nearest noise sensitive property.

Condition 19 in the officer's report would be renumbered as Condition 20 and the subsequent Conditions to be renumbered accordingly thereafter.

Councillor Bird confirmed that he agreed with the amended conditions and proposed to accept the recommendation, subject to the amended conditions. The proposal was seconded by Councillor Parsons.

On being put to the vote, the proposal was unanimously accepted (10 in favour) and was passed.

The Planning Committee therefore:

Resolved

That planning permission be granted for the reasons set out in Section 8 of the Officer's report, in addition to the agreed amended conditions:

2. Scope of the Development

The permission shall inure for the benefit of Dr T Watson and Ms S Williams during their occupation of the land edged red as shown on the Location Plan. When the site ceases to be occupied by Dr T Watson and Ms S Williams the use shall cease and all equipment brought onto the site in connection with this use shall be removed within 2 months of such cessation.

Reason: The use has been granted given the exceptional circumstances of the applicants and their business and allows the Local Planning Authority to control the development.

3. Unless otherwise required by conditions attached to this permission, the development hereby permitted shall be carried out in accordance with the submitted planning application 18/0043STMAJW and its accompanying Supporting Statement, dated 22.06.2018; Noise Impact Assessment produced by Venta Acoustics dated 16.05.2018; Data Sheet for the TB-AB Animal Waste Incinerator produced by Addfield; and the following approved drawings:

- Location Plan, received 14th June 2018;
- Site Plan: drawing No.TW/17/02 Rev F dated 18.09.2018
- Visibility Splays: drawing No.TW/17/03, received 14.06.2018;

Reason: In order to define the scope of this permission in accordance with Policy WCS1, WCS10, WCS14 and WCS17 of the adopted Gloucestershire Waste Core Strategy, saved Policies 33, 37 and 38 of the Gloucestershire Waste Local Plan 2002-2012, along with policies CP1, CP3, CP14, CP15, EI4, ES1, ES3, ES6, ES7 and ES9 of the adopted Stroud District Local Plan (2015) and the aims and objectives that the National Planning Policy Framework seeks to protect and promote.

4. The development hereby permitted shall only be used for the incineration of equine carcasses and the maximum rate shall not exceed 50 kg per hour.

Reason: In the interests of neighbouring amenity and in accordance with saved policy 37 of the Gloucestershire Waste Local Plan, policy CP15 of the Stroud District Local Plan and the aims and interests that the National Planning Policy Framework seeks to protect and promote.

5. Nature and Volume of Waste

The permission for the disposal of equine carcasses by incineration shall exist only for animals which have collected by the Water Lane Equine Vets Limited. No other waste is permitted to be disposed of on the application site.

Reason: In the interests of neighbouring amenity and in accordance with saved policy 37 of the Gloucestershire Waste Local Plan, policy CP15 of the Stroud District Local Plan and the aims and interests that the National Planning Policy Framework seeks to protect and promote.

6. All animal carcasses shall be delivered to and stored within the approved building. No equine carcasses shall be stored on site for more than 12 hours.

Reason: In the interests of neighbouring amenity and for the avoidance of attracting pests and vermin in pursuant to saved policy 37 of the Gloucestershire Waste Local Plan, policy CP15 of the Stroud District Local Plan and the aims and interests that the National Planning Policy Framework seeks to protect and promote.

7. Hours of Construction and Installation
No works to facilitate the commissioning and installation of the incinerator shall take place except between the hours of 8:00 and 18:00 hours Mondays to Fridays and 9:00 to 17:00 hours on Saturdays and not at all on Sundays, Bank Holidays or public holidays.

Reason: In the interests of neighbouring amenity and in accordance with saved policy 37 of the Gloucestershire Waste Local Plan, policy CP15 of the Stroud District Local Plan and the aims and interests that the National Planning Policy Framework seeks to protect and promote.

8. Hours of Delivery
Deliveries and collections relating to the operation of the incinerator (unless it is an emergency which shall require the veterinarian's urgent attendance and which shall be notified to the Waste Planning Authority as soon as practicable), shall be carried out between 07:30 and 18:00 hours Mondays to Fridays, 08:00 to 17:00 hours Saturdays and at no time on Sundays or Bank Holidays or public holidays.

Reason: In the interests of neighbouring amenity and in accordance with saved policy 37 of the Gloucestershire Waste Local Plan, policy CP15 of the Stroud District Local Plan and the aims and interests that the National Planning Policy Framework seeks to protect and promote.

9. Handling of Equines
All handling of equines and their remains shall be carried out within the building edged in red as shown on Site Plan drawing TW/17/02B Rev F dated 18.09.2018.

Reason: In the interests of safeguarding neighbouring amenity and in accordance with saved policy 37 of the Gloucestershire Waste Local Plan, policy CP15 of the Stroud District Local Plan and the aims and interests that the National Planning Policy Framework seeks to protect and promote.

10. The details of the flue stack shown on drawing TW/17/02F dated 18.09.2018 shall be implemented as approved. The external portion of the flue shown with an outlet at 7 metres (above ground level) shall be finished in a matt dark green colour and be unimpeded by a cap or cowl. The appearance of the flue shall be maintained for the duration of the development hereby approved.

Reason: To ensure the use of appropriate materials in the interest of the visual amenity and the character and setting of the Cotswold Area of Outstanding Natural Beauty in accordance with Policy WCS14 of the adopted Gloucestershire Waste Core Strategy and Policies CP14 and ES7 of the Stroud District Local Plan (November 2015).

11. Permitted Development

Notwithstanding the provisions of Schedule 2, Part 2, Class C; Part 7, Class I; Part 7, Class L; Part 14, Class O and Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order replacing, amending or re-enacting that order), no extension or alterations to the building or the external appearance of the flue stack hereby permitted whether or not for a temporary period shall take place on any part of the flue stack without planning approval from the Waste Planning Authority.

Reason: There is a need to maintain control over additional plant and machinery in the interests of the amenity of the area, nature conservation and in accordance with saved policy 37 of the Gloucestershire Waste Local Plan (adopted Oct 2004), policy WCS10 and WCS14 of Gloucestershire's adopted Waste Core Strategy (adopted Nov 2012), saved policy 37 of the Gloucestershire Waste Local Plan and policy ES7 of the Stroud District Local Plan, along with the aims and objectives that the National Planning Policy Framework seeks to protect and promote.

12. Notwithstanding the provisions of Schedule 2, Part 3, Class I of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order replacing, amending or re-enacting that order), no other activity within Use Class B2 shall be carried out within the part of the building edged red shown on approved drawing TW/17/02F other than that approved by this permission.

Reason: There is a need to maintain control over the introduction any inappropriate activity in the interests of the amenity of the area, nature conservation and in accordance with saved policy 37 of the Gloucestershire Waste Local Plan (adopted Oct 2004), policy WCS10 and WCS14 of Gloucestershire's adopted Waste Core Strategy (adopted Nov 2012), saved policy 37 of the Gloucestershire Waste Local Plan and policy ES7 of the Stroud District Local Plan, along with the aims and objectives that the National Planning Policy Framework seeks to protect and promote.

13. Highways

The area between the visibility splays extending from a point 2.4 metres back along the centre of the access measured from the Water Lane carriageway

edge (the X point) to a point on the nearer carriageway edge of the public road 52 metres distant in both directions (the Y points) shall be maintained so as to provide clear visibility between 1.05 metres and 2.0 metres at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason: To reduce potential highway impact by ensuring that adequate visibility is provided and maintained and to ensure that a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians is provided in accordance with the National Planning Policy Framework paragraph 108.

14. The area between the visibility splays extending from a point 2.4 metres back from the centre of the access measured from the edge (the X point) to a point on the edge of bridleway MBL76 20 metres in both directions (the Y points) shall be maintained so as to provide clear visibility between 1.05 metres and 2.0 metres at the X point and between 0.26 metres and 2.0 metres at the Y point above the adjacent ground level.

Reason: To reduce potential highway impact by ensuring that adequate visibility is maintained to ensure safe, suitable means of access for all people that minimises the conflict between cyclists, pedestrians and highway users in accordance with the National Planning Policy Framework paragraph 108.

15. The use hereby permitted shall not be brought into use until a disabled parking space adjacent to the office entrance shown on the Site Plan drawing TW/17/02/F dated 18.09.2018 has been provided. The parking bay shall be maintained for the duration of this planning permission.

Reason: To ensure safe and suitable access to the site can be achieved for all users; to give priority to pedestrians and to address the needs of people with disabilities in accordance with paragraphs 108 and 110 of the NPPF.

16. The area shown fenced with 2 m high close-boarded fencing, to the north of the barn entrance doors, on the Site Plan Drawing TW/17/02F dated 18.09.2018 shall be maintained free of obstruction at all times in order to allow sufficient space for the applicant's vehicle towing a trailer to safely enter the site, reverse into the barn and exit the site in forward gear.

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of waste for disposal in accordance with paragraph 110 of the NPPF.

17. External Lighting

No external lighting shall be installed on the building edged in red as shown on drawing TW/17/02F dated 18.09.2018 until an external lighting scheme has been submitted to and approved in writing by the Waste Planning Authority.

The details shall include:

- (a) the position, height and type of all external lighting;
- (b) the periods of day and night (throughout the year) when such external lighting is likely to be used.

The approved scheme shall be implemented for the duration of the development and maintained thereafter in accordance with the scheme.

Reason: To safeguard the amenity of neighbouring residents in accordance with policy WCS10 and WCS14 of the Gloucestershire Waste Core Strategy, saved policy 37 of the Gloucestershire Waste Local Plan, along with policy CP14 and ES7 of the adopted Stroud District Local Plan (November 2015).

18. Environmental Control Manual

Prior to the use of the development the applicants shall submit in writing for formal approval by the Waste Planning Authority, an Environmental Control Manual which shall set out the steps to be taken on an ongoing basis to:-

- a) control the potential odour and noise impacts related to the reception and storage of carcasses at the facility;**
- b) control pests at the facility, i.e. rodents and insects;**
- c) undertake operation of the incinerator to ensure that it meets the specified expected emissions criteria set out in the submitted TB-AB document;**
- d) monitor for smoke and smell in the locality of the incinerator;**
- e) control the disposal of waste from the incinerator and associated equipment; and**
- f) undertake maintenance and servicing of the incinerator and associated equipment in line with the manufacturer's instructions.**

The approved details shall remain in force for the duration of the development hereby approved.

Reason: To ensure that appropriate environmental control measures are in place in the interest of safeguarding the amenity of neighbouring residents and occupiers, along with the character and setting of the Cotswolds Area of Outstanding Natural Beauty in accordance with Policy WCS14 of the adopted Gloucestershire Waste Core Strategy, saved Policy 37 of the Gloucestershire Waste Local Plan, along with Policy CP14 of the adopted Stroud District Local Plan (November 2015).

19. Operative Noise Limits

Noise from the operation of the incinerator shall be limited to 30 dB LAr,Tr during daytime hours (0700 to 2300 hours) and 26 dB LAr,Tr during night-time hours (2300 hours to 0700 hours) at the façade of the closest noise sensitive receptor. This shall include BS4142 : 2014 penalties as per the Venta Acoustic Report.

Reason: In the interests of the amenity of the occupiers of nearby residential properties and the tranquillity of the Cotswolds Area of Outstanding Natural Beauty, pursuant to saved Policy 37 of the Gloucestershire Waste Local Plan, Policy CP15 of the Stroud District Local Plan and the aims and interests that the National Planning Policy Framework seeks to protect and promote.

20. Noise Method Statement

Prior to the use hereby permitted, the applicants shall carry out commissioning testing of the incinerator to demonstrate compliance with the

operative noise limit specified in the Noise Assessment by Venta Acoustic (VA1963.180504.NIA2) dated 16th May 2018. A Method Statement setting out the details of how this noise monitoring test will be validated shall be submitted to and approved by the Waste Planning Authority not less than one month prior to the planned test date. In the event that the operative noise limit is not achieved, the Method Statement shall set out details of additional works which would be carried out, the effectiveness of which shall require additional validation monitoring in order to secure compliance with this condition.

Reason: In the interests of the amenity of the occupiers of nearby residential properties and the tranquillity of the Cotswolds Area of Outstanding Natural Beauty, pursuant to saved policy 37 of the Gloucestershire Waste Local Plan, policy CP15 of the Stroud District Local Plan and the aims and interests that the National Planning Policy Framework seeks to protect and promote.

21. Pollution Control

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

22. Disinfectant Disposal

The use hereby permitted shall not commence until the provisions for the disposal of disinfectant wash-down following the transportation of a carcass has been submitted and approved in writing by the Waste Planning Authority.

Reason: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991).

30. DELEGATED DECISIONS BETWEEN 11TH January 2018 & 13th November 2018.

Ms Pearse asked if the Committee would prefer to have the delegated decisions report circulated for information as per the Planning Committee calendar of meetings. In the event of there not being a Planning Committee meeting, members could view the report to maintain its relevance.

Resolved

That the delegated decisions made between 11th January and 13th November 2018 be noted.

The Committee welcomed the officer's proposal and agreed to view the Delegated Decision report as per the calendar of meetings.

ENFORCEMENT SCHEDULE

The Committee received the report. Kevin Phillips presented the report on behalf of Andy Birchley, Enforcement Officer. Mr Phillips explained that Mr Birchley planned to revise the enforcement schedule in due course.

Resolved

That the enforcement schedule be noted.

31. MONITORING OF LANDFILL AND SITES UPDATE

Nick Bainton, Senior Planning Officer presented the report in detail. The Committee noted that the Enforcement Officer post also complimented this role and officers were working closely to enforce any breaches.

Resolved

That the report be noted.

CHAIRPERSON

Meeting concluded at 13.07pm