

**Planning Committee**

**20 February 2008**



**Installation of chimney and incinerator for the disposal of animal waste, G Bolam Foods Ltd, Salters Lane Industrial Estate, Sedgefield: Appeal Decision**

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**Report of Rod Lugg, Head of Environment and Planning**

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**Purpose of the Report**

- 1 To inform the Committee of the outcome of an appeal against the County Council's refusal of planning permission for the above development.

**Background**

- 2 In August 2006 the Planning Committee refused planning permission for the above development on the grounds that there was no established need for the facility and that it would give rise to unacceptable public anxiety. The proposal attracted substantial local opposition.
- 3 The applicant appealed against the Council's decision and a Public Inquiry was held on 16<sup>th</sup> and 17<sup>th</sup> January 2008 to consider the planning issues raised by the development. The Planning Inspector's decision letter was issued on 7<sup>th</sup> February 2008 and advises that he has allowed the appeal and granted planning permission for the development subject to conditions. The appellant's application for costs at the inquiry was refused by the Inspector (copies of the decision letters are available in the Members Resource Centre).

**Reasons for the Decision**

**Need**

- 4 The Inspector considered that the proposal involved a small scale facility that is not intended to serve anyone other than the appellant. In the light of this and the policy framework he considered that a requirement to establish a wider community need for the facility at the county or sub-regional level was not so relevant. He concluded that there was a business need for the facility in terms of dealing with waste generated on the site and that it would be an appropriate new waste management facility in a sustainable location.

## Public anxiety

- 5 The Inspector acknowledged the high level of public concern about the animal incinerator from the letters of objection received in connection with the proposal and those giving evidence at the appeal on behalf of the Sedgefield Village Residents Forum, Sedgefield Town Council and other residents and business users. He also accepted that in certain instances public anxiety could be a reason for refusal of planning permission. However, on the basis of technical evidence about the specifications and outputs of the incinerator, including atmospheric dispersion models and the management of the facility, he was of the view that the proposal would not give rise to unacceptable consequences and that local amenity would be adequately protected.
- 6 In order to provide suitable reassurance to the public he nevertheless attached a number of conditions to the planning consent to ensure that the incinerator is operated in an appropriate manner and in the interests of public health. These include odour control measures and the requirement for a code of practice in relation to the operation, maintenance, management and monitoring of the facility.

## Costs Decision

- 7 The appellant's case for costs was based on the view that the Council had no planning grounds for taking a decision contrary to the Committee report recommendation and had acted unreasonably in relying so heavily on public anxiety.
- 8 Whilst acknowledging that the decision of the Planning Committee was different from that recommended by officers the Inspector believed that it had acted reasonably in reaching a different decision in this case and had reasonable planning grounds to do so.
- 9 He concluded that the Planning Authority's reasons for refusing the scheme were complete, precise, specific and relevant and that the Authority had produced substantive evidence at the inquiry to justify its position. On this basis an award of costs against the authority was not justified.

## Conclusion

- 10 The Committee is asked to note the decision.

## Background Papers

Appeal and costs decision letters

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