



Appeal Decision

by Zoe Baxter BSc, MSc, MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 05/06/2024

Appeal reference: CAS-03154-D3V7Y9

Site address: Unit G, Crown Business Park, Tredegar, NP22 4EF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr R Lloyd against the decision of Blaenau Gwent County Borough Council.
 - The application Ref C/2023/0129, dated 25 May 2023, was refused by notice dated 11 October 2023.
 - The development proposed is change of use of existing storage building to house animal incinerator (B2 to Sui Generis), building with new roof.
 - A site visit was made on 9 May 2024.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. A portacabin was situated on site. However, as this does not form part of the application and is not shown in the plans submitted, it has not influenced my consideration of the appeal scheme.

Main Issue

3. The main issue is the effect of the proposed development on health, amenity and the local environment, having regard to air quality.

Reasons

4. The appeal site comprises a detached single storey building located to the side of Unit G at Crown Business Park. It is accessed via large double gates situated to the north of Unit G, which is currently in operation as a carpets and blinds store. The business park contains a mix of commercial uses, including a garden centre and a children's nursery. As such, the area is not typified by heavy industrial uses and is a sensitive location in terms of air quality considerations.
5. The proposal includes an external air flue and a Volcan 750 incinerator to be housed within the building to carry out the pet cremations. The specifications provided indicate that it is classified as low capacity with a burn rate of up to 50kg per hour. Nonetheless, there is no dispute that the proposal would involve the release of pollutants into the atmosphere as set out in the 'Animal Incineration Emission Levels' document provided with the appeal.

6. I have had regard to the supporting information provided by the appellant, and I have no reason to doubt that the incinerator would comply with the requirements of the Animal and Plant Health Agency (APHA) and the Department for Food and Rural Affairs (DEFRA). However, separate forms of regulatory controls will usually involve different thresholds and considerations. Within the planning system, creating sustainable places that are attractive, sociable, and healthy amongst other things, is a key planning principle. In this context, clean air is an important contributor to a positive experience of place as well as being necessary for public health, amenity and well-being. As such, what might be acceptable within the remit of the APHA and DEFRA, does not mean that a development will be acceptable in planning terms.
7. Following from the above, Policy DM1 (criterion g) of the Blaenau Gwent County Borough Council Adopted Local Development Plan (LDP) seeks to protect the standard of air quality. Para 7.12 of the reasoned justification confirms that development likely to result in pollutant emissions to air or which has the potential to cause harm to human health and/or the environment should provide a full and detailed assessment of the likely impact of these emissions.
8. In order to determine whether the appeal site is suitable for the proposed use, the Council requested additional information by way of an air quality assessment/stack height calculation to determine the required height for the incinerator stack to allow for appropriate dispersal of air pollutants. I observed on my site visit that a flue has been installed at the single storey building, which is lower than the buildings around it. I acknowledge that the incinerator is described as low capacity, however, I do not have an air quality assessment that is particular to the proposed use and its site-specific circumstances, especially having regard to its location in an area of mixed uses frequented by the general public. In these circumstances, I also do not know if the stack is at the correct height to ensure emissions are released without harm to the locality.
9. I conclude that there is insufficient information to demonstrate that the proposal would not have an unacceptable effect on health, amenity and the local environment. It would therefore conflict with LDP Policy DM1.

Conclusion

10. For the reasons set out above, and having regard to all matters raised, the appeal is dismissed.
11. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

Zoe Baxter

INSPECTOR