

From: Frank Smith [REDACTED]
Sent: 21 November 2022 21:33:36 UTC+00:00
To: "Roscicka, Agata" <Agata.Roscicka@east-ayrshire.gov.uk>; "Love, Alice" <Alice.Love@east-ayrshire.gov.uk>
Subject: Re: FAO Agata Roscicka 21/0262/PP Objections in relation to Environmental Health and Holmes Farm [OFFICIAL]

Thanks for letting us know. See you then.

From: Roscicka, Agata <Agata.Roscicka@east-ayrshire.gov.uk>
Sent: 21 November 2022 13:15
To: 'Frank Smith' [REDACTED] Love, Alice <Alice.Love@east-ayrshire.gov.uk>
Subject: RE: FAO Agata Roscicka 21/0262/PP Objections in relation to Environmental Health and Holmes Farm [OFFICIAL]

CLASSIFICATION: OFFICIAL

Dear Frank,

Thank you for all the information provided. We are aiming to visit the site around 10.30am

I hope this works for you.

Kind Regards,

Agata Roscicka
Environmental Health Officer

Regulatory Services
Environmental Health & Trading Standards
Civic Centre South
Kilmarnock, KA1 1HW
Phone: 01563 576790 (option 1)
Email: agata.rosicka@east-ayrshire.gov.uk

From: Frank Smith [REDACTED]
Sent: 21 November 2022 12:01
To: Roscicka, Agata <Agata.Roscicka@east-ayrshire.gov.uk>; Love, Alice <Alice.Love@east-ayrshire.gov.uk>
Subject: Re: FAO Agata Roscicka 21/0262/PP Objections in relation to Environmental Health and Holmes Farm [OFFICIAL]

Dear Agata and Alice,

We are happy to welcome you to Holmes Farm tomorrow morning. If you could let us know what time you will be arriving, that would be most helpful, and also whether you have been on any farm or equine units in the past seven days.

When you arrive, please call [REDACTED] on [REDACTED] so she can meet you at the gate and show you where to park.

A few biosecurity and health and safety notes before tomorrow's visit:

- It's wet and muddy, so please bring clean disinfected wellies. Foot washes and hand sanitiser will be available.
- Holmes Farm houses critically endangered Shetland ducks and chickens (breeding and egg producing stock,) meaning that we adhere to current Scottish Government guidelines and bird flu protocols. **An Avian Influenza Prevention Zone (AIPZ) has recently been declared across the whole of Scotland**. Further information can be found at the link below

[Avian Influenza Prevention Zone: October 2022 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/avian-influenza-prevention-zone-2022/pages/1-introduction-and-what-to-do-if-you-are-in-a-zone.aspx)

- As well as (breeding and beef) cattle, we breed thoroughbred mares and youngstock, so please do not touch any animals/birds or farm buildings or equipment whilst on farm.

[Biosecurity practices for animal health: guidance - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/biosecurity-practices-for-animal-health/pages/1-introduction.aspx)

[Biosecurity practices for animal health: guidance for public sector staff - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/biosecurity-practices-for-animal-health/pages/2-guidance-for-public-sector-staff.aspx)

Also attached is a copy of The Thoroughbred Breeders' Association 2023 Codes of Practice, detailing infectious diseases.

- Please do not touch vermin bait boxes positioned around the farm.
- Tractors will be operating, so please bring hi-vis jackets – we can provide these if necessary. We will escort you round for your own safety.

We look forward to seeing you tomorrow.

Kind regards,

Frank Smith [REDACTED]

Frank [REDACTED]
[REDACTED]

From: Roscicka, Agata <Agata.Roscicka@east-ayrshire.gov.uk>

Sent: 17 November 2022 15:13

To: 'Frank Smith' <[REDACTED]>
Subject: RE: FAO Agata Roscicka 21/0262/PP Objections in relation to Environmental Health and Holmes Farm [OFFICIAL]

CLASSIFICATION: OFFICIAL

Hi Frank,

Thank you for getting back to me. We should be ok to visit on Tuesday. Should this change I will let you know on Monday.

Thank you in advance!

Kind Regards,

Agata Roscicka
Environmental Health Officer

Regulatory Services
Environmental Health & Trading Standards
Civic Centre South
Kilmarnock, KA1 1HW
Phone: 01563 576790 (option 1)
Email: agata.rosicka@east-ayrshire.gov.uk

From: Frank Smith <[REDACTED]>
Sent: 16 November 2022 13:48
To: Roscicka, Agata <Agata.Roscicka@east-ayrshire.gov.uk>
Subject: Re: FAO Agata Roscicka 21/0262/PP Objections in relation to Environmental Health and Holmes Farm [OFFICIAL]

Hello Agata
Tuesday morning would be best for us thank-you.
Kind regards
Frank Smith

From: Roscicka, Agata <Agata.Roscicka@east-ayrshire.gov.uk>
Sent: 16 November 2022 09:22
To: [REDACTED]
Cc: Love, Alice <Alice.Love@east-ayrshire.gov.uk>
Subject: FW: FAO Agata Roscicka 21/0262/PP Objections in relation to Environmental Health and Holmes Farm [OFFICIAL]

CLASSIFICATION: OFFICIAL

Good morning Mr Smith,

I hope you are well.

My colleague Alice and I were wondering if it would be possible for us to visit the site again and have another walk around the field? Now that the livestock has returned to the farm, the visit would be very beneficial to us for further dealings with this application.

We are available to visit the farm on Monday (21/11/22) anytime, Tuesday (22/11/22) morning and early afternoon or Wednesday (23/11/22) afternoon. Please let me know if any of those days would be suitable for you to allow access to the site.

I appreciate your help with this and looking forward to hearing from you.

Kind Regards,

Agata Roscicka
Environmental Health Officer

Regulatory Services
Environmental Health & Trading Standards
Civic Centre South
Kilmarnock, KA1 1HW
Phone: 01563 576790 (option 1)
Email: agata.rosicka@east-ayrshire.gov.uk

From: Frank Smith [REDACTED]
Sent: 21 October 2022 12:35
To: environmentalhealth <environmentalhealth@east-ayrshire.gov.uk>
Subject: FAO Agata Roscicka 21/0262/PP Objections in relation to Environmental Health and Holmes Farm

Dear Agata,

It was good to meet you and your colleague on Wednesday and to explain the situation here at Holmes Farm.

For your information, Holmes Farm's CPH number is [REDACTED] should you need to check it out with RPID; and the details of the Certificate of Lawfulness can be found on the [planning portal: 20/0230/LD](#).

As I explained during your visit, we are concerned that the developers are attempting to deny the fact that we are a farm because our existence doesn't fit with their plans - literally. It appears that in order to maximise profits on the site, they are building as close to the farm as

possible, without consideration of the impact on our business or for the health and wellbeing of future residents.

I have attached and included below some of my more recent correspondence to planning/environmental health, although earlier objections to this planning application were lodged in May 2021 - citing information about the 400-metre cordon sanitaire needed for underfloor slurry storage, such as exists at Holmes Farm - and one in April 2022. You will see in the attached comments from a resident living next to Towerhill Farm, and also comments made by the Scottish Government Reporter "I cannot believe that residential development was allowed to encroach so close to farming operations"

As it stands, we will be submitting further objections to the new noise and odour assessments submitted by the developer, which we believe are fundamentally flawed, not least because of the timing of the assessments and the information that was given to the consultants on the day.

The noise survey was taken when the surveyor (Rocco) knew that no farming or industrial activity was taking place - my partner having informed him of my and other workers being offsite. Rocco even commented to my partner that he would be informing his clients that the noise survey would not be true reflection of noise activity on the farm steading and that he would have to return to complete an accurate assessment. He told my partner that the assessment that day would make a good baseline, so it was in our interests if noise levels were low to attain a greater difference between this recording and future measurements. Given the findings of his report, it now makes us wonder whether this was said to ensure no noise was made.

We note too that no insect assessment has yet been submitted. Given the size of our muck pile that you photographed, an assessment of insects will no doubt be required during the hot Summer months.

I am happy to work with EAC Environmental Health and Planning departments, the developers (and/or their agents) to demonstrate the full range of farming and industrial activity that takes place on the site. The developers implying that farming and industrial activity has ceased on the site is simply unacceptable and could have serious consequences for my businesses and for public health.

Since this application has been submitted, there has been no approach from Dawn Homes about the legal protection afforded to our septic tank (which is in the development field and empties into the wider field drainage system), issues raised by our solicitors and surveyor. The submitted levels plan clearly shows that, if enacted, our septic tank and related pipework will be destroyed, making our farmhouse uninhabitable.

Please do get in touch if you require any further information.

Many thanks
Frank Smith

From: Frank Smith
Sent: 04 May 2022 09:56
To: environmentalhealth@east-ayrshire.gov.uk <environmentalhealth@east-ayrshire.gov.uk>;
Fergusson, Marion <Marion.Fergusson@east-ayrshire.gov.uk>; Atkinson, Peter <Peter.Atkinson@east-ayrshire.gov.uk>; Purves, Karen <Karen.Purves@east-ayrshire.gov.uk>
Subject: 21/0262/PP Objections in relation to Environmental Health and Holmes Farm

FAO:
Donald Smith, Environmental Health
Marion Fergusson, Planning
Peter Atkinson and Karen Purves, Development Planning & Regeneration

Following the consultation response from Environmental Health Officer Donald Smith (dated 13th April 2022), which does not even acknowledge a working farm and shed with Certificate of Lawfulness for Industrial use on the boundary of the above site, I would like to draw your attention to my most recent objections – below and attached.

I and members of Crosshouse Neighbours' Placemaking Group had a visit yesterday from our local MP, Alan Brown, about the above proposed housing development. We have informed Mr Brown of the relevant noise legislation in relation to noise-sensitive developments and established businesses (see below), which forms part of my objections.

Crosshouse Community Council and Councillor Lillian Jones have also lodged objections in relation to current design of the above site and its proximity to the farm.

If you require any further information, please feel free to contact me.

Kind regards
Frank Smith

Holmes Farm Farming

Planning Objection

RE: 21/0262/PP Proposed Development of 39 detached and semi-detached houses, Land Adjacent to Holm Farm B7081 from Mote View to Gatehead, Crosshouse, KA2 0BQ

Further to earlier submitted objections we submit a further objection with particular reference to the Re-consultation Response from, Planning Policy in respect of the latest submitted documents by Dawn Homes : These being reviewed by Peter Atkinson on 21 April :-

Approval of Response: reference having being made to EAC LDP Policies :-

OP1, OP2, RES1, RES3, RES11, T1, INF2, INF4 (Sch 8), INF5, ENV8, ENV9, ENV11, ENV13, ENV14 & WM8

We submit that there is one important aspect which has been omitted from this latest Review:---Perhaps by not appreciating that a piece of Scottish Government statutory legislation came into force after the published date of the East Ayrshire Residential Policy – RES 11: Residential Amenity.

The EAC - LDP cites RES 11: Residential Amenity (with a publication date of on 21st August 2019)

This therefore was published prior to the coming into effect of the Scottish Government's commencement of Section 25 of the Act inserts new section 41A into the 1997 Act, which relates to applications for planning permission for "noise-sensitive developments", where residents are likely to be affected by significant noise from existing activity in the vicinity.

The Scottish Government Chief Planners update note of March 2021 states that "the regulations commence this provision for all applications received by the authority on or after 20 December 2019."

Therefore, we submit that East Ayrshire Residential Policy – RES 11: Residential Amenity, does not reflect the mandatory requirement for a Planning Authority to take this provision into account in any development such as Dawn Homes site contiguous to Holmes Farm.

The wording in East Ayrshire Residential Policy – RES 11: Residential Amenity, is not consistent with the wording of the new Section 41A of the 1997 Act.

A specific site professional assessment with an acoustic audit, noise review and, risk assessment design appraisal is required to be undertaken on the Instructions of East Ayrshire Council, before any Planning Consent for the Development is considered.

This process should comply with the direction of Scotland's Chief Planner:

"..applications for planning permission for "noise-sensitive developments", where residents are likely to be affected by significant noise from existing activity in the vicinity. Where this is the case the planning authority must take particular account of whether the new development includes sufficient measures to "mitigate, minimise or manage" the effect of noise between the development and any existing cultural venues or facilities, dwellings or businesses in the vicinity."

For the avoidance of doubt we are of the clear opinion that the present Review by EAC's Atkinson dated 21-04-2022 does not take this specific legislative requirement into full and proper account.

Instead, we see a note that some garden sizes have been re-assessed.

This falls substantially below the level of scrutiny, factual audit and assessment required under Section 41A,- to point of ignoring it completely.

We therefore submit that this important Scottish Government mandated step should be undertaken by Dawn Homes, as it should have been in the first instance, in recognition of a Planning Act requirement which was pointed out to their Development Director some two years ago. At that time they acknowledged they were not aware of its existence, nor its full provisions.

Please acknowledge receipt of this email's Formal Objection.

Frank Smith. 26 April 2022

Sent from Mail for Windows

MND Scotland is the leading charity in Scotland providing care and support to people affected by Motor Neurone Disease (MND), as well as funding vital research into finding a cure.

Please consider donating to the Provost's chosen charity for the next two years to help people living with Motor Neurone Disease.

<https://eastayrshi.re/provostcharitydonation>

From: Gilchrist, Billy <Billy.Gilchrist@east-ayrshire.gov.uk>
Sent: 29 November 2022 12:25:47 UTC+00:00
To: "Frank Smith" [REDACTED]
Cc: "Rosicka, Agata" <Agata.Rosicka@east-ayrshire.gov.uk>; "Love, Alice" <Alice.Love@east-ayrshire.gov.uk>; "Finlay, Fiona" <Fiona.Finlay@east-ayrshire.gov.uk>
Subject: Re: Follow-up on Holmes Farm visit [PUBLIC]

Good afternoon

In relation to your undernoted email, in response I can advise the reasons for this application going to Scottish Government will need to be provided by the Council's Planning Service, Environmental Health are consultees to the Planning process only. In addition I cannot speculate on another officer's interpretation of our responses, however I have copied Fiona Finlay into this email for her attention.

I apologise that I am unable to be of more assistance to you.

Regards

Bill Gilchrist
Team Leader
(Pollution Control/Corporate Enforcement Unit)
Regulatory Services (Environmental Health)
East Ayrshire Council
Civic Centre South
16 John Dickie Street
KILMARNOCK KA1 1HW

Tel. 01563 576790 (Option 1)

From: Frank Smith [REDACTED]
Sent: 24 November 2022 19:02
To: Gilchrist, Billy; environmentalhealth
Subject: Follow-up on Holmes Farm visit

Dear Mr Gilchrist,

I think I may have written an incorrect email address when I tried to cc you in on the email below. Could you let me know that you've received this, please?

Many thanks,

Frank Smith

From: Frank Smith
Sent: 24 November 2022 18:51
To: Rosicka, Agata <Agata.Rosicka@east-ayrshire.gov.uk>; Love, Alice <Alice.Love@east-ayrshire.gov.uk>
Cc: W.Gilchrist@east-ayrshire.gov.uk <W.Gilchrist@east-ayrshire.gov.uk>
Subject: Follow-up on Holmes Farm visit

Dear Agata & Alice,

Thanks for visiting Holmes Farm on Tuesday. Sorry that the weather wasn't blowing in its usual direction from the farm to dev. field!

I've attached Billy Gilchrist's consultation response that Fiona mentioned during the visit - the one that raises concerns about insects. Other neighbours have also mentioned insects in their objections as part of the planning process - not sure if this might be relevant.

FYI... we have also included Iain Kirkpatrick Associates' original objection report - available on the planning portal.

We are perplexed as to why this might be going to Scottish Government for a decision - did [REDACTED] correctly understand what you said? If this is the case, would it be possible to let us know why?

Many thanks,
Frank Smith