

PLANNING COMMITTEE

Date: 6 August 2014

Schedule of Committee Updates/Additional Representations

Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.

SCHEDULE OF COMMITTEE UPDATES

P133401/F - ERECTION OF 4 NO. BROILER BUILDINGS, AGRICULTURAL STORAGE BUILDING, 2 NO. CONTROL ROOMS, 10 NO. FEED BINS, HARDSTANDING AND ACCESS IMPROVEMENTS AND DRAINAGE ATTENUATION POND AT LAND SOUTH OF PENRHOS FARM, LYONSHALL, KINGTON, HR5 3LH

For: Mr Williams per Mr Ian Pick, Llewellyn House, Middle Street, Kilham, Driffield, YO25 4RL

ADDITIONAL REPRESENTATIONS

The Environmental Health Manager has responded in relationship to independent reports received on behalf of an objector on noise and odour issues commenting:

'I have considered the The Airshed documents and would comment that although they identify possible weaknesses in the assessments provided by the applicant they do not identify mistakes. The assessments provide by the applicant have also been considered by the EA who are the enforcing authority for the regulation of polluting emissions from the proposed poultry houses and they appear to be satisfied. The poultry unit will require a permit from the Agency to operate which will impose conditions and which will negate the need for planning conditions that duplicate these requirements.'

The Environment Agency has responded in respect of the information received from Air Shed indicating as part of our response to the planning application we requested an odour assessment be submitted to address those nearby sensitive receptors 'within 400m' of the proposed development.

To inform your decision making, and help ensure a robust EIA, the applicant provided information beyond the 98th percentile odour modelling (minimum required under the H4 permitting guidance). The submitted odour report looked at the potential impact for the crop cycle odour at 99.5 and 99.8th percentile, in line with our advice given the proximity to nearby dwellings.

The conclusions of the odour report show that the crop cycle does not appear to present a problem and is unlikely to cause annoyance. The planning application does provide some control measures to help reduce the likelihood of annoyance.

The Environmental Statement confirms that the proposed poultry unit will 'not produce any unacceptable Environmental Impacts'.

The Environmental Permit (EP) will control the operation of the site (installation area) in relation to day to day general management, including relevant land, air and water impacts; maintenance and pollution incidents.

The EP for Penrhos Farm was issued on the 5 June 2014, reference VP3236NH.

This includes a permit condition in section '3.3 Odour' which states that "3.3.1 Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has

used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour". There is a similar condition for noise in section 3.4 which states that "3.4.1 Emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan to prevent or where that is not practicable to minimise the noise and vibration".

Should the site operator fail to meet the conditions of a permit we will take action in-line with our published Enforcement and Sanctions guidance.

Our EP decision document confirms that: "The OMP has been assessed using Environment Agency Guidance H4 Odour Management – How to Comply with your Environmental Permit and the Poultry Industry Good Practice Checklist. We are happy that the control and contingency measures on site are sufficient to control odorous emissions from the site. We have therefore approved the Odour Management Plan for Penrhos Farm Poultry Unit. The OMP will be reviewed every year; or sooner if an odour complaint is received".

In this instance, as part of the ES, the applicant has provided a reasonable understanding of the emissions from the site, going beyond minimum standards (H4 guidance). Whilst there are some uncertainties associated with factors such as one-off extreme weather events or clean out; which as this independent (Airshed) review suggests, could introduce uncertainty into the overall conclusions. However, there are uncertainties associated with any odour modelling and these assessments form part of a wider understanding of the site.

The odour report also considered the 'in combination' effects of Penrhos Farm and Heath Farm which confirmed that there is little interaction between the plumes of the respective farms.

As confirmed in our previous letter, of 2 July 2014, we would not raise concern based on the information submitted, for odour or noise (discussed further below), or cast doubt on the ES conclusions that the proposed poultry units will not produce any unacceptable Environmental Impacts.

Noise: The applicant submitted a Noise Impact Assessment, prepared by Matrix Acoustic Design Consultants, Report No. M1330/R01, dated 8 October 2013. This has informed a Noise Management Plan (NMP). No further noise modelling work was carried out as part of the Permit application.

The noise assessment indicated a negligible impact on surrounding dwellings and therefore a low probability of likely complaints. If actual emissions from the broiler unit are greater than those modelled your Council should recognise the potential limitations of further noise reduction using commercially available techniques.

For your information, and in reference to the final paragraph of the Airshed Noise Review, the NMP controls feed and fuel deliveries with the inclusion of time restrictions. Delivery Lorries should be fitted with silencers. Whilst you may not wish to duplicate noise management conditions controlled by the EP, you may wish to impose a planning condition to secure matters not regulated by the permit e.g. hours of working.

In conclusion, it should be recognised that the odour assessment provided in the planning application (including ES) went beyond minimum H4 guidance. This confirmed that complaints were unlikely for odour and noise. We were reassured that there was not likely to be significant environmental effects.

Both an odour and noise management plan were submitted with the permit application, this will help control future operational impacts from within the permit installation boundary.

OFFICER COMMENTS

Clearly both the Council's Environmental Health Manager and the Environment Agency raise no concerns with consideration to the reports on odour and noise by Airshed. It is clear that the Environmental Permit issued and monitored by the Environment Agency will address issues in relationship to odour and noise. With regards to odour issues it is noted that the applicant provided information beyond the 98th percentile odour modelling (minimum required under the H4 permitting guidance).

With regards to on site noise issues it is considered that the EP for the site will address issues of concern in relationship to noise. It is noted that the EA response suggests consideration be given to a planning condition with regards to hours of working on site. With consideration to the site's location and animal welfare and husbandry issues an hours of working condition on balance is not considered necessary. It is also noted that the EA's response indicates that assessments provided by the applicant as part of the ES went beyond minimum H4. (Horizontal Guidance). This confirmed that complaints were unlikely on odour issues and this reassured the EA that there were not likely to be significant environmental effects.

The Environment Agent before issuing the EP agreed a noise management plan and this was carried out in accordance with supporting technical notes linked to H4.

Further evaluation of the submitted plans reveals the need to impose a slab level condition to ensure that it is constructed at the correct level in order to mitigate the impact of the development on the landscape.

It is recommended that an additional condition is attached to the approval notice with regards to slab levels. (I51).

NO CHANGE TO RECOMMENDATION

Add additional condition in respect of slab level. (I51)

P141314/O - PROPOSED TWO BEDROOM BUNGALOW AT LAND AT RYELANDS VIEW, KINSHAM, PRESTEIGNE, LD8 2HP

For: Mrs Barnett per Mrs Olwyn Barnett, Ryelands View, Kinsham, Presteigne, Herefordshire LD8 2HP

ADDITIONAL REPRESENTATIONS

The applicant has responded with further information with consideration to comment made by a member of the public with regards to access to the site indicating that when permission was granted for the existing bungalow Hereford and Worcester Highways dictated where the access should be, and required the removal of an existing hedge to comply with visibility splay requirements. A hedge was re-planted and the present owner of The Forge is happy to have the offending hedge removed.

OFFICER COMMENTS

It is noted that the Transportation Manager raises no objection to the application.

ADDITIONAL REPRESENTATIONS

A further letter of support has been received from Cheryl Woolley, Pear Tree House, Leintwardine. The letter indicates the site cannot be described as open countryside, there are dwellings on either side of it, the site is not overlooked and is not visible from the road. There is a growing need for people to remain in their family villages.

NO CHANGE TO RECOMMENDATION