

PLANNING COMMITTEE

9 January 2013

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.

S121357/N - CONSTRUCTION OF A 499KW AGRICULTURAL ANAEROBIC DIGESTION AND ANCILLARY DEVELOPMENT TO PRODUCE RENEWABLE ENERGY FROM ONSITE GENERATED WASTES AND ENERGY CROPS. AT LITTLE PENGETHLEY FARM, PETERSTOW, ROSS-ON-WYE, HR9 6NB

For: Mr Green per Mr Robert Edwards, 4205 Park Approach, Thorpe Park, Leeds, LS15 8GB

ADDITIONAL REPRESENTATIONS

The Primary Care Trust (PCT) was consulted as to any health risks from the proposal. The PCT in turn referred the case to the Health Protection Agency (HPA) for specialist advice. The HPA is not a consultee on planning proposals, but it is open to the PCT to request assistance and confirmation, as was done in this instance.

In response to further queries being raised by an objector, officers requested the following bodies to reaffirm and clarify their professional views on this matter, with particular reference to a young local resident having severe respiratory health problems:

- Primary Care Trust,
- Health Protection Agency,
- Environment Agency
- Head of Environmental Health and Trading Standards.

Specialist advice has confirmed that there is no risk to 'vulnerable receptors' beyond 250 metres from any source of bio-aerosols. The Environment Agency has confirmed its national 'Position Statement', and has pointed out that this proposal does not in any case fall into a high risk category. The Agency would not normally require any additional work within the 250 metre zone for an AD plant of this type. The vulnerable resident lives 350 metres from the site. None of the professional bodies has voiced any concerns with regard to the proposal.

An emailed letter has been sent on 7 January 2013 to all Members of the Committee by Mr W Lyons on behalf of a number of local residents. The letter is critical of the committee report put before Members, and is appended with a number of specific criticisms relating to certain paragraphs. In particular these relate to traffic, proximity of the site to residential properties, drainage, and the health concerns which have been elaborated upon above.

OFFICER COMMENTS

For clarification to Members of the Committee, most bio-aerosol research relates to the open-air storage of animal litter and manure, and to composting operations. These have a potential to generate wind-blown bio-aerosols. However, an anaerobic digester is a sealed operation with no emissions. Mixing of feedstock is automatic, undertaken in a closed vessel. Movement of materials within the site is therefore the only possible generator of bio-aerosols. The applicant has confirmed that poultry litter would not be stockpiled on site. Any risk from the proposal is therefore very low even within 250 metres. The 250-metre zone is set by the Environment Agency as the point within which a detailed assessment and mitigation may be required for higher risk proposals, but the Agency has confirmed this does not apply for this type of development or in this case. In any event, the distance is not prohibitive or an exclusion zone.

The health of the young person is clearly of serious concern and has been considered very carefully; officers have spoken at length with scientific staff at the Health Protection Agency on 4 January 2013, giving full details of the proposed development. All appropriate consultations have been made, and no adverse comments have been received. The consultees have been fully informed of the specific relevant circumstances. Officers have no reason to doubt the expressed views of all of these professional bodies, which coincide with national position statements from government agencies.

OFFICER COMMENTS

The emailed letter reflects the views expressed in the letters of objection received and does not raise any new objections. These views have been considered carefully; the delay in determining this application has partly been due to such careful consideration and the additional information which officers have sought to obtain. The points raised do not affect the recommendation, but the following clarification on certain technical issues is given in order to assist Members:

Para 1.4: There is no categorical '1 hectare threshold requiring an EIA'. Judgement as to whether or not EIA is necessary depends upon the likelihood of significant adverse environmental effects. The proposal is included in Schedule 2 of the EIA Regulations 2011 as the site exceeds 0.5 hectare. However this does not mean that EIA is mandatory, and numerous other factors play a part. The Screening Opinion was formulated in accordance with the Regulations. According to the plans submitted, the operational area for the AD plant is just less than 0.5 hectares; the entire site including crop clamp is just less than 1.2 hectares. The references to 'SR2010 No 16 and No 17' relate to Environmental Permit applications, not planning requirements. The distances quoted do not apply in this case.

Para 6.15: The Transportation Manager has been asked to clarify the published accident figures for St Owen's Cross. The figures given in the letter, in particular the claim that there have been 10 deaths at the crossroads since 2005 are not borne out. There is no doubt that St Owen's Cross is an accident cluster spot, but the accident figures given for the actual crossroads indicate 4 serious and 3 slight in the last 5 years, with 15 serious and 48 slight since 1979. Most accidents are reported as due to driver error, not giving way, or not looking. Any further clarification received will be reported to Members verbally.

Para 6.23: The proposed surface water drainage arrangements entail a single shallow seasonal swale or detention basin, on adjoining land to the east of the proposal site which is owned by the applicant. It would not be a reservoir or permanent waterbody. The stated purpose would be to accommodate calculated run-off from the new hard-standing on the site, and to prevent surface water flooding, including that understood to already occur at properties such as Ashen Coppice to the south-east. These arrangements could not affect any borehole or private water supply. The swale is regarded as beneficial.

Para 6.28: Officers offer full respect and concern for anyone's health concerns, and have taken the points raised very seriously, consulting widely and at length on any possible risks. Confirmations of responses, and second opinions, have been obtained from all concerned. It remains a point of fact that the site would be more than 250 metres from the person's home, and no evidence has been found that suggest the presence of this plant could aggravate her condition. This topic is clarified above.

NO CHANGE TO RECOMMENDATION

S122820/CD - NEW ARCHIVE AND RECORDS CENTRE FOR HEREFORDSHIRE COUNCIL. INCLUDING REPOSITORIES, CONSERVATION ROOMS, STAFF OFFICES, EDUCATION SPACES, SEARCH ROOM AND EXHIBITION SPACE TO ENABLE MEMBERS OF THE PUBLIC TO VIEW ARTEFACTS. AT LAND AT FIR TREE LANE, ROTHERWAS, HEREFORDSHIRE,

For: Mrs Lane per Mr Mark Barry, Upper Twyford, Twyford, Hereford

ADDITIONAL REPRESENTATIONS

County Archaeologist - The site was subject to archaeological field evaluation in 2008/09 (Rotherwas Futures) and was found to have been affected by previous demolitions. As a consequence, no deposits of archaeological significance were found to be present.

CHANGE TO RECOMMENDATION

A condition to deal with any unexpected contamination should be added to the recommendation.

S122644/F - RETENTION OF EXISTING MOBILE HOME (WITH TEMPORARY USE FOR 2 YEARS) AS ACCOMMODATION ANCILLARY TO OCCUPATION OF DWELLINGS PERMITTED BY APPROVALS DMS/113120/F & DMS/113121/F. AT MARSH FARM, UPTON BISHOP, ROSS-ON-WYE, HR9 7UP

For: Mr Dinsdale per The Design Studio, 6 Sansome Walk, Worcester

ADDITIONAL REPRESENTATIONS

The applicant has confirmed title of land ownership with Land Registry.

Further representation received from Alan & Sandra Major, The Manor House, Upton Bishop:

We would like to raise our continuing objection to the application for planning on the Marsh Farm site- which we had thought had now been conclusively dealt with at a planning appeal. So we are dismayed that there is further delay of enforcement. We understand from looking at this that the current application is once again within an orchard which is not appropriate for development for reasons which have now been well rehearsed. It has already been through an expensive appeal process and is subject to enforcement which should now be carried out. So far as we are aware, there is no existing accommodation. We don't know who would use the cabin, what for and under what conditions. The applicant lives in a house as we understand it and could be within commuting distance for development purposes. If on-site accommodation is needed the cabin could be moved to a new location outside the enforcement site. This should not be a problem since there is an access track being the main entrance to Marsh Farm. It is hard surfaced and was used to bring all the large log cabins covered by the Enforcement Notice onto the orchard. Location nearer the replacement farmhouse building site would make it part of that development with all the building materials, scaffolding etc. so that the cabin would not have wider visual impact. In the current location it is spoiling a protected orchard and leading to disturbance and possible further damage to protected species. These issues are a more important feature to consider than creation of a new concrete base. The Council has obligations to protect the orchard site from development. There has been a breach of the Enforcement Notice for 6 months now. The application must therefore be refused in the light of this and the planning appeal decision as it flies in the face of that process.

NO CHANGE TO RECOMMENDATION