



Date: Tuesday, 28 July 2020

Time: 2.00 pm

Venue: THIS IS A VIRTUAL MEETING - PLEASE USE THE LINK ON THE AGENDA TO LISTEN TO THE MEETING

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## **SOUTHERN PLANNING COMMITTEE**

### **SCHEDULE OF ADDITIONAL LETTERS**

NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting

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<b>SOUTH PLANNING COMMITTEE</b>		
<b>SCHEDULE OF ADDITIONAL LETTERS</b>		
<b>Date: 28 July 2020</b>		
<b>NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting</b>		
<b>Item No.</b>	<b>Application No.</b>	<b>Originator:</b>
5	19/01261/MAW – Condover Quarry	Officer
<p><u>Errata:</u> Highways and Traffic section is separated into 2 areas in section 6 of the report which should be amalgamated (6.21-6.23 &amp; 6.39-6.41).</p> <p>There is a numbering error in Appendix 1 with a gap between recommended Conditions 12 and 18. Conditions above 12 should be re-numbered accordingly.</p> <p><u>Addendum:</u> It is requested that the following condition on dust monitoring is included as ‘Condition 11’ with re-numbering of subsequent conditions. The applicant has agreed to this condition:</p> <p>11a. A scheme for monitoring dust in the vicinity of sensitive residential receptors shall be submitted to the Local Planning Authority prior to the Commencement Date. The submitted scheme shall identify the types, frequency and duration of monitoring to be undertaken and shall identify a trigger level above which further investigation shall take place where the exceedance is attributable to the quarrying operations. The scheme shall be implemented in accordance with the approved details.</p> <p>b. In the event that the trigger level referred to in Condition 11a is exceeded the operator shall submit a mitigation scheme for the approval of the Local Planning Authority which sets out the proposed mitigation measures and implementation timescale. The scheme shall be implemented in accordance with the approved details.</p> <p>Reason: To protect the amenities of occupants of nearby properties from the adverse impact of dust emissions.</p> <p><u>Request for delegated authority:</u> The officer requests delegated authority to make amendments to the recommended planning conditions as described above and to make any further minor grammatical or numerical amendments which may be necessary where the meaning and intent of the conditions is not materially affected.</p>		
<b>Item No.</b>	<b>Application No.</b>	<b>Originator:</b>
6	19/03637/VAR – Withypool Farm	Regulatory Services
<p>Regulatory services have investigated occasional complaints of odour nuisance from the spreading of digestate from the AD plant on surrounding farmland since 2019. Visits have been made by officers but we have never been able to substantiate the reports of significant odour impact from the activity. Our general experience from the effect of spreading of digestate within the County is that it normally causes very limited and short lived odour impact if it is has been fully digested and correctly spread. I suspect that the odour incidents reported concerning spreading may be due to occasional spreading of material that has not undergone complete digestion in the AD plant. I would therefore</p>		

fully support the conditions that the you have recommended in your report with respect to odour control at the AD plant and concerning the spreading of digestate.

Item No.	Application No.	Originator:
6	19/03637/VAR – Withypool Farm	Objector – Mrs McBride

The following objection letter has been received:

I re-iterate my strong objections to this planning application to increase the tonnage by 30% into the digester at Withypool Farm.

I object to the Planning process which has taken place. The original planning for an 800KW digester plant (ref 15/02626/MAW) was pushed through in 8 weeks without consultation with us. As neighbours to the property we have not been notified nor consulted on any part of this latest proposal, even though we are most affected by the digester, because you deem us to live too far away, despite numerous correspondence regarding the direct impact this site is having on my family.

This site has plagued our lives with noise and terrible smells which is causing serious harm to our health and wellbeing ie headaches. The smell can be so bad we cannot open our windows, hang out washing, undertake gardening or outdoor activities which seriously affects our quality of life.

We have complained to the Environment Agency numerous times but they have not resolved the issues. Environmental Health at Shropshire Council are well aware of our problems and complaints have been made to Planning and our Unitary Councillor Gwilym Butler. I am seriously concerned that the omissions from the site are not being controlled and planning conditions not adhered to. There has been no information on what steps have been taken to mitigate the issues raised over the past two years. Indeed, the EA's audit is still incomplete.

The noise from the site has been constant again lately, droning on 24/7 and can be heard from inside my house, half a mile away. It is completely unacceptable that this noise permeates residential dwellings, especially during the night and prevents a restful night's sleep.

The location of the digester plant is seriously flawed. It should never have been allowed where residential dwellings are in direct line of the wind flow. There is nothing in place to protect residents from the smells and noise emanating from the site. Under the National Planning Policy Framework this site does not support a strong, vibrant community, rather it ruins our local community's quality of life.

This is a retrospective application to increase the importation of off-farm waste ie chicken litter, whey permeates, brewery washings and potato peel. The thousands of haulage miles contribute to air pollution and is to the detriment of the environment. It is well known that ammonia emissions have an impact on the environment and human health and we question the site processing due to the on-going issues we are suffering from.

The original planning was just for the farm's own crops and manure to go into the digester. Since then more land has been taken on where crops are grown merely to throw in the digester. The waste from the digester then is spread back on the fields sometimes right in front of our homes. there is a serious lack of consideration to local residents regarding spreading of digestate.

I respectfully request that you refuse this planning application due to the on-going issues and seek to enforce the breaches to the previous permissions already granted.

Item No.	Application No.	Originator:
6	19/03637/VAR – Withypool Farm	Objector - Mr Morgan

Request that the application is deferred to allow time for additional representations to be made. Has raised the following questions:

1. Please confirm why the Hollywaste residents were not notified in writing of the original planning application in 2015.
2. GF <the case officer> confirmed EA incident reports are not wholly accurate. E.g. the incident 19/12/19 was not, as the EA reported, down to cleaning cattle pens, it was caused by a failed pipe seal allowing digestate to escape. What action plan is devised to ensure that any further issues are accurately reported and dealt with by the site and appointed monitoring body?
3. In most reported odour cases the EA have said they have not been able to attend site because they didn't have trained officers with the correct equipment. A significant amount of time elapses between odour reports and EA attendance. Will the EA continue to be responsible for quality assurance and will they be able to attend site without the need to make prior appointments? In my conversation with GF he assured me that going forward the quality assurance checks will be stepped up and that the site will be monitored closely. Will spot checks be conducted to ensure the site is robustly monitored?
4. GF claims there will be new measures introduced which will form part of the extended planning permission. Specifically, a lid on the digestate tank, no spreading of digestate within 250m of domestic properties and some extra measures to reduce the noise of the engine. What is the timescale for completion of these measures?
5. More worrying is the issue of emissions being produced by drying digestate. It is our understanding that the EA, following Nick Sauers's site visit, requested the drying process be halted until Nick's report was submitted. To our knowledge Nick's report has not been submitted, however, we have experienced odour recognised as being emitted during digestate drying. Can we have assurance that digestate drying has not occurred since the EA's prohibition order?
6. Please confirm specifically what gases are being emitted during digestate drying that cause acrid gaseous odours? What processes will be implemented to reduce odours and what assurances can be provided that these gases are not damaging to our health or the environment?
7. What action will be taken to address the Hazely brook pollution, reported to the EA in April 2020? Since the report the EA have not investigated <photos purporting to show digestate leaking into brook have been provided>.
8. There are an extra 6000 tonnes of material fed into the digester over a 12 month period, reported as requiring no additional storage facilities. Is this due to storage in the field clamp constructed 2 years ago? Please clarify whether the field clamp forms part of the original planning application or part the retrospective extended planning permission?
9. Are feedstocks sufficiently covered and will they continue to be covered in the future? What covers are used? Are trailers to be covered when moving digestate? Please confirm what materials in transit should be covered?
10. Will Withypool service road be reconditioned to serve the additional traffic? Currently the road is not suitable for the existing volume of extra traffic. (Photos available)
11. Recent European analysis of farm biodigesters conclude the energy produced is not as green as we are led to believe. What criteria are considered when evaluating what constitutes green energy? Please confirm the emission threshold level and the level for an average Farm AD plant.

Mr Morgan has provided photos which purport to show digestate from the AD facility in a local watercourse and deposited on the local public highway near Hollywaste.

Officer note: The officer has had a detailed discussion with Mr Morgan and has emphasised that the concerns of local residents have been recognised and addressed through the recommended planning conditions. Given the complaints raised by local

*residents the officer has assured Mr Morgan that the planning authority will take a more proactive role in assessing any future complaints in consultation where appropriate with the Environment Agency. The Agency has a statutory duty to control the AD operations has not objected to the current application. Its environmental permit already allows the increased feedstock tonnage for which planning permission is being sought.*

Item No.	Application No.	Originator:
6	19/03637/VAR – Withypool Farm	Objector - Mr & Mrs Mantle

We wish to object to the above planning permission because since this AD Plant became operational in 2016 our lives have been “blighted” by smell, heavy traffic and noise and upping the tonnage will only add to the existing problem. Incidentally we were never informed of the original planning permission which now we find went through very quickly!!! We have lived here at 4 Hollywaste since April 1983 and prior to 2016 never had a problem with Withypool Farm until this Digester was installed !!

Now we are retired our lives are dictated by this AD Plant whether it’s spreading the black smelly digestate, contractors in convoy lugging crops, noise from the dryer etc. I had a schoolfriend who was coming to visit from Australia in August 2018 (hadn’t seen each other in 40 years) which we were all looking forward to but 2 days before her visit on the 6th Aug the black slurry had been plastered on the rented field 20 yards from our kitchen window...the stench and flies was disgusting and sadly we had to cancel all plans. Totally out of order and disregard for other people’s lives is what we feel. In the Spring/Summer & Autumn we can’t work or sit in the garden or even hang out washing when the wind is bringing bad smells our way usually south westerly. The contractors lugging in the crops to the plant do use Common Lane some of the time, by the side of our home and it literally shakes the air as they “hurtle by” ...going too fast most of them to approach the Hollywaste Crossroads. These tractors are destroying the tarmac road surfaces and I can’t image what fuel pollution it is adding to the atmosphere. The large tankers which import “goods” to this Digester struggle to get off the Hollywaste Crossroads on to Withypool Lane due to their size and the busy traffic route on the A4117. It’s a bad accident waiting to happen we fear!!

In view of the aforesaid remarks we feel that upping the tonnage will be adding to the “invasive” situation we are living in due to an operational AD Plant less than half a mile from our home!!

Item No.	Application No.	Originator:
6	19/03637/VAR – Withypool Farm	Objector - Mr K Dudley

I write to you to express my objection to the increased tonnage capacity at withypool digester for reasons set below.

1. We get already frequent horrid gases/smells that are not related to the countryside which we live and that would be increased.
2. Increased noise pollution from Engine/Turbine will be running for longer.
3. By increasing the tonnage capacity it also increases the amount of HGV’s and large tractors and trailers on local roads travelling further to supply, through Cleobury Mortimer Town Centre and all local B roads and lanes also adding to the wear and tear of our roads.
4. Increased tonnage capacity of the digester this could and would lead to future applications of a larger or second digester.

I have no objection to local businesses making a success of themselves and I support a more environmentally friendly way of supplying electricity, I could except the approval of

planning permission for expansion, if planning permission was granted with added certain terms, after all with the expansion comes bigger profits,

1. noise reduction/sound barrier roof and walls to be erected around engine/turbine housing/exhaust muffler as the existing is not adequate, sound can and does travels in all directions even if it goes straight up it can bounce back down.
2. Something to be done to prevent the inevitable increase in escaping gas smells, and or releasing the gas/Smells after a certain time of day between 2 AM and 5 AM when people will be asleep.
3. HGVs supplying the digester to be restricted/ prevented travelling through Cleobury mortimer town centre between 6:30 AM and 8 PM.
4. Shrubs and trees to be planted so that digester cannot be seen from main road.
5. Prevention of further planning application to increase size of site infrastructure.

Item No.	Application No.	Originator:
6	19/03637/VAR – Withypool Farm	Agent responding to previous objection by Mr Morgan (originally omitted from committee report)

Please see the attached correspondence and notes:

- an e-mail trail that commences with an e-mail dated 24/01/19 from the EA to Mr Morgan providing the EA’s brief minutes of the 21/01/19 visit. There follows Mr Morgan’s response (dated 28/01/19) and finally Lucy Owen (nee. Downes) of Evolution (Marches) Biogas response to Mr Morgan dated 01/02/19; which had a detailed response (also attached) to queries raised in Mr Morgan’s 28/01/19 e-mail.
- Lucy Owen’s detailed notes of the 21/01/19 site visit and
- the subsequent EA CAR report (EPR Compliance assessment Report) from the 21/01/19 site visit.

All of which we would suggest puts a somewhat different complexion on the events of the 21/01/19 site visit. With regard to the ‘ushering away’ (5th Paragraph); the location concerned is in within what is known as the DSEAR (or ATEX) Zone associated with the AD facility. The Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR) place duties on employers to eliminate or control the risks from explosive atmospheres in the workplace. Preventing releases of dangerous substances, which can create explosive atmospheres, and preventing sources of ignition are two widely used ways of reducing the risk.

The zoning of AD plants into ATEX Zones is a regulatory requirement for all operating biogas plants

Consequently, the use of electronic devices within these areas is restricted and it was the use of phones/cameras by attendees that occasioned the ‘ushering away’. The attached plan illustrates the extent of the ATEX zones at the facility (i.e. entirely within the AD plant site). Had the site operators allowed the continued use of electronic devices in this area they would have been in breach of ATEX regulations. This is the reason for the ‘ushering away’ and not any immediate risk to the attendees.

By way of independent verification, you will note that the EA refer to the DSEAR requirements in the attached Thursday 9th January CAR Report.6/7/8th December 2019 On the 6th and 7th the cattle sheds at Withypool farm were being cleaned out and manure was being transported past the properties concerned. The EA attended the area on the 7th but did not visit the AD site. The operator was not informed of the visit at the time. Had the circumstances been as bad as described we would have thought they would have inspected the site immediately, given that EA officers have the power to enter premises in such circumstances and every right to do so.

The Operator has not been advised of the EAs 'findings' from this visit to the area and there was no official visit announced or otherwise until 09/01/20. Again, had the circumstances been as described the operator would expect to have been formally notified and/or an unannounced site visit undertaken immediately.

**Subsequent EA Site Visit 09/01/20)**

This visit (a prearranged request to visit site by the EA) followed a meeting between the EA and residents the previous day (8th).

Attached are Lucy Owen's notes from the EA's 09/01/20 site visit and the EA's subsequent CAR report (noted above). Once again, no non-compliances are reported, and the operation is described as tidy and well managed. There are a number of ongoing actions which the operator is complying with and the EA will undoubtedly continue to monitor the operation closely.

**Conclusion**

In the light of the above and the attached documents we do not believe that Mr Morgan's account of the circumstances is either accurate or complete. We would ask that the ongoing findings and efforts of the EA, and the operator are communicated to Members in order to remedy the inaccuracies of the account.

Please do not hesitate to contact us if you require any further clarification or explanation of this information.

Update:

Following the visit from the EA's odour specialist a copy of the report was provided to the interested parties, or so I believe. As a consequence of the findings, we ceased drying of digestate as the odour specialist felt this was the most likely source of odour. We have not dried digestate since that decision was made in mid April.

Item No.	Application No.	Originator:
6	19/03637/VAR – Withypool Farm	Councillor Madge Shineton
<ol style="list-style-type: none"> <li>1. Withypool Farm has been a mixed cattle, Poultry and arable farm for 70 plus years directly supplying a Butchers shop in the Birmingham area for a number of years. Ownership is now into the third/fourth generation.</li> <li>2. As public needs and tastes have changed the farm has evolved to the public requirements. Hence the business decision to respond to the 'Green' agenda and explore the possibility of provision of an aerobic digester and secure the future for the fourth generation.</li> <li>3. Spring of 2016 saw the completion of the Digester and the generation of electricity into the National Grid enough to service 10,000 homes.</li> <li>4. Yes there have been practical hiccups, road usage of large vehicles coupled with the holiday caravan and Park Homes site down at Detton. With the Owners and Highways full cooperation pull ins were enlarged and enhanced to facilitate passing places.</li> <li>5. Odour smells when spreading the digestate have been rapidly ploughed into the soil and are of short duration.</li> <li>6. The Environment Agency has completed 6 Audit/Inspections since commission which have not recorded any breaches.</li> <li>7. Environment Agency and Environmental Health have made a number of spontaneous visits following Audit and local complaints - see Officer report.</li> <li>8. Government advice recommends mixing the content of the material used which the applicant has complied with.</li> <li>9. Advice from the Environment Agency has resulted in a revised maintenance regime and a OMP (Operational Management Plan)</li> <li>12. Advice for the future of a cover for the holding tank will require full planning application and considerable capital expenditure of £100,000.</li> <li>13. This enterprise complies with the NPS with Shropshire Councils Climate</li> </ol>		



Change policy recently adopted.

Councillor Madge Shingleton, Cleobury Mortimer Division  
Ward Member and personal declaration as the Applicants God Mother.

Item No.	Application No.	Originator:
9	20/01847/FUL Crimond, 85 Ludlow Road, Church Stretton	Applicant
<p>The intention of this proposal is to create a dwelling that is suited for our changing demographic and standards of living. We have been mindful in the preparation of this proposal of the local vernacular, neighbours and surrounding landscape. Here are a number of key points that we feel address the concerns raised by some parties during the planning process:</p> <ol style="list-style-type: none"><li>1. The root protection zones outlined by the Ecological Survey do not enter the site and no trees will therefore be affected by the works. The concerns of the Tree Protection Officer are broad and extend to the whole of Church Stretton, rather than being site specific.</li><li>2. The view of Shropshire Council was sought through Pre-application advice and the proposal was earmarked for approval</li><li>3. The proposed design re-orientates the dwelling to capture passive solar gain, and the compact nature ensures that space is preserved around the principal elevations of the property. Neighbour's privacy is retained through mature vegetation, sensitive boundary treatment and the layout of the dwelling and garden.</li><li>4. Shropshire has acknowledged the need for "windfall" brownfield sites within settlement boundaries, such as this site, to meet their housing targets over the next few years.</li><li>5. The positioning of the design is substantially lower than the roadside and wider street scene so will appear subservient to the surrounding context and will be largely hidden from view by this and the mature and proposed mixed hedging.</li><li>6. The proposal upgrades an existing dwelling to a high level of energy efficiency in accordance with Local and National Guidelines and Building Regulations, including the provision of energy production.</li><li>7. The inclusion of a ground floor suite fulfils the requirements outlined by the standard of Lifetime Homes, which aims to keep growing and aging families within the same community throughout their life by ensuring the dwelling fits their evolving needs and provides a space that the older family members can use with some level of independence.</li><li>8. Self-build projects are supported and encouraged at a Local and National level to ensure an opportunity for innovative design and diversity of employment. This proposal embodies this aspiration.</li><li>9. Proposals of this scale support local trades and crafts people by having individual, bespoke requirements and in a time of economic uncertainty can offer a level of stability to the construction industry.</li><li>10. It is also noted that the Planning Appeal Process is highly likely to support this scheme based on the points above, especially as the new Permitted Development allowances specifically refer to this type of development.</li></ol> <p>The development and design proposed for this site fulfils a number of Local and National requirements at a number of levels whilst being considerate of its surroundings and reflective of the local vernacular. Similar examples of development can be found within the direct neighbourhood of 85 Ludlow Road, within Church Stretton and in Shropshire at large.</p>		
Item No.	Application No.	Originator:

9	20/01847/FUL Crimond, 85 Ludlow Road, Church Stretton	Local Member for Church Stretton (Cllr. D Evans)
<p>I have grave concerns of this application for a replacement dwelling and Annex at Crimond, 85 Ludlow Road, Church Stretton.</p> <p>I feel that this new building will be overbearing on the neighbouring properties. Most of the properties on the same side of the road are bungalows built in the sixties. Also to build a large house like the one proposed with a separate Annex would be overdevelopment and have a detrimental impact on the surrounding area.</p> <p>The design is not in keeping with the area also I have reason to believe that no development should take place between the Brook and the highway I understand that this a condition on the deeds of the bungalows although I stand to be corrected.</p> <p>There have been a number of objections Submitted to this application. Church Stretton Town Council. Also Shropshire Council tree team. The Tree team say this application does not conform with the following policies MD2 MD12 +114 CS6 CS17 and section 170 of the NPPF to protect the Ancient Woodlands that are adjacent to this development. Had members of this Committee been able to have had a site visit they would have had first hand knowledge of the detrimental impact this development would have on the Ancient woodland the ANOB and the existing bungalows and surrounding area.</p> <p>For the reasons given I urge members of this Committee to reject this application</p>		
<b>Item No.</b>	<b>Application No.</b>	<b>Originator:</b>
<p>Comments on application 19/03637/Enf</p> <ol style="list-style-type: none"> <li>1. Withypool Farm has been a mixed cattle, Poultry and arable farm for 70 plus years directly supplying a Butchers shop in the Birmingham area for a number of years.</li> <li>2. Ownership is now into the third/fourth generation.</li> <li>3. As public needs and tastes have changed the farm has evolved to the public requirements. Hence the business decision to respond to the 'Green' agenda and explore the possibility of provision of an aerobic digester and secure the future for the fourth generation.</li> <li>4. Spring of 2016 saw the completion of the Digester and the generation of electricity into the National Grid enough to service 10,000 homes.</li> <li>5. Yes there have been practical hiccups, road usage of large vehicles coupled with the holiday caravan and Park Homes site down at Detton. With the Owners and Highways full co operation pull ins were enlarged and enhanced to facilitate passing places.</li> <li>6. The Environment Agency has completed 6 Audit/Inspections since commission which has not recorded any breaches.</li> <li>7. Odour smells when spreading the digestate have been rapidly ploughed into the soil and are of short duration.</li> <li>8. Environment Agency and Environmental Health have made a number of spontaneous visits following Audit and local complaints see Officer report.</li> <li>9. Government advice recommend mixing the content of the material used which the applicant has complied with.</li> <li>10. Advice from the Environment Agency has resulted in a revised maintenance regime and a OMP (Operational Management Plan)</li> <li>11. Advice for the future of a cover for the holding tank will require full planning application and considerable capital expenditure of £100,000.</li> <li>12. This enterprise complies with the NPPF. And with Shropshire Councils Climate Change policy recently adopted.</li> </ol> <p>Councillor Madge Shingleton, Cleobury Mortimer Division Ward Member and personal declaration as the Applicants God Mother.</p>		
<b>Item No.</b>	<b>Application No.</b>	<b>Originator:</b>

10	Schedule of Appeals 18/04502/CPE	Planning Officer
The location of this appeal is Coach House Cottage, Longville Arms, Longville in the Dale TF13 6DT		

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