

# Pendock Environmental Liaison Group

## Minutes of Meeting

held on Monday 17<sup>th</sup> March 2014, at 7.00 pm  
at Berrow Village Hall

<b>Present:</b>	Tom Wells (Chairman)	Worcestershire County Councillor
	Bronwen Behan	Malvern Hills District Councillor
	Harold Davis	Eldersfield Parish Council
	Jeremy Reilly	Environment Agency
	Edward Philipson-Stow	Pendock Estates
	John Humphreys	Pendock Parish Council
	Carole Felton	Representative of Public
	Christopher Foster	Representative of Public
	Peter Bishop	Worcestershire County Council
	Emma Johnstone	Worcestershire County Council

### **1. Apologies**

Received from Sally Rush.

### **2. Minutes of the previous meeting**

The Chairman asked if there were any comments on the draft minutes of the meeting held on 4<sup>th</sup> November 2013 and circulated before the meeting.

Mrs Felton proposed that the first sentence of the paragraph 'Continuity of Group' be deleted and be replaced by:

*Mrs Rush raised the question of the continuity of the Liaison Group. She said that local residents valued the work that it was doing and hoped that it would be able to continue beyond the initial period of two years. The Chairman was very supportive and suggested that, ...*

She also suggested that the word 'November' at para 8 of the draft minutes was otiose and should be deleted.

The draft minutes thus amended were adopted *nem con* as a true record of that meeting.

### **3. Matters Arising**

Mr Davis asked what the future of the group was.

Mr Wells replied that he thought that the existence of the group could be a condition of any future planning permissions. Mr Bishop thought that it was good practice; such groups could be constructive even though their longevity was not assured.

### **Composition of the group**

With respect to the composition of the group, Mr Philipson-Stow said that he had previously been under the impression that the composition of the group was fixed: that members of the public could not appear or disappear without the approbation of the group as a whole. If members of the public were permitted to appear as and when they chose, the meeting would in effect be an open meeting, and that had never been either his intention or understanding.

The Chairman noted these concerns but remarked that representation from the various member groups was valuable and should not be thwarted because an individual was not available. He suggested as a compromise that the local residents and the parish councils should nominate permanent substitutes who would be present when the principals could not be.

### **Consultation on Planning Applications**

Mr Philipson-Stow noted that comments submitted by the public to the WCC in respect of the planning application which he had recently lodged claimed that the group had not been given advance notice of that planning. He felt aggrieved because he had specifically informed the group of the intended application at the September meeting. The members representing local residents had made no comments either at that meeting or at the subsequent November meeting. He believed that the role of those members was to liaise with the public and he felt that he had good reason to be disappointed.

Mrs Felton responded that she did not see her role as that of a conduit of information from the public to Mr Philipson-Stow about future possible planning applications. Mr Davis concurred; in his view the role of the group was to review what had been done and not offer advice about future planning applications.

Mr Philipson-Stow re-iterated that his disappointed stemmed from the fact that members of the public had stated in their comments about the planning application to WCC that the group had not been given prior notification of the application when the contrary was true.

The Chairman brought the discussion to an end by affirming his view that the role of the group was to review the impact of current operations on site; it was not to consider the merits and disadvantages of planning applications, actual or potential.

### **Bees**

Mr Foster said that his wife was a keen apiarist and enquired of Mr Philipson-Stow what chemicals were being used to control the fly population at the site. Mr Philipson-Stow confirmed that the chemicals were not pesticides but a compound which would prevent the flies from breeding. It had been recommended by a suitably qualified entomologist. He added that if anything toxic to bees was ever used he would inform neighbours to the site in order that they could shut them in.

Mr Foster expressed his satisfaction with this response.

### **Advice re Planning Application**

The Chairman asked whether members of the Planning Committee had access to the minutes of these meetings; in his view they constituted a material consideration. Mr Davis added that the group had been formed at the behest of the Planning Committee and that it would be strange if attention was not paid by the Committee to the group's deliberations.

It was then debated whether a summary of the minutes could be produced and a decision was rapidly taken that it could not.

The Chairman ended by asking Mr Bishop to encourage members of the Planning Committee to consult the minutes.

## **4. Report from Neighbouring Residents**

### **Odour**

Mrs Felton advised that she was aware of no complaints until the day of the meeting when a smell had been identified at Frogsmarsh.

Mr Reilly advised that the EA had received three complaints: two on the day of the meeting and one in early January.

With respect to complaints on odour, Mr Philipson-Stow said that he had driven down to Frogsmarsh but did not detect odour. One windrow had been turned that day and turning would take place again in about a week. He explained that shredding had taken place on 25<sup>th</sup> February and turning would generally take place thereafter once every week for a month.

### **Traffic**

Mr Foster commented that the earlier opening time had not appeared to cause an increase in traffic. Mr Philipson-Stow observed that flooding in the early months of the year had caused vehicles to change their routes.

### **Causes of Odour**

Mr Davis then asked why odour was present on some days and not others and whether a constant correlation had been observed between turning and odour. Mr Philipson-Stow replied in the negative to both questions.

The Chairman asked whether odour indicated the presence of bacteria. Mr Philipson-Stow replied that bacteria were not themselves odoriferous and Mr Reilly commented that odour would be observed when sufficient aromatic compounds were present. He said that many factors other than turning could be relevant to the production of odour: the length of time the product had been sat on the ground before shredding; the temperature and wind direction.

## **5. Pendock Environmental Report**

Mr Philipson-Stow gave the annual throughput figures:

2010:	<6,000 MT
2011:	3,500 MT
2012:	5,260 MT
2013:	3,100 MT

He noted that the motorway had been under almost constant repair for the past four years and that the apparently low 2011 figure could in part be attributed to the closure of the motorway junction.

## **6. Regulatory Authorities' Update**

### **6.a Worcestershire County Council**

Mr Bishop understood the only outstanding issue to be landscaping and he observed that although the plants were growing they were not necessarily growing at the speed which some people might have wished.

He confirmed his understand that a planning application was in the course of preparation; it had not gone out to consultation.

He was asked whether enforcement action would be taken if the operator exceeded the maximum authorised throughput. He noted that a planning application was under discussion but that, even if it were not, no enforcement action would be taken unless it was clearly in the public interest so to do.

Mr Philipson-Stow advised that it was likely that the application would be lodged within the next week. Mr Bishop, who undertook to inform members of the dates of the Planning Committee's meetings for the remainder of the year, suggested that it was possible that the application could be considered at the meeting in July, although that of September was perhaps more likely.

In the view of the Chairman a site visit would be highly beneficial for members of the Planning Committee and he asked that Mr Bishop recommend to the Committee such a visit. Mr Bishop said that that was a matter for the Committee to decide.

Mr Foster suggested that temporary permission had been given for the operator to increase throughput from 6 kt pa to 9 kt pa in order that experience could be gathered of operations at the higher level. Given that there had been little or no operation at or above the level of 6 kt pa, no experience had been acquired and therefore it would be logical for the Committee to grant only a further temporary permission.

Mr Bishop noted these views and suggested that the appropriated means of bringing them to the attention of the Committee was by commenting on the application.

### **6.b Environment Agency**

Mr Reilly explained that because of an internal re-organisation within the EA he would no longer hold the brief for these matters; he would be replaced by Emma Munday and her team leader Martin Quine. He would introduce them at the next meeting.

He advised the meeting that three complaints had been received since the start of the year: two with respect to odour on the day of the meeting and one in respect of a discharge of water on 4<sup>th</sup> January.

With respect to the discharge of water he said that a member of the public had complained to the EA that water had been discharged from the site on 4<sup>th</sup> January. He confirmed that this

discharge had been a deliberate act by the site operator and that it was contrary to the operating permit, and that for these reasons a formal warning had been issued.

The discharged water had entered water courses but there had been very heavy rain in the weeks preceding the discharge and the surrounding areas were water-logged; it was perhaps for this reason that there had been no material contamination of the water courses.

Mr Philipson-Stow commented that there had been 18" of rain in the period preceding the discharge and that flood water was threatening the electrics of the weigh-bridge, causing damage potentially of £25,000. He decided to pump the water away, and did so for about one hour.

Mrs Behan commented that people at the bottom of the hill were not on the water mains and used well water and that if they suspected that their drinking water had been contaminated they would have to have it tested.

Mr Reilly confirmed that the EA did not test for bacteria but for biochemical oxygen demand (BOD). Normal levels would be about 2, treated effluent would register between 20 and 30. The BOD of the discharged water was 52 but because of dilution with rainwater it had been reduced, by the time it reached the water course, to 4. The risk at this level was negligible; he suspected that the proximity of many of those residents' septic tanks to their drinking wells would pose a substantially greater threat.

The Chairman noted that the discharge had been a deliberate act in contravention of the operating permit and that consequently a formal warning had been issued.

## **7. Parish Councils' Report**

### **7.a Pendock Parish Council**

Mr Humphreys confirmed that the principal points he wishes to raise had been dealt with.

With respect to matters raised in general conversation it was noted that

- there was combination lock on the gate;
- loads on vehicles should be under control, and sheeted if needed;
- if compost is to be used on farms an exemption exists for a period of one year on condition that there is no loss of amenity value or creation of pollution;

With respect to the last point, Mr Philipson-Stow was asked how much he stored. He said that the total weight was 20 MT per acre, but that the weight of product is affected by its water content.

The Chairman was not satisfied with the response and explained that it was his role to identify the truth. Mr Philipson-Stow then estimated that he was storing between 1,500 MT and 1,800 MT of composted material with perhaps up to 80 MT in any one tump.

Mr Philipson-Stow said that he exported waste material to other farms, that export taking place from the site.

The Chairman said that the temporary planning approval permits export beyond the operator's own farm but that the current position was that such exports were not permitted. He expected the new application to have the same conditions.

Mr Reilly said that the spreading on land of waste emanating from various industries was a matter of course.

**7.b Eldersfield Parish Council**

Mr Davis confirmed that he had no further comments.

**8. Date of Next Meeting**

After discussion it was agreed that the next meeting would take place on Thursday 10<sup>th</sup> July 2014 at 6.00 p.m. at Eldersfield Lawn School.

There being no further business the meeting closed at 7.25 p.m.

JLG  
19.3.14

### **Previous Meetings**

<b><u>Meeting</u></b>	<b><u>Date</u></b>	<b><u>Time</u></b>	<b><u>Venue</u></b>
1	31 <sup>st</sup> May 2012	10.00 a.m.	
2	10 <sup>th</sup> July 2012	5.00 p.m.	Eldersfield Lawn School
3	20 <sup>th</sup> September 2012	5.00 p.m.	Berrow & Pendock Hall
4	8 <sup>th</sup> November 2012	5.00 p.m.	Eldersfield Lawn School
5	7 <sup>th</sup> March 2013	5.00 p.m.	Berrow & Pendock Hall
6	19 <sup>th</sup> June 2013	5.00 p.m.	Berrow & Pendock Hall
7	12 <sup>th</sup> September 2013	6.30 p.m.	Eldersfield Lawn School
8	4 <sup>th</sup> November 2013	6.30 p.m.	Eldersfield Lawn School
9	17 <sup>th</sup> March 2014	7.00 p.m.	Berrow & Pendock Hall