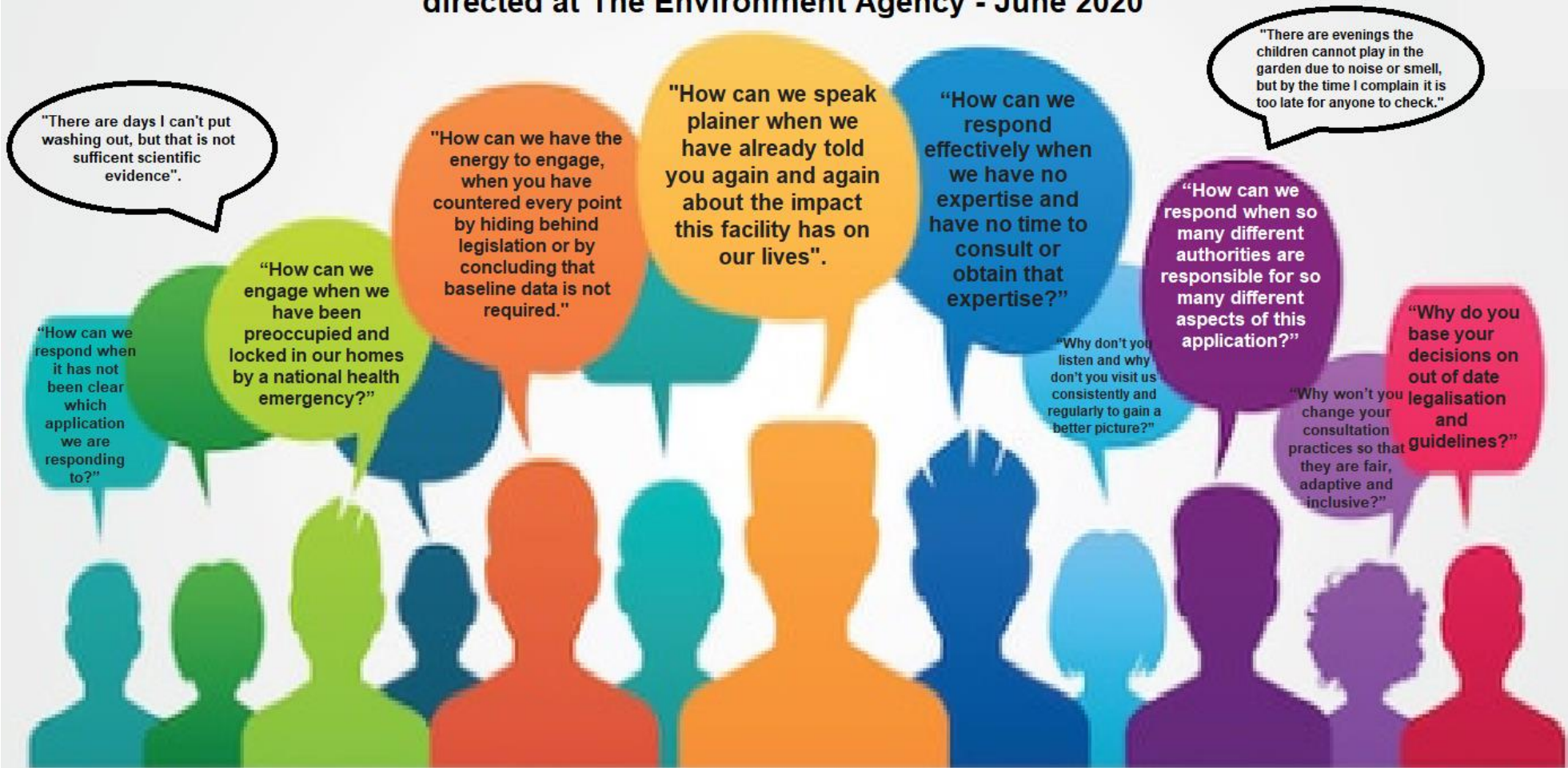


Comments from Grimley Parish Residents received by Grimley Parish Council, directed at The Environment Agency - June 2020



This application has so many far reaching consequences for the families that live nearby – please review what has happened so far and please begin a proper and fair conversation with local people.

Grimley Parish Council

Clerk & RFO: Mrs Lisa Stevens

Tel: 01905 820956

Mob: 07950256363

Email: clerkgrimleypc@gmail.com

9 The Limes
Kempsey
Worcester
WR5 3LG

06/07/2020

Dear Mr Hanks,

Public Consultation – draft decision to vary environmental permit EPR/WP3239EK/V003

Applicant: JH and JM Hickton

Location: Thorngrove Poultry Farm, Grimley, Worcester, WR2 6NP

Application consultation commenced on: 10/01/19

Application consultation ended on: 07/02/19

Draft decision consultation commenced on: 12/06/20

Draft decision consultation ended on: 10/07/20

Please find below the comments submitted by Grimley Parish Council in response to the Environment Agency consultation ref the above.

The diagram on page 1 is a summary of select comments submitted to the Parish Clerk via text messaging in June 2020 and illustrates the depth of feeling involved.

However so much the Parish Council supports existing local rural businesses and recognises that many of the concerns here are primarily with EA process and procedures, the Parish Council stands by its previous submission (February 2019). In particular, concerns about increase emissions, particulates, noise (including from the chipper) (and traffic). Councillors refrain from repeating that information here, even though they are not satisfied with the answers provided and do not feel that many of the issues raised have been adequately addressed.

Continued overleaf

clerkgrimleypc@gmail.com

[Website: http://e-services.worcestershire.gov.uk/MyParish](http://e-services.worcestershire.gov.uk/MyParish)

Twitter: @GrimleyPC Worcs

Facebook: 'Grimley Parish Cllrs Worcs'

[Requests for this information in other languages/audio/large print will be reasonably considered](#)

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1. Consultation process in 2019

- 1.1 The Environment Agency (EA) states in document ‘233_08_SD50 Environment permitting decision’¹ that “we are satisfied the consultation we have undertaken is effective (referring to the consultation in 2019)”. Grimley Parish Council has absolute evidence that the 2019 consultation published incorrect information.
- 1.2 On 9th January 2019 Grimley Parish Council received the attached consultation letter (Appendix 1) with the reference number WP3239EK/v002 at the top. This letter was also sent out to approx. 40 residents by the EA. Grimley Parish Council was formally asked by the EA to ensure wider consultation with residents by distributing that same letter (Appendix 1) to residents. In order to try to mitigate against the unfair and restrictive EA consultation procedures (see later), the Parish Council complied and copied that letter to all residents that had expressed an interest and also to wider residents via Facebook. Unfortunately, the code at the top of the EA letter was incorrect and should have read WP3239EK/v003. or more precisely EPR/WP3239EK/V003. This error was not noticed by the Parish Council, since it was naturally assumed that the EA sourced information was correct. Oblivious to this error, the Parish Council put together a formal response to this consultation in January 2019, which was accepted by the EA.
- 1.3 Subsequent to February 2019, it became apparent that a significant number of residents who wished to respond to the consultation in January/Feb 2019 did NOT do so, because during the consultation they had searched for the application using the code at the top of the EA letter (WP3239EK/v002). When this code was entered on the EA website it gave the **information that the application had been withdrawn ten days after submission.** On this basis and as a result of this error by the EA, there are a significant number of residents that did not respond to the 2019 consultation - some of whom are within the 400m boundary designated by the EA. This explains why only seven residents responded to the EA consultation in 2019.²
- 1.4 Subsequent checks (web searches using WP3239EK/v002 as the search criteria) by residents and also the Parish Clerk throughout 2019 and early 2020 continued to give the impression to Councillors and residents that the application would not be taken further as it had been withdrawn on 20th February 2019 (a different date again but not giving rise to concern at the time). Between February 2019 and March 2020, residents (within AND without the 400m arbitrary boundary set by the EA) who had a complaint to make in relation to ongoing smell and noise and lack of monitoring, did not do so. This was on the basis of their personal despair and feeling that the EA has never appropriately addressed existing complaints and consoled by the fact that at least the situation was not going to get worse, as the application had been withdrawn.
- 1.5 These circumstances are having a significant detrimental effect now, since the June 2020 consultation does not include or consider the context and complete experiences and information that could have been provided by the residents.

¹ Page 42 ‘233_08_SD50 Environment permitting decision document’.

² Page 46 ‘233_08_SD50 Environment permitting decision document’.

- 1.6** '233_08_SD50 Environment permitting decision document'³ states that "the number of substantiated⁴ odour complaints has fallen substantially". Whilst the actual number of complaints reaching the EA may well have fallen (due to the reasons previously stated), the Parish Council does not believe that the number of incidences and number of reasons for complaint has fallen substantially. **Nb the existing problems have not gone away and any smell or noise mitigating procedures that the applicant has put in place have not been effective – something that the EA cannot measure as it has not personally collected baseline information.**
- 1.7** For the reasons stated above, it is imperative that the entire process of public consultation begin afresh **with the correct information and application code provided to ALL residents** affected, including those beyond the 400m arbitrary limit.
- 1.8** Councillors are also aware that the method used by residents to report issues has migrated from email/written communication to the hotline phone number that residents are now encouraged to use. It is apparent (in phone conversation between residents and EA Officers, 26th June 2020) that this 2020 consultation only takes into consideration those issues raised via email or via the early 2019 consultation online form. It is imperative that any issues raised **via the EA phone hotline** over the past two years also be included in this consultation.
- 1.9** The complaints process link on the EA is broken⁵ and represents again a lack of willingness to encourage residents to engage.

2. Consultation process in 2020

- 2.1** Whilst the EA may well feel it is able to answer all concerns previously raised by the Parish Council and by residents, it has not provided sufficient or effective means for residents to be able to receive and dispute this information.
- 2.2** Residents cannot meet with EA officers during the current pandemic. The EA has decided that it is appropriate to continue with this latest public consultation, in spite of the fact that residents cannot be fully consulted because they are/have been in lockdown and because public gatherings have been prohibited. Quite rightly the EA is protecting its staff and the residents by not encouraging public gatherings. However, given the number of properties that only just fall outside of the 400m boundary⁶ and the wide spread of complaints (Appendix 2), meeting in person with residents is absolutely critical and the consultation should be delayed until such time as public meetings are appropriate.

³ Page 34, section 5.1 'Operator competence'

⁴ As a resident recently commented "By 'substantiated' the EA means complaints that have been verified by one of their noses, rather than just one of our noses. But they don't visit to smell all (or even a significant number of) complaints and when they do, it's often days after the incident and the smell has dissipated. Failure of process and monitoring."

⁵ Parish Clerk can provide exact location and screen shots.

⁶ See paragraph 2.10 for an estimate of the number of properties that this applies to.

- 2.3** This lack of face to face consultation is worsened by the fact that the [two local Parish Councils also cannot also effectively consult and gather opinion](#), as physical council meetings are not taking place. Whilst some residents have been able to join in virtual meetings, the majority have not.
- 2.4** In place of face to face consultation, residents are asked to trawl through large documents giving lengthy fact and figures and reasonings beyond their basic ability to interpret – nb. [the consultation period has not provided sufficient opportunity for professional input/legal support to be secured by the residents.](#)
- 2.5** A conference call with residents (approx. 6 households) was set up by the Environment Agency, but was cancelled on the grounds of EA staffing and technical difficulties during the pandemic. Ironic, exasperating, but not unreasonable..... but would the public have been equally forgiven for not attending this call, if for example they had had similar ‘technical difficulties’ or difficulties attending due to child care?
- 2.6** In recent correspondence to a resident the EA states that *“during the Coronavirus pandemic we believe that there are other⁷ ways of publicising the consultation and helping communities understand how they can get involved.”* This is a misleading statement. The term ‘other’ implies ‘new’. [There are no ‘new’ ways to consult during a pandemic – only fewer ways...and of these fewer ways the EA has not pulled out all the stops and has not made any additional effort above and beyond its normal consultation practices.](#) This is not satisfactory, is not reasonable and is not effective, although the EA gives this conclusion in its recent correspondence.
- 2.7** In a recent letter to a resident the EA states “by law, we also have to carry out our regulatory duties and responsibilities.” Please consider this a freedom of information request to show Parish Councillors [which law requires the EA to continue processing an application when adequate and informative public consultation is not possible](#) now and has not been conducted properly in the past. (ref para 1.3)
- 2.8** [The EA has continued to preserve its arbitrary 400m written consultation limits in spite of the EA acknowledged inability to meet residents and consult in person](#) (an acknowledgment made verbally to the Parish Clerk and also in an undated covering letter to residents and the Parish Council, received 9th June 2020). The Parish Council has assisted the EA by providing some additional addresses of families that have expressed an interest but the reality is that this still does not cover anywhere near the total number of people regularly affected by the smell, noise and particulates.

⁷ Underlining placed by Grimley PC to highlight the crucial word.

- 2.9 It is understood that the EA has sent out 54 consultation letters in total (June 2020). There are 90 properties in Sinton Green alone, with the village only being 600m in length. **Cllrs calculate that there are 50 properties in Sinton Green that have not been directly consulted via letter that are no more than 200m outside the limit of the arbitrary 400m consultation zone.** Nb. [Over half the village is considered to be outside the area that would be affected by this proposal and yet we have had complaints from properties across the parish.](#) (see appendix 2 – map of complaints received by the Parish Council during 2018/19).
- 2.10 Of the remainder of the village (those 50 that have not been directly consulted via EA letter) how many have had the one specific local newspaper (Friday 12 June 2020) delivered during the pandemic? Of those, how many have actually noticed the advert within? How many have received the one specific parish magazine (June copy) [via email](#) and have noticed the advert within? (Note: the distribution list of 650 residents for the parish magazine is across all three parishes and is a list of those that receive paper copies, NOT those that receive it via email – there has been no paper copy of the magazine during the pandemic. Therefore the actual number of people receiving the parish magazine during this consultation is minimal).
- 2.11 Parish Cllrs reiterate that [door knocking and a general community ‘alerting’ of neighbours has not been possible during Covid-19.](#) Therefore the EA's reliance on local magazines and word of mouth to spread news of the consultation is [ineffective, highly inappropriate and in light of the current restrictive pandemic measures and,](#) represents an example of the general unwillingness of the EA to address the serious issue of its inadequate consultation techniques and measuring parameters, including the 400m rule.
- 2.12 **NB. In summary, if the EA cannot properly consult during the pandemic then it should not attempt to do so. This consultation is invalid and should be conducted at a future date.**

3. Historical application process

- 3.1 Grimley Parish Council submits that as the application WP3239EK/v002 was withdrawn, then the subsequent resubmission of the application should have started the process in its entirety again, including all site assessments of smell, noise and nuisance and including allocation of an entirely new application number.
- 3.2 Instead, it appears that the application was simply picked up where it was left off, with all previously submitted evidence included. This may (or at least SHOULD) have implications for any deadlines for variation of an existing permit. [The existing permit was originally issued 28/09/07. It cannot be acceptable that a permit issued so long ago can be amended and changed without a full reconsideration of all the views and data.](#)

3.3 Certainly, it is NOT acceptable to amend so old a permit without full and proper consultation of the neighbouring parishes and residents. The current pandemic does not allow proper and full consultation.

4. Survey of particulates, smell, noise and pollution

4.1 At numerous points in '233_08_SD50 Environment permitting decision document', the EA concludes that it is "*satisfied with measures outlined by the applicant and that therefore it is not considered necessary for the applicant to submit modelling or baseline monitoring results*". This decision not to model or obtain baseline information is contradicted by the daily experiences of residents and the impact that the current installation has on their livelihoods – **Current measures designed to prevent impact on residents/'sensitive receptors' do not work. So why would proposed future measures work any better? Where is the evidence for this?**

4.2 The EA decision document states that "*We have considered the impact of the Installation on sensitive receptors and conclude that it will have no significant effect*". **How can this be concluded if the EA has not conducted baseline assessments?** Grimley Parish Council requires that a complete Survey of "Particulates, Smell, Noise and Pollution" over a period at least nine months is undertaken in order to provide a baseline of these parameters. **At present the omission of this survey means that any future complaints by residents will be rendered useless because there can be no accurate comparison.**

4.3 Past reports of smell, noise, nuisance have not been properly **enforced or investigated** by the EA, so what possible reassurance can the applicants and EA give that any new restrictions would be **monitored and enforced** and what possible basis is there for monitoring such things since there is no baseline conducted by the EA.

4.4 The EA decision document states "*We have carried out an assessment of the environmental impact of the installation as part of the Permit determination*".⁸ **Has this environmental impact assessment been made public?** Please consider this a freedom of information request to obtain this document and supporting evidence.

4.5 In a recent letter to a resident the EA states that "*all properties within 400 metres of the permitted boundary of Thorngrove Poultry Farm have been consulted. These properties are highlighted as potential receptors within the Noise and Odour Management Plan held by Thorngrove Poultry Farm*". Does this mean that the 400m boundary has been designated by the applicant and not by the EA as we have previously been led to believe? Why is the applicant allowed to specify which properties are potential receptors? Why is the permitted boundary not based on something more scientific or logical, such as how far the smell, noise and particulates actually travel on a regular basis?

⁸ Page 43, 233_08_SD50 Environment permitting decision document

5. Which comes first? - Planning or Permit?

- 5.1** Malvern Hills District Council (MHDC) implies that an environmental permit cannot be given before planning permission. The EA maintains that it can give an environmental permit at any stage, regardless of whether planning permission is given. Which is correct? How are the residents to properly respond to consultations in light of such contradictory information?
- 5.2** It is Parish Councillor's understanding that the three year period of planning permission for the two tier sheds may have expired, on the basis that the applicant has not followed correct procedures and submitted an official notification of 'breaking ground' to MHDC. Please check this information with MHDC. If this notice has not have been received by MHDC then there will need to be a new Planning Application.
- 5.3** How will the Local Authority accurately determine subsequent planning applications if the EA is not able to provide them with pertinent information regarding baseline survey information on particulates, smell, noise and pollution? Is the EA expecting the Local Authority to pay for surveys that the EA/applicant should have conducted itself?
- 5.4** The site is a residential area and wholly inappropriate for development of this scale and nature but if an EA permit is provided prior to planning permission the district council has a much reduced chance of obtaining a fair test against local plans and planning policy.
- 5.5** A similar lack of joined up working is demonstrated in relation to the woodchipper. **Local residents and Councillor report that the woodchipper causes regular and significant noise and dust pollution and results in a lot of distress.** When the chipper is considered by the EA, the issue is allocated as being 'outside of the Installation boundary and is not regulated by the Environment Agency'.⁹ When this issue is investigated by Worcestershire County Council (WCC - Local Authority Environmental Health Authority), then it becomes a problem to be covered by the EA. Thus, residents are not provided with any monitoring or service or protection of any kind in relation to this – a disgraceful, shameful failure that the EA participates in, ignores and does nothing to change or prevent in the future, be it with regard to this application or future ones.
- 5.6** The issue of the woodchipper needs addressing jointly between all parties, since it is this facility that is causing one of the more upsetting and life affecting aspects of this application. It is imperative that the EA, MHDC and WCC discuss the above, provide clarification, provide a way forward and prevent similar situations arising again.

⁹ Page 43, 233_08_SD50 Environment permitting decision document

Conclusion

Parish Councillors wish to impress on the EA how directly this application and the existing facility are affecting residents.

The Parish Council is aware of at least one house sale that has fallen through as a result of the noise, smell and ongoing disputes associated with this application.

The EA continues to fail residents by drawing on out of date national guidance, by approving out of date 'best available techniques', by failing to obtain baseline surveys (either from the applicant or via its own means) and by failing to conduct effective and fair consultation. The level of indifference and incompetence demonstrated by the EA and both Local Authorities in this instance is wholly indicative of why the general population has lost all confidence in the powers that be.

I look forward to receiving acknowledgement of receipt and talking through the above with you on behalf of the Parish Councillors.

Yours sincerely,



Mrs Lisa Stevens

Grimley Parish Clerk. On behalf of Parish Cllrs

Debate and Motion for approval for the above submission - 22 June 2020.

clerkgrimleypc@gmail.com

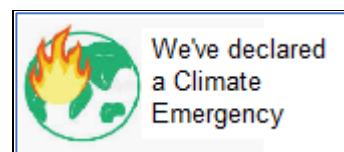
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Appendix 1 - Letter from EA Jan 2019 received by the Parish Council and by residents.



Date: January 2019

Ref: WP3239EK/v002

Dear Resident,

Application to vary environmental permit application ref: EPR/WP3239EK
Operator: JH & JM Hickton
Facility: Thorngrove Poultry Farm, Grimley, Worcester, WR2 6NP

On **27 September 2018** the operator of Thorngrove Poultry Farm submitted an application to us to vary an existing environmental permit. A public consultation on this permit variation will run from 10 January to 7 February 2019 as detailed below.

Existing Environmental Permit

The existing Environmental Permit reference WP3239EK permits the operator to grow up to 319,990 broiler poultry in 8 poultry sheds, however the Operator has only built 4 sheds on the site in which up to 120,000 broiler chickens can be grown at one time.

The Application to Vary existing Permit

The application to vary the existing permit seeks to add 2 double decker sheds, bringing the total amount of sheds to 6 (4 existing sheds single and 2 new double decker sheds). The variation does not seek any additional broiler places over and above the 319,990 broilers already permitted for.

The application has stated that shed design will be in accordance with the "Best Available Techniques" document titled "How to comply with your environmental permit for intensive farming". More information in regards to best available techniques can be found here:

<http://eippcb.jrc.ec.europa.eu/reference/irpp.html>

The application also includes an additional biomass boiler to provide heating for the new sheds.

The application was duly made on the **26 November 2018** which means our permitting officers now have sufficient information to commence a full determination of the application, ie make a thorough assessment of the information provided in the application to decide whether or not we would be able to grant the variation

How to make comments on the variation

A public consultation on this application to vary the permit will go live as of the 10 January and will run until 7 February. **There is more information regarding this application on the Gov.UK website at:**<https://www.gov.uk/government/collections/environmental-permitting->

Environment Agency, Hafren House, Welshpool Road, Shrewsbury, SY3 8BB

[notices-of-applications-made](#) where you can search by either postcode or EPR reference as of 10 January 2019.

If you wish to make comments you can e-mail

pscpublicresponse@environment-agency.gov.uk

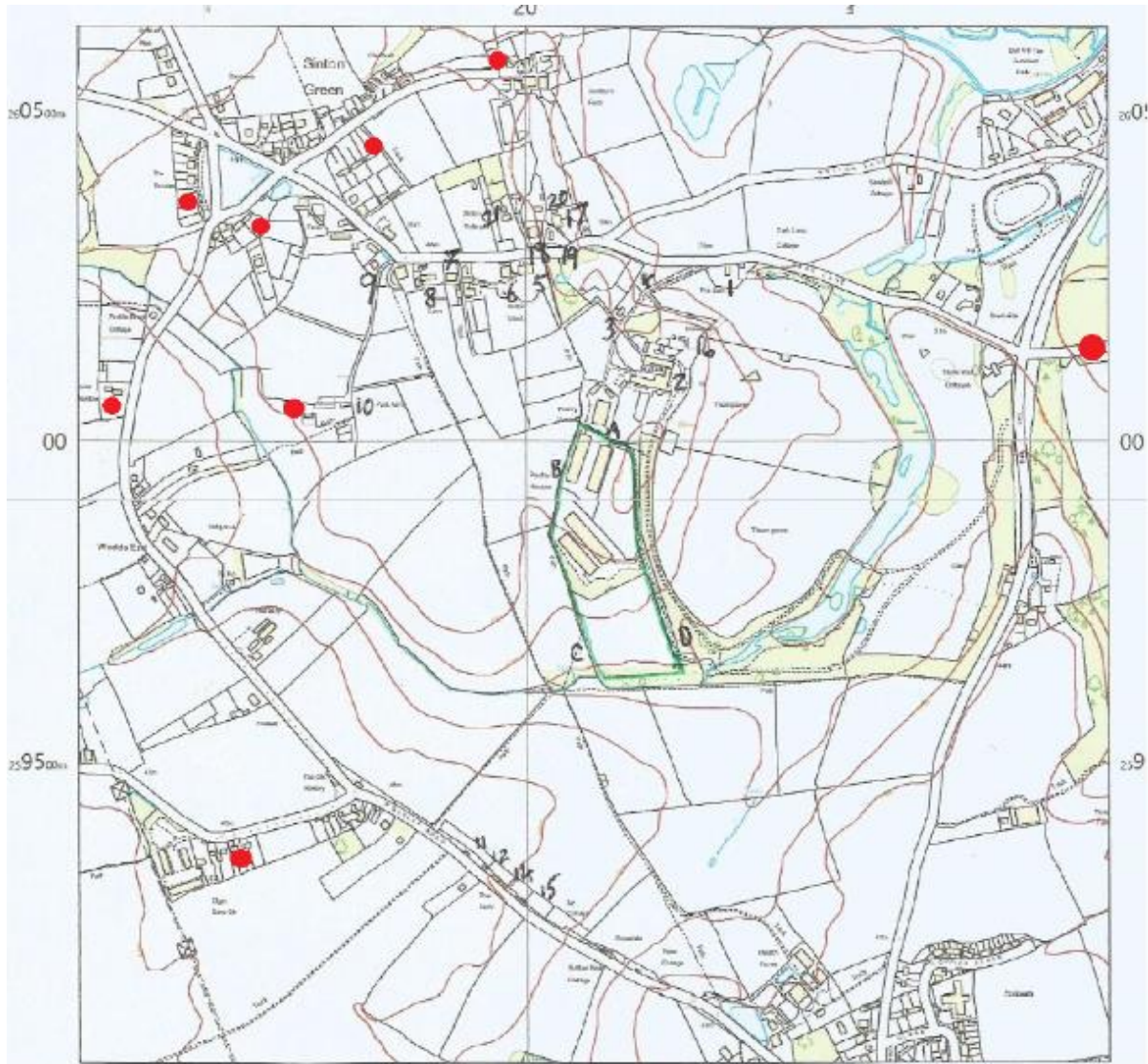
Or write to: P&SC - Land Team, Quadrant 2, 99 Parkway Avenue, Sheffield, S9 4WF.

Yours faithfully,

Stuart Hanks
Environment Officer

Environment Agency, 9 Wellington Crescent, Fradley Park, Lichfield, Staffs. WS13 8RR
Customer services line: 03708 506 506
Email: enquiries_westmids@environment-agency.gov.uk
www.gov.uk/environment-agency

Appendix 2 – Map showing location of residents who approached the parish council in 2018/19 with complaints regarding the chicken facilities and asking to be kept informed. Each red dot is a household. (The properties that it is assumed that the EA consulted via letter in 2019 are marked in pen with numbers.)



-end-