

Pendock Environmental Liaison Group

Minutes of Meeting

held on Monday 4th November 2013, at 6.30 pm
at Eldersfield Lawn School, Corse Lawn, GL19 4LZ

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| Present: | 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 |
| | Carole Felton | Representative of Public |
| | Sally Rush | Representative of Public |
| | Kirk Denton | Worcestershire County Council |

1. Apologies

Received from Miss Botterill.

It was noted that there was no representation from Pendock Parish Council. The Chairman asked the Secretary to inform the Clerk to Pendock Parish Council that the members of this Liaison Group would find it useful if, in the event that Pendock Parish Council expected not to be represented, a report could be provided.

2. Minutes of the previous meeting

The Chairman asked if there were any comments on the draft minutes of the meeting held on 12th September 2013 and circulated before the meeting. There were not. The draft minutes were therefore adopted *nem con* as a true record of that meeting.

The Chairman reiterated the request previously made that members who believed that they had identified inaccuracies in the draft minutes which should be corrected should raise their concerns at an early stage in order that the matter could be dealt with efficiently and expeditiously.

3. Matters Arising

Mr Denton asked if he could raise a matter relating to the minutes of the previous meeting. The Chairman informed him that although the appropriate time had passed he would allow a brief reference to be made.

Mr Denton asked the meeting to note his frustration when, at the meeting of 12th September, he had asked for an explanation of paragraph 6.a of the then draft minutes of the meeting of 19th June 2013 and had not been provided with a response. The meeting duly noted his frustration.

Mr Davis reminded the meeting that he had been in the chair at the relevant time and that he had been under pressure, because of the very extensive discussion amongst members of the draft minutes which had consumed much of the time available for the meeting, to move on.

Continuity of Group

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 although it was a condition of the planning consent, it was nevertheless good practice – and undoubtedly very helpful – that the Group both meet and continue to meet. It could continue to meet, even if not required as a planning condition, as and when its members deemed necessary and for as long as its members deemed necessary. He did not see a reason to decide the date for the abolition of the Group by reference to a particular date or event, such as the date when the site's throughput reached a particular tonnage. The need to meet should be decided by the members of the Group, and by them alone. Indeed, he thought that it would be possible if they decided to discontinue their meetings on the grounds that the need for them had gone away to restart them should a further need be perceived.

Mr Philipson-Stow said that he was happy to continue with the meetings, whether or not they were a condition of any planning consent.

Consultation on Planning Applications

Mr Davis asked whether a throughput figure of 9kT would be reached before the year end. Mr Philipson-Stow said that it might be possible and that it might not be possible – in short he did not know. Throughput demand to date was, he believed slightly lower than last year but he had acquired a new customer whose throughput demand was uncertain. In these circumstances making an accurate forecast was impossible.

The Chairman pointed out that the Group did not have the right to be consulted by the planning authority but that there were many mechanisms for relaying to the authority the views of the Group: not only were the Liaison Group's minutes provided to that authority, as also to the two parish councils who were statutory consultees, but there were also members of the Group people who were either officers or councillors of all the councils in question.

Mr Denton advised the meeting that groups such as this one often addressed and resolved a number of contentious issues initially but then degenerated into annual social events. He also asked the Group to note that each planning application will be reviewed on its merits and that the past performance of the applicant in performing his duties under planning law – whether good or bad - was irrelevant.

4. Report from Neighbouring Residents

Mrs Rush advised the meeting that she had not reported any problems herself and was not aware of any problems reported by other people; it had been a quiet time.

Mr Reilly informed the meeting that there had in fact been 6 complaints since the last meeting, all in September; 4 related to flies and 2 relating to odour. No one from EA had attended on site. When asked to compare these figures with those relating to the previous year he said that it was only a small fraction.

5. Pendock Environmental Report

Throughput

Mr Philipson-Stow said that he had processed 4,580 MT in the year to date, a figure which he believed was marginally down on the previous year, the reduction being attributable to roadworks on the M50. He noted that a significantly higher proportion had come from non-traditional areas.

The Chairman asked Mr Philipson-Stow to compare the figures with the relevant figure for the previous year and to estimate the year's likely final throughput. Mr Philipson-Stow responded that he did not have the actual figures to hand and that estimating the year's final total throughput was difficult because of a number of potentially significant variables.

Mr Davis, noting the reduction in complaints with the previous year, considered that changes in process could also be contributory factors and asked whether such changes in the process had taken place.

Mr Philipson-Stow responded that there had indeed been changes: windrow sizes were small; gaps had been maintained and there had been an increase in turning and a decrease in temperature.

The Chairman concluded that given the large number of variables, attribution of the reduction of complaints to the putative reduction in throughput was not possible.

Mr Philipson-Stow reminded the meeting that he was required to provide, and did provide, throughput figures to the EA quarterly .

Mr Philipson-Stow undertook email throughput figures to members after the meeting.

Flies and Smells

Mr Philipson-Stow noted that some of the complaints relating to flies had been received from people in their homes and he further noted that in general flies are attracted by odour, which is received from upwind. Mr Reilly advised that the wind direction indicated in the log was the wind direction at Malvern and not local wind.

Mr Reilly observed that all the dates fell towards the middle or end of September and that this was a trend noted in other locations.

Mr Philipson-Stow said that he had acquired a chemical product which would prevent the breeding of flies and that he intended to use it next year.

The Chairman asked how the complaints this correlated with the diary of activities at the site. Mr Philipson-Stow said that he did not have his diary with him and could therefore not assist.

Planning Applications

Mr Philipson-Stow then advised the meeting that he was making two planning applications, the first, as previously advised to the Group, to extend the opening hours by one hour in the morning and the second, which he intended to submit before Christmas, in respect of an increase in throughput.

The Chairman, after initially confusing the two applications, asked it to be formally noted by the meeting that as a County Councillor he would request that the second application go to committee in order that the full democratic process could come to bear.

Weeds

Mr Philipson-Stow the advised that weeding, cutting had been finished and that planting was under way.

Mrs Rush said that she was not impressed with what she had seen. Mr Philipson-Stow then invited her to make with him a tour of the site in order that he could show the work undertaken.

Lay-By

Mr Philipson-Stow said that he had initially been told by Mrs Behan, on behalf of Malvern Hills District Council, that he was the owner of the land on which the lay-by was situated. With that in mind, he believed that he had a right to store on his own land product if it was of benefit to the land, subject to a limit of one year. He cited an U11 - or perhaps U10 - exemption. By storing product on that land he made it more difficult for travellers to take up residence there. He had then been told that he was not in fact the owner and was asked to remove the product, a task he was in the course of performing. He had not been asked by the Worcestershire County Council to remove it and indeed he was happy either to leave it there, or to remove it.

Mr Reilly said that the product was classified as waste even though it was capable of being of benefit to the land and therefore its storage fell under waste legislation unless it was on the place where it would be used, e.g. at a farm. It was clearly neither at a farm nor, on the basis of what had been said, at the owner's premises and therefore the position of the EA was that it should be moved.

Mr Denton said that if the product was causing a nuisance then the County Council would take urgent action to require it to be removed; that, however, was not the case. Indeed, Mr Philipson-Stow had indicated an interest in purchasing the land and in these circumstances the County Council would exercise flexibility.

Mr Philipson-Stow confirmed that he had already attempted to speak to Mr Williams of WCC about purchasing the land but had not as yet received any reply.

Mr Denton undertook to raise the matter with Mr Williams.

The Chairman suggested that for the sake of simplicity the forthcoming planning application should include this land.

6. Regulatory Authorities' Update

6.a Worcestershire County Council

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6.b Environment Agency

Mr Reilly confirmed the number of complaints received as being 4 in relation to flies and 2 to smell. He issued a copy of the EA log [attached].

7. Parish Councils' Report

7.a Pendock Parish Council

[Unrepresented]

7.b Eldersfield Parish Council

Mr Davis confirmed that he had not further comments to make.

8. Date of Next Meeting

After discussion it was agreed that the next meeting would take place on Monday 17th March 2014 at 7.00 p.m. at Berrow.

There being no further business the meeting closed at 7.50 p.m.

JLG

7.11.13

Previous Meetings

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

| <u>Date & Time</u> | <u>Report Details</u> | <u>Operation</u> | <u>EA Action</u> |
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| <p>Noticed: 18/09/2013 09:00</p> <p>Reported by member of public 18/09/2013 14:36</p> | <p>Caller reporting flies from the Pendock Environmental. Flies around most of the day - and they just fly in when the doors are open . Noticed in the last few hours but they were around upon getting up. Flies described as small. This is fourth call in the last month. Caller is about 1/4 mile from the site. Flies have been worse. but today would described as well above average. Neighbours calling as well.</p> <p>Reported on 5th, 12th September - 1156678</p> | | <p>Wind direction NE Wind speed 2mph</p> |
| <p>Noticed: 20/09/2013 05:00</p> <p>Reported by member of public 20/09/2013 09:24</p> | <p>Reports of an odour coming from Pendock Environmental. The odour would be described as Leylandy Trees. The odour is very sickly. The odour is making the reporters lips dry and throat sore. The odour was noticed at 5am this morning. The reporter has had to close all her windows. The reporter is around 1/4 mile from the site. The reporter would be rated 4/6 this morning.</p> | | <p>Wind direction WNW Wind speed 2mph</p> |
| <p>Noticed: 23/09/2013 09:59</p> <p>Reported by member of public 23/09/2013 09:59</p> | <p>Caller reporting flies coming from Pendock Environmental site. The flies have been inside the callers property all weekend Black in colour and smaller than a blue bottle Caller isn't able to have doors or windows open and when they open the door to go outside flies are inside the house Caller was calm about the situation at the start but now is getting very frustrated. Caller feels that after all the phone calls she has made nothing is getting done and wondering whether legal advice is needed as she can't live with the doors and windows closed all the time.</p> | | <p>Wind direction SSW Wind speed 1mph</p> |

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| <p>Noticed: 25/09/2013 09:23</p> <p>Reported by member of public 25/09/2013 09:23</p> | <p>Caller rang to report the flies in the area from Pendock Environmental. The caller says that last night they squatted over 50 flies inside the house and this morning the flies are back and inside the house again. The caller says that they have loss of amenity as they cannot open their windows and doors.</p> | | <p>Wind direction NE Wind speed 1mph</p> |
| <p>Noticed: 25/09/2013 04:00</p> <p>Reported by member of public 25/09/2013_09:32</p> | <p>Caller reporting the odour from Pendock Environmental, this is a green waste site about 4 minutes away walking. The caller says when they go outside they come back in and their clothes smell of the waste. It can be smelt indoors also. The weather is still damp and foggy. The smell is rated as a 3-4 at the moment.</p> | | <p>Wind direction NE Wind speed 1mph</p> |
| <p>Noticed: 26/09/2013 16:59</p> <p>Reported by member of public 26/09/2013 16:59</p> | <p>MID. Flies Caller is reporting the flies coming from Pendock Environmental Constant problem. In excess of 50 every day - caller is getting really fed up about, & cannot go outside without letting loads in.</p> | | <p>Wind direction ENE Wind speed 3mph</p> |