

**CIRCULATED IN ADVANCE OF THE MEETING**

**ALTERATIONS AND ADDITIONS REPORT**

**16 January 2017**

**Item 8 - DC/16/4137/FUL Demolition of existing buildings and full planning permission for the erection of mixed-use development for retail (Use Class A3/A5) including drive-thru and residential (Use Class C3), with associated access, car parking, landscaping and associated infrastructure**

The following corrections (shown in red) are required to the recommended planning conditions:

**Condition 2**

The development hereby permitted shall be carried out in accordance with the following approved drawings for which permission is hereby granted:

- Location Plan 13374-170
- Tree Removal and Demolition Plan: 13374-173
- Proposed Site Plan – Lower Ground Floor:13374-175 Rev E
- **Proposed Site Plan – Upper Ground Floor Reference: 13374-176 Rev E**
- Proposed GA and Roof Plan Unit 1 reference: 13374-177 Rev A
- Proposed Elevations - Unit 1 Reference 13374-178 Rev A
- Proposed GA and Roof Plan – Unit 2 Reference 13374-179
- **Proposed Elevations – Unit 2 Reference: 13374 – 180 Rev A**
- Proposed Plans and Elevations – Unit 3 Reference: 13374-181 Rev B
- Proposed Refuse Store Reference: 13374-182
- Proposed Cycle Shelter Reference: 13374-183
- Waste Management Plan Reference: 13374-184 Rev B
- Proposed Elevations – Substation Reference 13374-185 Rev A

- Proposed Street Scene Elevations Reference: 13374-186 Rev A
- Proposed Street Scene Comparison Reference: 13374-187 Rev A
- Landscape Plan V13374LO1 Rev K

Reason: To secure a properly planned development.

#### Condition 19

Development other than the demolition of the existing buildings and removal of the below ground tanks and any works required to be carried out as part of an approved scheme of remediation must not commence until Conditions 20 to 23 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 19 has been complied with in relation to that contamination.

Reason: to protect against potential ground contamination

#### Cycle provision

The agent has clarified that there are 22 cycle spaces proposed for the residential element as opposed to the 19 spaces noted within the committee report.

#### **Item 9 – DC/16/4467/FUL Storage Clamps at Bio digester, Copland Way, Ellough**

Additional correspondence has taken place since the publication of the committee report as follows:

#### Residents

**Email from:** dave walden  
**Sent:** 04 January 2017  
**Subject:** Ellough Bio-digester

I live in Ellough Road.

The quality of life here is compromised considerably by the relentless heavy tractors/trailers delivering fuel to the bio-digester, sometimes 7 days a week. These are not only too large for the road, where there is quite a bit of on-street parking, but there is also a busy school, and a high ratio of older people. There is also the matter of odour from the loads. And of course there are other adverse effects particularly for the residents of Ingate.

The environmental friendliness of the process as a whole is a debate I could but won't start here. But I would like to know whether or not either the planning permission or the Environment Agency licence (I guess the operation needs one) include any control over vehicle numbers, routing, or a requirement to sheet the trailers, which seem to be increasingly more highly loaded.

What particularly irks residents along this road is the fact that last winter the fuel was being hauled past the unit, along Ellough Road then through the town to a storage area on the Bungay Road. Now it's being carted in a reverse direction to the site, a double whammy for us poor residents. This shows a complete lack of regard for the amenities of the residents, though I'm guessing under planning legislation there's no means of stopping this.

There is now a further storage area in Hulver Road that uses a ridiculously difficult access to Benacre Road, where the damage to the verges is plain to see.

I realise many of the problems that affect me personally will improve once the new southern by-pass is built. But I would like to be able to view the report to Committee when the application was approved (just as background), and a copy of the decision notice itself. Could you help me by emailing copies of them (and S106 Agreement if there is one). A sight of the EA licence would also interest me and if you are unable to provide this could you at least give me a contact in the EA I could approach.

I've tried searching on line for them and am only bothering you because I couldn't find them that way.

#### Area Planning Officer Response

There was no section 106 agreement and screening for Environmental Impact demonstrated that a full assessment was not required. Environment Agency licencing is not part of the planning regime.

With regard to licencing of the plant by the environment agency, (under non-planning related licensing legislation) the following email has been received from the site operator on 6th January 2017:

I presume the gentleman is referring to an EA permit. If this is the case permitting is not required for this type of facility. You are completely right in your assumption that prolonged and continuous traffic movements will curtail. With the new clamps annual feedstocks would be delivered to site in a short period during harvesting. Movements would then be no different to local farms getting in their crops.

Further email received 6.1.17 from the agent:

Sent: 06 January 2017 09:41

Subject: RE: Ellough Bio-digester

Good morning Chris. In answer to the Gentleman's comments I understand that the reference to previous offsite storage and associated hauling was associated with the unfortunate collapse of the clamp wall and early teething problems before the new site operators had the site. The new clamps will negate the need for that temporary offsite storage in the way that the original clamps were intended to. Farmers and AD operators would prefer not to haul their feedstocks further than is absolutely necessary as transport costs are a significant operating issue.

A clamp was knocked over by accident right at the worst time hence the need for offsite storage. Murphy's law in operation I think.

Record of email from Environmental Health to Councillor Punt regarding odour complaints received.

Dear Cllr Punt,

I have been forwarded your email and I apologise for the length of my reply, but it is very detailed.

First, there are no authority controls in place because the operation and subsequent emissions from the plant fall outside of the Environmental Permitting regime. The Council, however, has an obligation under the Environmental Protection Act 1990, part III, section 79, to investigate statutory nuisances in their district when a person living in its area makes a complaint. We have received a number of complaints from residential receptors which have been investigated thoroughly. I have been visiting the area unannounced with the purpose of monitoring odours arising from the site since June 2015.

I have included below, a log of visits made to the area.

2015

Monday 22 June - no odour nuisance

Tuesday 30 June - no odour nuisance

Friday 6 July - no odour nuisance

Monday 13 July - no odour nuisance

Tuesday 21 July - no odour nuisance

Thursday 6 August - no odour nuisance

Tuesday 25 August - some localised odours at the front of the premises, but not a problem near residential receptors

Thursday 1 Sept - no odour nuisance

We received a further complaint from a resident and a local Councillor in the Darby Road area in December 2015 and then a second period of monitoring commenced.

Wednesday 2 December - no odour nuisance

Thursday 3 December - no odour nuisance

Friday 4 December- no odour nuisance

Monday 7 December – no odour nuisance

Tuesday 8 December– no odour nuisance

Wednesday 9 December – no odour nuisance

Thursday 10 December – no odour nuisance

Friday 11 December – no odour nuisance

Monday 14 December – no nuisance

Tuesday 15 December – no odour at residential receptors and odour localised to the front of the premises.

Thursday 17 December – a very faint smell in North Cove, but it was not a statutory nuisance.

Tuesday 22 December – no odour nuisance

2016

Tuesday 12 January – no odour nuisance

Friday 15 January – no odour nuisance

Thursday 21 January – no odour nuisance

Monday 25 January – no odour nuisance

Wednesday 27 January – no odour nuisance

Wednesday 3 February – no odour nuisance

Tuesday 16 February – no odour nuisance

Monday 22 February – no odour nuisance

Monday 7 March – no odour nuisance

Thursday 10 March – no odour nuisance

Monday 14 March – no odour nuisance

Thursday 31 March – no odour nuisance

Wednesday 20 April – no odour nuisance

Monday 9 May – no odour nuisance

Thursday 23 June – no odour nuisance

A number of new complaints (13 of which 7 were residential occupiers) were received during the period 17 August – 12 September. The complaints were investigated and officers concluded that the dominant odour originated from a source upwind of the site. The odour was most probably caused by farmers applying organic waste as a soil dressing. Two unannounced visits were made to the area and one included a visit to the plant premises. The two officers findings at this time : -

Wednesday 17 August – no odour nuisance from the plant

Friday 19 August – no odour nuisance from the plant

Monitoring continued as other complaints were received, although much of the information was conflicting with complainants alleging nuisance when the wind was in the wrong direction and at differing times of the day. One complainant said that the odours only occurred over a weekend and others said that there was a smell nuisance 24/7.

Nuisance record log-sheets were sent out to a number of the residential occupiers who had complained and none have been returned to date, which tends to suggest odour impact from the AD plant is very limited.

In September we were contacted by business complainants requesting formal feedback to the complaints that they had made and they were emailed promptly outlining the situation along the lines of : -

“Dear (redacted),

I can confirm that we have investigated recent complaints including yours made in connection with odours arising from the plant.

Officers visited the area and the BioCow plant on two occasions in August at the time a number of complaints were made. The investigating officers found that the dominant smell prevailing in the area was arising from an unknown source/ location upwind of the AD plant.

The investigations have led us to conclude that the recent episode of odour nuisance was in fact caused by legitimate agricultural sludge spreading activities in the surrounding area upwind of the AD plant. Organic waste, that can include manure, or waste from sewage treatment works is used perfectly legally as a soil dressing and it really does smell awful until it is completely incorporated into the soil. This process can take several days because it is often done one field at a time. There have been similar odour issues elsewhere in the Waveney District area recently.

Our investigations are still ongoing, as the Council has an obligation under the Environmental Protection Act 1990, part III, section 79, to investigate statutory nuisances in their district when a person living in its area makes a complaint. We hold the view that this obligation does not extend to complaints of nuisance received from commercial businesses. However, we continue to monitor the area for odours arising from the AD plant, as we have received complaints from occupiers of residential properties in the area, but in all cases investigated so far there has not been evidence of an actionable nuisance.

I have also had a recent discussion with a contact at the Health and Safety Executive, following health concerns being raised at a nearby work premises about exposure to odours from the AD plant and they have similar thoughts to us in that there is no documented evidence at this time of a potential detrimental health impact. “

Subsequent to investigating the complaints in August monitoring visits have continued to the area and these are logged below.

Tuesday 30 August – no odour nuisance

Thursday 1 September – no odour nuisance

Saturday 3 September – no odour nuisance

Monday 5 September – no odour nuisance – some smell directly outside of the premises

Tuesday 6 September – no odour nuisance – very slight smell 400m directly north of the plant

Tuesday 8 September – no odour nuisance – some odour apparent adjacent to the plant

Friday 9 September – no odour nuisance – faint odour 600m away downwind of the plant and directly outside of the plant

Monday 12 September – no odour nuisance

Wednesday 14 September – some strong odours in the area but the source seems to be upwind of the plant (muck spreading!)

Thursday 15 September – no odour nuisance – some smell directly outside of the plant

Monday 19 September – no odour nuisance – some smell directly outside of the plant and down wind for a short distance.

Wednesday 21 September – no odour nuisance – slight smell in Anson Way

Thursday 22 September – no odour nuisance

Friday 7 October – no odour nuisance

We have tried to take account of wind direction and proximity of relevant sensitive receptors and monitored appropriately. You can experience the odours when driving past the premises in Copland Way, but there is no impact other than a fleeting one on the individual. The majority of the monitoring has been conducted in the vicinity of the nearest residential receptors (who would be relevant) and I have not witnessed or experienced any degree of odour that would be considered an actionable statutory nuisance.

I corresponded by email with the AD plant manager in 2015 and this resulted in the production of a site odour management plan and I have not got any evidence at this time that it is not fit for purpose.

My understanding of the anaerobic digestion process is that natural decomposing anaerobic bacteria and methanogens (methane producing microbes) actually break down the organic waste in an oxygen free environment, so I not sure about the chemical treatment that you mentioned in your email is required to break down the crushed maize. In fact, I suspect that the addition of chemicals would inhibit the work of the microbes and impact detrimentally on methane production. Obviously, the decomposition process takes place in sealed vessels and any odours on site are likely to stem from the stockpile of feedstock where a certain amount of decomposition is likely in anoxic conditions in the middle of a heap.

In general, the strongest odours are limited to areas close to the site and some of the of businesses located on the industrial estate have also complained, but a business located on an industrial estate is not a relevant receptor in terms of the statutory nuisance provisions of the Environmental Protection Act 1990. It is a characteristic of industrial estates that they tend to be noisier and smellier than areas where residential housing is located, so commercial enterprises should take this into account when they choose a location.



**Item 10 - DC/16/4494/FUL Change of use to caravan park for three static caravans for tourist use**

The following additional condition is recommended:

Prior to the first occupation of the caravans hereby permitted a scheme for the management of the site during its operation shall be submitted to and agreed in writing with the local planning authority and shall include:

- Site Manager's contact details including emergency contact
- A maintenance plan (including methods for managing site landscaping, drainage, lighting, and structural maintenance);
- The means by which to maintain a log of bookings including dates of 'check-in' and 'check-out'.

Reason: To ensure the proper management of the caravan site to maintain the amenities of nearby residents.