Witherley Parish Council
Technical Working Group

Proposed Fenn Lane Compost Site: Additional Information Response Report



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Working Group Members:

Dr David Hickie BSc(Hons), MA ,PhD, CEnv, CMLI, MIEMA, IAIA, ASLA
(Councillor and Chairman of Witherley Parish Council)
Internationally recognised Environmental Impact Assessment (EIA) expert and former national EIA specialist working for the Environment Agency. He is a Chartered Environmentalist and a Chartered Landscape Architect, and has a PhD in EIA. He is now an independent consultant Environmental Planner and Landscape Architect.

Maureen Cook (Councillor - Witherley Parish Council)

Ann Wright BSc(Hons) (Councillor - Witherley Parish Council)

Eugene Stansfield NZCE(Civil), MIHT (Resident of Fenny Drayton)

Tony Cowpe-Pendleton BSc (Hons), MSc (Hons), GradInstP
(Councillor - Witherley Parish Council)

Graham Pittaway (Resident of Fenny Drayton)

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1. Executive Summary

The Working Group has reviewed the Additional Information submitted by the Applicant.

We conclude that the key planning issues are:

a) **The precautionary principle** – there is a high risk that nearby residents will be subject to hazardous bioaerosols from the proposed open air windrow operations.

b) **The proximity principle** - sustainable strategic waste management recognises that transporting waste has environmental, social and economic costs. Waste should be treated as close to source as possible. A source limit of 15 miles should be applied if permission is granted.

Our detailed comments are included in Section 2 of this document. We have listed our concerns and queries. Under each item we have also listed our recommendations to Leicestershire County Council for further action.

Issued Raised by this Proposal Include:

a) The Applicant has now clarified that he is now proposing to undertake the final stages of the composting maturation off-site. Transporting the half matured compost to another location is highly likely to increase the odour and bioaerosols problems, in addition to a number of other impacts discussed further in Section 2 of this document.

b) The Applicant has prepared the application without finding out what limitations and restrictions the Environment Agency would put on a licence for the site. This is not normal best practice for designing a composting site or applying for planning permission.

c) PPS9 requires that a pre-determination survey of bats and great-crested be undertaken because of the high likelihood of them being disturbed by this proposal. To disturb these protected species without having a Natural England licence would be a criminal offence.

d) The County of Leicestershire already has an overprovision of composting facilities and, therefore, can see no benefit from the opening of another site.

e) Sustainable development and operations is an important consideration. The proximity of the waste sources is a key issue and the Applicant currently does not explain where these waste streams are likely to come from. We also seek clarification on the 42 different waste streams proposed.

f) We very much doubt that even with a Traffic Routing Plan (not provided as yet), the Applicant will have very little influence or control on the routing of third party vehicles.

Our original contention (report dated 15th Oct 2008) that bioaerosols hazards, noise, odour, road safety and traffic disturbance issues are a serious problem have not been disproved by the Applicant's further submission.

2. Witherley Parish Council Responses and Recommendations

Paragraph	LCC Query The applicant proposes to process "non-hazardous biodegradable waste streams" to "produce high quality agricultural soil conditioner and various types of synthetic soils to recognised standards". Which waste streams would be treated by the facility? (European Waste Catalogue numbers?) What are "synthetic soils"? What materials are used in the production of "synthetic soils"? Can synthetic soils be manufactured solely from green waste? Does this mean the end product would be exported? Where to? Has allowance for traffic relating to the export of material been made in the Transport Assessment?
2.1	

Silkstone Environmental Ltd Response

The specific waste streams to be treated at the proposed composting facility include the following:

EWC Codes Summary

01 04 09	waste sand and clays
01 05 04	freshwater drilling muds and wastes
02 01 01	sludges from washing and cleaning
02 01 03	plant-tissue waste
02 01 06	animal faeces, urine and manure (including spoiled straw), effluent, collected separately and treated off-site.
02 01 07	wastes from forestry
02 03 01	sludges from washing, cleaning, peeling, centrifuging and separation
02 03 02	wastes from preserving agents
02 03 04	materials unsuitable for consumption or processing
02 03 05	sludges from on-site effluent treatment
02 04 01	soil from cleaning and washing beet
02 04 02	off-specification calcium carbonate
02 04 03	sludges from on-site effluent treatment
02 06 01	materials unsuitable for consumption or processing
02 06 02	wastes from preserving agents
02 06 03	sludges from on-site effluent treatment
02 07 01	wastes from washing, cleaning and mechanical reduction of raw materials
02 07 02	wastes from spirits distillation
02 07 04	materials unsuitable for consumption or processing
02 07 05	sludges from on-site effluent treatment
03 01 01	waste bark and cork 03 01 05 sawdust, shavings, cuttings, wood, particle board and veneer other than those mentioned in 03 01 04
03 03 01	waste bark and wood
03 03 08	wastes from sorting of paper and cardboard destined for recycling
04 01 02	liming waste
04 01 05	tanning liquor free of chromium
04 02 10	organic matter from natural products (for example grease, wax)
04 02 21	wastes from unprocessed textile fibres
04 02 22	wastes from processed textile fibres
06 13 03	carbon black
15 01 01	paper and cardboard packaging
15 01 03	wooden packaging
15 01 05	composite packaging
17 02 01	wood
17 05 06	dredging spoil other than those mentioned in 17 05 05
17 08 02	gypsum-based construction materials other than those mentioned in 17 08 01
19 12 01	paper and cardboard
19 12 07	wood other than that mentioned in 19 12 06
19 12 09	minerals (for example sand, stones)

20 01 38 wood other than that mentioned in 20 01 37
20 02 01 biodegradable waste
20 02 02 soil and stones

"Synthetic soils" referred to in the section 2.1 of the supporting statement comprise a mixture of composted material and sand. Sand is often added to compost at a particular ratio to produce a "synthetic soil" which is suitable for golf course engineering due to its drainage qualities...

Witherley Parish Council Response: *We note that the Applicant is requesting permission for sourcing 42 different waste streams which range from building site rubble to waste from food processing and more traditional 'green' composting waste streams. This appears to allow for the processing of a very wide range of waste materials some of which would be unsuitable for a green open windrow composting operation.*
Recommendation: *LCC to request Applicant reconsiders list and limits application to 'green' waste streams only.*

Paragraph 4.4.1	**LCC Query** The application proposes to have a concrete pad. No details of the pad have been provided. No information is given on the storage of surface water (holding tank or similar). The application states that "excess water from the pads will be tankered away". What if heavy rainfall occurs at times when tankers are not available straight away (e.g. at weekends)? Would water be stored somewhere?

Silkstone Environmental Ltd Response
The proposed concrete pad to be used for windrow composting will be of dimensions 66m x 78m and will be raised above the surrounding ground such that the surface water/leachate from the concrete pad will run into a self contained drainage system and into a leachate lagoon...

Witherley Parish Council Response: *We welcome the applicant defining the size of the pad and accepting that the original leachate tank was insufficient to accommodate storm water run-off.*
Recommendation:
Applicant to explain how the leachate tank will accommodate storm water flows if it full or part full before a storm event. The 0.5 m bund would only accommodate 50% of the predicted storm water and the rest would overtop into the surrounding area and flow into surface water drainage that flows into an adjacent water channel and ultimately the River Anker.

Paragraph 4.8.1	**LCC Query** The application refers to consultations which were undertaken with statutory undertakers. Who was consulted, when and what was the outcome of these consultations.

Silkstone Environmental Ltd Response
The list of organisations stated in 4.8.1 refers to the organisations consulted regarding the composting site planning application. Copies of the consultation responses are provided in appendix B.

Witherley Parish Council Response: *We note that there is no record of correspondence with Leicestershire Environmental Resource Centre as mentioned in the Ecological Report and as recommended in the letter from Natural England date 30th July 2008.*
Recommendation: *LCC to request Applicant provides copy of correspondence from Leicestershire Environmental Resource Centre.* ***If protected species might be disturbed by this development PPS 9 requires the local planning authority to seek confirmation before they can determine the application.***

Paragraph 4.10.1	**LCC Query** The existing structures within the application site include a derelict building associated with the sites previous use. Would this building be retained or demolished?

Silkstone Environmental Ltd Response
The existing derelict building within the application site will be retained.

Witherley Parish Council Response: *We welcome this clarification.*

Paragraph 5.1.1	**LCC Query** The application states that the road surface on the access tracks would be improved. What standard would it be improved to? Any such improvement should be of a standard which is able to withstand the wear and tear caused by the number of vehicle movements associated with this proposal.

Silkstone Environmental Ltd Response
See traffic statement additional works (appendix C)

Witherley Parish Council Response: *The upgrading is limited to 30 metres of track at the entrance off Fenn Lane. How is the applicant going to ensure that this MIRA emergency vehicle access track and access track for residents is going to be maintained to adequate levels when the potholed concrete track is being used by some many HGVs coming and going from the proposed compost site?*
Recommendation*: If application approved Applicant to undertake to upgrade and maintain road surface and new passing places to LCC agreed standards.*

Paragraph 5.3.1	**LCC Query** The application states that the site would be patrolled when non-operational – How often? By whom? What other considerations have been given to site security.

Silkstone Environmental Ltd Response
The composting site is to be patrolled by a security guard during all non-operational hours. The security guard will be located on site for the periods when it is non-operational...

Witherley Parish Council Response: *We welcome this clarification but note that such security will entail light sources and possible generator noise through hours of darkness.*
Recommendation*: LCC to request Applicant provides a Lighting Plan for the site.*

Paragraph 6.1.4	**LCC Query** The application makes reference to the production of soil improvement products specifically designated for "the end user". What would these soil improvement products be? Who would the end user be? Would the end product be sold directly from the site to the public?

Silkstone Environmental Ltd Response
As stated in reference to the earlier query for paragraph 2.1, the applicant may consider mixing sand and compost to produce a "synthetic soil" product to be used as a soil improvement product.

Suitable end users for such a product are golf course developers, and sites including golf courses, bowling greens, or cricket pitches where drainage improvements are required. Many developments require a soil type material with specific drainage properties similar to that of a compost/sand mix.

Witherley Parish Council Response: *The applicant has explained in this revised submission that the final composting stage will be completed off site. Where and when will the mixing of the sand compost occur? We note that stone and other construction site materials is part of the waste stream being sought. To make a fine sand material a crusher machine would be required.*

***Recommendation**: LCC to request Applicant explains where they intend to mix the sand and compost, and to assure LCC that a crushing machine will not be used on this site.*

Paragraph 6.1.9	**LCC Query** The application states that "once the compost has been removed from the windrow and concrete pad it is considered to be sterile". This statement is considered to be misleading and its accuracy is questioned. The compost would not be sterilised by removing it from the windrow and concrete pad.

Silkstone Environmental Ltd Response

Composting material is to remain on the concrete pad and optimum conditions maintained throughout the composting process...The windrows are turned continually *(Odour Plan - daily basis)* throughout to maintain aerobic conditions.

After approximately 3 weeks of this process, the temperature of the composting material falls back to ambient temperatures...The compost is then to be moved to the location it is to be spread where it is left to undergo maturation referred to in section 6.7 of the original supporting statement.

***Witherley Parish Council Response:** We welcome this clarification. We assume that the applicant is not going to use the surrounding fields owned by the applicant for the final maturation stage. Moving the semi-composted material off site will lead to increased potential for odour, bioaerosols biohazards, mess and leachate spillages on local roads, and especially in vicinity of Fenny Drayton, if as the Applicants says this is the prime route for all traffic. We assume that local farmers will not wish to have large areas of productive farmland being used for final composting. Will the Applicant be making a planning application for sites undertaking the final composting stages?*

***Recommendation**: LCC to request clarification that the surrounding fields in the ownership of the Applicant or associated companies or relatives will not be used for the final stage of composting or temporary storage of compost material or other waste streams.LCC to request clarification as to how the Applicant proposes to minimise health and amenity impacts of the movement of part composted material. If the applicant is proposing to complete the composting at another site, the Applicant should give details of size and site locations. LCC to review whether planning permission is required for such sites. LCC to consider requiring all stages of the composting to take place on site, even if this reduces the annual throughput.*

Paragraph 6.2.1	**LCC Query** Paragraph 6.2.1 explains the term "feedstock" and states that nearly all materials that are of an organic nature can be composted. Such materials include garden waste, industrial waste such as paper pulp, and commercial wastes such as supermarket or factory slurries and effluent cakes etc". What material does the applicant propose to import to the site for composting?

Silkstone Environmental Ltd Response

The waste types that the applicant proposes to import is specified in the earlier response to the paragraph 2.1 query. Please see the European Waste Catalogue (EWC) codes provided.

***Witherley Parish Council Response:** We understand that the Applicant is requesting permission for a very wide range of waste streams which will range from contents of building site skips to wastes from food processes etc. Industry best practice suggests that only green waste should be composted in open window composting operations. However, the fact that this site will become in reality a general 'materials recovery facility' with composting of a wide range of odourous waste streams is a major concern.*

***Recommendation**: LCC to limit waste streams to 'green garden waste' in closed vessel composting only. LCC to request Applicant to clarify catchment area for waste steams.*

Paragraph 6.3.1/6.3.2	**LCC Query** The application states that all incoming feedstock would be checked visually for contaminants. Section 6.3 describes the process of rejecting feedstock should this become necessary, but no information is given about the removal of materials not suitable for composting. Would this be collected for disposal? If so, could you give details?

Silkstone Environmental Ltd Response

As stated in section 6.3.2 of the supporting statement, if on delivery a load is rejected... then it will be rejected ... The waste producer will then be required to remove the load from the site immediately if the carrier is still present. In the event that the carrier has left the facility and a load is rejected then the load will be isolated in a skip and sheeted. Arrangements will be made with the waste originator or carrier to have it transported off site at the earliest opportunity...

A detailed waste acceptance criteria for the proposed composting site is required as part of the environmental permit application to be assessed by the Environment Agency (EA). A working plan and written management system is required by the EA for permitted waste management facilities and this will be the case for the proposed composting facility.

***Witherley Parish Council Response:** The Applicant's statement here as to how rejected material will be dealt with conflicts with their procedure detailed in their Odour Plan which in section 3.1a says that "Any waste not conforming with the licence conditions will be rejected and immediately transported off site by the carrier". It makes no mention of temporary storage on site which is understandable in order to minimise odour problems. Having just one skip available for rejected loads would not accommodate material in loads of up to 25 tonnes.*

***Recommendation**: LCC to request Applicant to either amend Odour Plan or withdraw this statement. LCC to request Applicant to clarify procedure for handling and storage of hazardous waste streams if found in deliveries. LCC to request Applicant clarifies number of skips to be available for rejected loads.*

Paragraph 6.11.1	**LCC Query** The application states that the site operator wishes to produce shredded material for board manufacturers from selected waste streams. No further information is given about this element of the proposal.

Silkstone Environmental Ltd Response

...We can confirm that the operator does <u>not</u> intend to produce shredded material for board manufacturers from selected waste streams. We acknowledge that there will be no additional operations carried out at the site other than activities solely related to composting operations. The additional questions related to the query are not considered further.

***Witherley Parish Council Response:** We welcome this clarification.*

Paragraph 6.13.1	**LCC Query** The approximate tonnages per load and per day do not correspond with the annual total and are not based on the theoretical maximum.

Silkstone Environmental Ltd Response

The range of values stated for the number of loads received per day, and the tonnage per load, is a reflection of the variation, both in vehicle types and load capacity, that will be accessing the proposed composting facility. A typical operational day at the facility will consist of some large vehicles and smaller vehicles transporting waste to the composting site... A daily waste tonnage import limit of 250 tonnes may also be considered by the Leicestershire County Council.

Witherley Parish Council Response: *We welcome this clarification. However, we note that the normal industry pattern if for more loads in the summer and less in the winter.*
Recommendation*: LCC set a limit per day. LCC to request Applicant clarifies the predicted seasonal variation in loads.*

Paragraph 7.5.2	**LCC Query** The application makes reference to the following hours of operation: Import, processing and export of waste – 0700 to 1900 Monday to Friday, 0700-1700 on Saturdays. Staff would arrive for work between 0630 and 0700 and leave the site between 1900 and 1930hrs. During the winter months, these times fall into the hours of darkness. What consideration has been given to site lighting? Would operating the site during the hours of darkness mean that there would be lights at the site? If so, what type of lights, how many, and where?

Silkstone Environmental Ltd Response
As correctly stated, operational hours on site will fall within the hours of darkness during the winter months. During operational hours of darkness at the proposed site illumination will be provided... The operator will seek planning approval prior to the installation of additional permanent lighting at the proposed site.

Witherley Parish Council Response: *We welcome this clarification. However any such lighting is highly likely to disturb protected species such as bats feeding in the vicinity of these woods which is a criminal offence and PPS9 requires survey reports to be undertaken before determination of any such planning application.*
Recommendation*: LCC to request the Applicant undertakes a bat survey report be undertaken by a Natural England licensed bat surveyor, and provides a Site Lighting Plan before any determination of the application, in accordance with the requirements of PPS9.*

Paragraph 6.17.1	**LCC Query** Paragraph 6.17.1 covering workforce makes reference to driver positions for tractor delivery who would require good knowledge of the local area. Why would this be necessary – is this linked to import or export of material? Where locally would the material be imported from/exported to?

Silkstone Environmental Ltd Response
...The compost may be exported to local farms for use as a soil conditioner on farm fields. The exact location of local farms that may accept compost is yet to be agreed. Local knowledge of the area would aid in the efficient delivery of the compost to the farm.

Witherley Parish Council Response: *We welcome this clarification and support the principle of minimising travel distances as part of good sustainable waste management practice.*
Recommendation: *LCC to specify road cleaning requirements.*

Paragraph 6.18.1	**LCC Query** Paragraph 6.18.1 makes reference to a MRF (Materials Recovery Facility/Materials Recycling Facility) when the rest of the application refers to a composting site.

Silkstone Environmental Ltd Response
Section 6.18 of the supporting statement refers to the number of staff that will be directly employed at the proposed composting site. The section should state the number of employees associated with the "Composting site" rather than "MRF" as stated...

Witherley Parish Council Response: *As stated earlier we consider that the permissions that are being in this application cover virtually every eventuality of waste processing and storage and that this site is not just intended for composting.*

***Recommendation**: LCC to confine any permissions to composting operations only.*

Paragraph 7.5	**LCC Query** The application states that traffic would use A5 and A444 to access the site – where would vehicles come from? In other words, where is the anticipated origin of the material to be brought to the site? Does the applicant have contracts in place for the composting of waste?

Silkstone Environmental Ltd Response
Traffic routeing will be restricted to accessing the site from Fenn Lane, via the A444 directly from either the A5 or A42. The potential areas from which material can be brought to the site will be located mainly in Leicestershire and Warwickshire.

It is understood that contract discussions regarding waste sources are currently progressing, and in the interests of commercial confidentiality no further details are provided.

***Witherley Parish Council Response:** We support the concept of sustainable strategic waste management and the proximity principle. We question whether loads from the whole of Warwickshire and Leicestershire should be allowed.*
***Recommendation**: LCC to request Applicant restricts the planning application to waste streams sourced from within a 15 mile radius of the site.*

Paragraph 7.5.3	**LCC Query** The application estimates up to 25 loads of waste per day being delivered to the site giving rise to 50 vehicle movements. But no mention is made of other traffic referred to in para.6.14.1 above. Back loading of exported material – where to? What type of material would be back loaded? How much material would be exported from the site by back loading?

Silkstone Environmental Ltd Response
The applicant intends to back load compost whenever possible in order to minimise traffic numbers to and from the site. The compost will be back loaded and transported to the location where it is to be utilised. The recipient would unload the compost at the place it is to be spread after completion of maturation/curing.

Approximately 60% of compost will be transported off site by back loading...

***Witherley Parish Council Response:** Following discussing good practice and the commercial realities with Waste Management specialists, we understand that the figure of up to 60% back-loading is unrealistic and shows a lack of understanding of standards required for good quality composting and the nature of vehicles required to transport material from a range of sources and then onto farm fields afterwards*
***Recommendation**: LCC to request Applicant to reconsider these statements.*

Paragraph 7.6.1	**LCC Query** The application contains only a brief section on odour. The supporting statement makes reference to "good housekeeping practices" which would be adopted, but does not state what these are. The application does not contain any information on an Odour Action Plan (similar to the dust action plan referred to in section 7.4). In a telephone call on 7th October 2008, the applicant referred to a specific technology for odour suppression which he said he intends to use, but he was unable to give details of this technology or

	how it would work. Would you be able to give more information on this matter?

Silkstone Environmental Ltd Response
An Odour Management Plan is provided in appendix D. The applicant intends to implement the odour management plan at the proposed installation. The implementation of the measures stated in the Odour Management Plan should ensure that the risk of odour being generated at the proposed installation is minimised through good housekeeping practices.

The odour management plan was compiled in accordance with Environment Agency technical guidance notes and incorporates current best practices for composting (see appendix D)

Witherley Parish Council Response: *We welcome the provision of the Odour Management Plan but query why it contradicts statements in response to LCC queries.*
Recommendation*: LCC to request Applicant to amend statements or amend Odour Plan.*

Paragraph Highway Statement	**LCC Query** Appendix 2 of the contains calculations of the 85th percentile dry and wet weather speeds. The northeast-bound calculation is based on data gathered at a survey which was undertaken in High Street, Skellingthorpe, on 20th April 2005. Please could you provide the relevant data for Fenn Lane?

Silkstone Environmental Ltd Response
All traffic related queries are addressed in the report provided in appendix C.

Witherley Parish Council Response: *We welcome the correction of this mistake by the Highways consultant.*

Paragraph 5.1.1	**LCC Query** Drawing 08043/PA4 (Operational Plan) shows the surface water lagoon adjacent to the composting area. How has the required size of the lagoon been calculated? (It should be noted that the Environment Agency has submitted a holding objection to a satisfactory Flood Risk Assessment being submitted. The Agency advises that it will consider the other aspects of the proposal only after the initial objection has been overcome).

Silkstone Environmental Ltd Response
A Flood Risk Assessment (FRA) has been carried out for the proposed site and is provided in appendix E. The FRA also provides details of the leachate lagoon capacity required for surface water/leachate collection from the concrete pads proposed in the planning application. A leachate lagoon capacity of 290m3 was calculated. The methodology for calculating lagoon capacity is stated in the FRA.

Witherley Parish Council Response: *We welcome the Applicant's admission that the former lagoon was not large enough. We question how the Applicant will contain leachate in storm conditions if the lagoon (used for storing all normal runoff from the concrete pad) is full at the start of a storm event. The 0.5m high bund will only contain 50% of the storm water predicted by the Applicant's Flood Risk Assessment consultant.*
Recommendation*: LCC to request Applicant to explain how they prevent such a pollution incident occurring.*

Paragraph Misc. Queries	**LCC Query** The application relates to a site with a throughput of 75,000 tonnes per year. Given the capacity of the proposed site, what assessment of the need for the facility has been made?

Silkstone Environmental Ltd Response
A great deal of consideration and research was carried out with regards to the potential composting site capacity and viability. Of specific interest was the potential availability of materials in the 'Leicestershire Waste Development Framework Area' that was suitable for composting, and also to evaluate the need for such a facility...The need for the proposed composting facility referred to in the planning application is considered justified due to the reported capacity shortfall in the Leicestershire Waste Development Framework.

Witherley Parish Council Response: *We understand from LCC Waste Development Framework - Site Allocations (Preferred Options) up to 2021 published in 2006 that the year on year shortfall to 2021 for recycling and composting was 323,954 tonnes. The total provision was predicted to be 685,000 tonnes resulting in an over provision of 361,046 tonnes.*
Recommendation*: LCC to request Applicant justify the need for this site in the light of this overprovision.*

Witherley Parish Council

Technical Working Group (WPC)

"Proposed Fenn Lane Compost Site: Environmental and Social Impact Review"

Witherley Parish Council Query
3.1 Incorrect assertion that there will be no detriment to the local amenity "....These show there are a range of adverse effects which will be detrimental to the local amenity. These effects include the harmful bio-aerosols generated by the composting process."

Silkstone Environmental Ltd Response
Concern regarding bio-aerosols has been raised by residents located in Fenny Drayton and Higham on the Hill and discussed in the Witherley Parish Council report. ... The HSE Executive research report no.130 titled "Occupational and environmental exposure to bioaerosols from composts and potential health effects – a critical review of published data" evaluates the risk associated with bioaerosols from composting sites. The report findings 19 and 22 state the following;

"22. While most published studies indicate that bioaerosols are reduced to background within that distance, some experimental studies and dispersion modelling exercises suggest that bioaerosols may exceed background concentrations at distances greater than 250 m under certain atmospheric conditions. Despite this, there is no published evidence that exposure to bioaerosols disseminated from compost facilities cause respiratory ill health in residents or workers at nearby (>200– 250m) locations, or that slightly greater than background aerosol levels represent a significant excess risk.

Witherley Parish Council Response: *We note that this research document dated 2003 is now out of date as there is such published evidence available, e.g.*
Herr, C. Zur Nieden, A. Jankofsky, M. Stilianakis, N. Boedeker, R-H. and Eikmann, T. (2003) 'Effects of bioaerosol polluted outdoor air on airways of residents: a cross sectional study' in Occupational and Environmental Medicine Vol. 60, pp. 336-342. The precautionary principle would require this site to be rejected because of the proximity of residential houses.
Recommendation*: LCC disregard the Applicant's assertion that there is no published evidence of biohazards.*

3.2 Non-compliance of applicants own environmental policy ".....This technical review has identified that the noise consultant has underestimated the distance from the site to nearby residences. In one case by 120m. And so these results are likely to be an underestimate of the real noise pollution levels"

Silkstone Environmental Ltd Response

The distances quoted in the noise survey refer to the distance between the shredder located on the northern most corner section of the concrete pad. The distances have been checked and validated. The distances stated in the noise survey are correct. See drawing no.08043/PA4 rev A for details of the proposed shredder location.

Witherley Parish Council Response: *The Applicant's Noise consultants report table 6 shows that the noise level from the shredder is predicted to be 111 dB(A) and from the 'front shovel' machine moving about the whole site and turning windrows daily is 108 dB(A). HGVs are predicted to be 104 dB(A). Not information has been shown for the lagoon pump or generators using for lighting. If stone material is received in site it will need to be crushed by a stone crusher to enable the material to be incorporated in the synthetic soils. No figures are shown for such a machine.*

Recommendation*: LCC to request Applicant to provide assessment for these additional noise sources.*

3.3 Inadequate drainage plan

"...The SEPA planning guidelines (SEPA, 2008a) indicate that the concrete pad and associated drainage will not be large enough for proposed 75,000 tonne throughput per year. They suggest that a typical site would be in the order of 6-9 ha....." "...it would require the provision of a storm attenuation pool of at least 360m^3 in capacity. This indicates that in adverse storm conditions, polluted leachate is highly likely to overflow the containment pit and pollute the surrounding area..."

Silkstone Environmental Ltd Response (*Site surface area and capacity*)

...The SEPA planning guidelines quoted in the Witherley Parish Council report (2008) were taken from the ODPM report (2004) "Planning for waste management facilities –a research study". The typical site surface area referenced in the report for a 25,000 tonnes per year facility was based on the maturation/curing phase of the composting process being carried out on a concrete pad within the facility, thus requiring a site area sufficient for the storage of 12-14 weeks of composting material. ...The Fenn Lane planning application proposes that final maturation is to take place at the off site location where the compost is to be utilised (i.e. farm land), thus significantly reducing the size of the area required at the facility.

Witherley Parish Council Response: *We welcome the Applicant's clarification. However, waste management industry specialists have given us to understand that the site footprint is inadequate for maintaining good composting practice for a throughput of this order*

Recommendation*: LCC to request Applicant to provide evidence of sites of similar size and throughput.*

Silkstone Environmental Ltd Response (*Odour*)

The ODPM report (2004) discusses the issue of odour at composting sites... An Odour Management Plan will be implemented at the proposed facility throughout its operational life. The Odour Management Plan is provided in appendix D.

Witherley Parish Council Response: *We welcome the Applicant's change of submission statement and admission now that there will be odour from the site.*

Silkstone Environmental Ltd Response (*Surface water management*) The applicant acknowledges that a hard standing is required for the temporary storage of feedstock in the "waste reception" area. ...The surface water/leachate (from composting pads) lagoon shown on drawing no.08043/PA4 was for illustrative purposes.

The surface water/leachate lagoon is shown to have sufficient capacity for a1 in 100 year storm event of1 hour duration. The capacity is considered sufficient to minimise the risk of overflow. ...

Witherley Parish Council Response: *We welcome the Applicant's admission that the former lagoon was not large enough. We note that the above statement incorrectly quotes a " 1 in 100 year storm event of1 hour duration", whereas the FRA consultant has calculated that capacity based on a "2hr 1 in 100 year event" (Appendix E para. 5.19)*
Recommendation*: LCC to request Applicant confirms which is the correct storm event criteria used.*

3.4 Incorrect distances quoted to nearest properties

"....section 4.9.1 of the supporting statement, it states "*(that) the nearest residential/commercial property to the site boundary being over 250 metres away to the south west and south east.*"

"This distance contradicts the Applicants Noise Survey report (section 6.3.1) which correctly indicates that Rowden Cottage is 220 metres from the south west boundary of the site, and as shown on the Applicants Noise Monitoring Location Map".

Silkstone Environmental Ltd Response
The distance referred to in section 4.9.1 refers to the distance between the planning boundary and the nearest residential/commercial property. The distance of 250m quoted in section 4.9.1 of the supporting statement is a typographical error; instead it should have stated;

"The site is in a rural setting with the nearest residential/commercial property to the planning boundary being over 220m away to the south west and south east".

The distance of 220m will replace 250m in section 4.9.1 of the supporting statement.

The 220m distance quoted in section 6.3.1 of the Noise Survey report refers to the distance between the outer edge of the bund and the nearest noise sensitive receptors and is discussed in the context of bund construction activities only.

The distance between the closest edge of the composting pad and Rowden Cottage is >270m distance, in between which is >200m of woodland known as Rowden Gorse which constitutes a very significant attenuation barrier. Composting will be carried out on the concrete pad at the site, therefore the shortest distance between source (concrete pad) and receptor (Rowden Cottage) in terms of bio-aerosols is >270m as stated.

Witherley Parish Council Response: *We welcome the Applicant's correction. We note that the distance from Rowden Cottage to HGVs (104 dB(A) according to Noise Report table 6) arriving and departing the site will be about 220m. We note from the same table that the noise from the shredder is 111 dB(A).*

3.5 Night traffic movements to and from the site

"...5.3.1 states that the site area "*will be patrolled as appropriate when non-operational.*" It is normal practice for security patrols to regularly visit such site to check on security. Timings and numbers will be dependent on

the fluctuating security risk. It is assumed that the weighbridge building may be alarmed and if triggered would cause neighbour disturbance. None of these adverse affects have been taken into account in the predicted traffic movements and supporting statement"

Silkstone Environmental Ltd Response
The proposed composting facility will be patrolled by a full time security guard during non-operational hours. In the extremely unlikely event that an alarm was triggered in a cabin, or weighbridge office then security would turn off the alarm and investigate the cause. There is no significant traffic movements associated with a full time security guard located at the facility during non-operational hours.

Witherley Parish Council Response: *We welcome the Applicant's clarification.*

3.6 No evidence of experience in managing a composting site
"..As the management of the open air windrows, especially offensive odour production, is highly dependent on good management, the application provides no confidence that the site will be effectively managed and that mitigation measures stated will be effective and monitored".

Silkstone Environmental Ltd Response
The environment agency require evidence from the operator that the correct level of technical competence, required to effectively manage composting operations at the facility are in place prior to the granting of any permit. An environmental permit requires a qualified person to supervise operations at the site in accordance with EA requirements and also a written management system.

The applicant fully appreciates the legal requirements of an environmental permit and is legally bound to provide the level of technical management required. The technical management of the proposed composting facility will be done so by a WAMITAB accredited person.

Witherley Parish Council Response: *We welcome the Applicant's admission that the former lagoon was not large enough. We note that the above statement incorrectly quotes a "1 in 100 year storm event of1 hour duration", whereas the FRA consultant has calculated that capacity based on a "2hr 1 in 100 year event" (Appendix E para 5.19)*
Recommendation*: LCC to request Applicant confirms which is the correct storm event criteria used.*

3.7 Inadequate capacity of the site to deal with 75,000 tonnes per year
"..SEPA planning guidelines (SEPA, 2008A) indicate that the concrete pad and associated drainage will not be large enough for proposed 75,000 tonne throughput per year".

Silkstone Environmental Ltd Response
The surface area of concrete pad required for a composting facility is dependent on site specific operational aspects of the proposed composting facility and not subjected to a one size fits all approach.

The issue regarding surface area size of the proposed facility has been addressed previously in response to query 3.3 of the Witherley Parish Council report (2008).

Witherley Parish Council Response: *Discussions with Waste Management and Compost site Specialists leads us to understand that the footprint of this site is not adequate for the operations proposed. The revised submission is now based on the premise that the final stage of compost maturation will occur off site. What will the Applicant do if end-users*

cannot be found to accept all the partly composted material emanating from this site? Such sites will surely require planning permission.
***Recommendation**: LCC to request Applicant to provide explanation of planned contingency procedure for such an occurrence. LCC to restrict the whole of the composting process to an on-site operation.*

3.8 Flaws in assessment of noise impact on neighbours
"..The applicants Noise Survey, section 4.2.1 states that Rowden Cottage is "*..360m distance from the proposed composting pad.....*" This is incorrect. The noise monitoring location plan shows Rowden Cottage to be a distance of no more than 270m from the edge of the composted pad. Similarly, Marlcroft (section 4.4.2) is incorrectly stated to be 510m from the proposed composting pad.....there are flaws in the predicted noise levels as calculated by the Noise consultants".

Silkstone Environmental Ltd Response
There are a number of considerations regarding the Witherley Parish report noise assessment statements...

***Witherley Parish Council Response:** Please see our previous comments regarding noise assessment.*

3.9 Inadequate traffic analysis
"... The applicants Highways Statement predicted figures of between 16-25 arrivals per day fall way short of the SEPA guidelines for this type of site. The conclusion that "6.1 The proposed composting facility is likely to generate no more than 50 trips and most likely significantly less" appears to be at odds with experience elsewhere in the UK. The SEPA guidance would suggest the figures would be in the order of 120 to 240 trips per day (2008a)"
"The supporting Statement section 7.5.3 suggests that there will be "an average of 50 wagon movements per day. This would equate to approximately 300 haulage movements per week. The SEPA guidance suggests that this is more likely to be 720-1440 movements per week (2008a)...".

Silkstone Environmental Ltd Response
The 50 wagon movements per day as stated in the Highway Statement refers to the 'maximum number of predicted vehicle movements associated with the delivery and back loading of feedstock and compost. ...The Witherley report states that SEPA guidance suggests the number of movements is likely to be between 720 -1440 movements. We found no such statement in the reference.

Traffic numbers of 720– 1440 would equate to a waste delivery load being between 2t– 4t (based on a daily capacity of 250t). This would be more akin to a facility operating with skip size loads of waste being delivered rather than HGVs as proposed in the application. The proposed composting facility is an operation that will be accepting large delivery loads averaging 12.5 tonnes (based on a range 10-15 tonnes per load).

As detailed earlier in this consultation response report, there will be no shredded material exported from the site for board manufacturers. Therefore, there are no associated traffic movements to consider.

***Witherley Parish Council Response:** We have checked the SEPA guidance and confirm that it indicates 20-40 vehicles per day for a 25,000 tonnes per year site. The Applicant states that they will be using the site for the equivalent of 5.85 days per week. Therefore, using the SEPA figures the number of vehicle movements in and out of a site operating for 5.85 days a week for a 75,000 tonnes per year site will be 702-1404 vehicle movement per week. We note the Applicant is suggesting that the majority of the vehicle traffic will be large HGV bulk loads. We suggest that industry practice(as SEPA figures) shows that skip lorries and Municipal waste vehicles will form a high proportion of vehicle movements.*

***Recommendation**: LCC to request Applicant to review their calculations and clarify the access arrangements for waste transportation, i.e. will access be restricted to bulk waste transporters carrying loads in excess of 10 tonnes? LCC to request Applicant to provide Traffic Routing Plan restricting traffic movements to and from the site using Fenn Lane to A444 and then north to A42 or south to A5. LCC to request clarification as how the Applicant proposes to monitor and enforce the traffic routing plan.*

3.10 Incorrect assertion regarding generation of odours

"Section 7.6.1 asserts that: "No odours are anticipated to be generated from within the operations within the site...."

Silkstone Environmental Ltd Response

The ODPM report (2004) discusses the issue of odour at composting sites, and details the main activities attributed to odour problems...

***Witherley Parish Council Response:** We welcome the Applicant's change of submission statement and admission now that there will be odour from the site.*

3.11 Inadequate litter containment proposals

"The site is surrounding by 4m bunding on the majority of sides. However, in the area of the vehicle weighbridge is located and the waste unloading area beside the shredder, there is a gap in the bunding. In this zone with dominant wind direction being from the South West, litter will be blown off site.

Silkstone Environmental Ltd Response

The applicant proposes to erect a litter net in the far northern corner of the proposed facility to catch any windblown materials. The net will be checked and cleaned daily. ...The limited waste types proposed for acceptance at the facility will ensure there are minimal types of material that could cause a litter problem. Waste types delivered to site will comprise mainly garden waste and wood.

***Witherley Parish Council Response:** We welcome the Applicant's admission that the earlier proposals did not address the litter issue in sufficient detail. We note above statement suggests that there will be "limited waste streams" which seems to contradict the list of 42 different waste streams suggested earlier. LCC to request clarification of waste streams to be processed at this site.*

3.12 Incorrect assertion that birds and vermin are not attracted to this type of site

"The Health and Safety Executive recognise vermin are to be found on a 'green' compost site and that appropriate pest management should be taken (HSE, 2003). In this rural wooded location the presence of owls and other birds of prey is to be expected, feeding on the concentrated numbers of small mammals attracted to the composting area.

Silkstone Environmental Ltd Response

The '(HSE 2003)' reference (Bioaerosols in Composting Sites SIM 03/2003/58) discusses the issue of bioaerosols. The document makes no reference to "...vermin are to be found on a 'green' compost site..." as stated in the Witherley Parish Council report. ...The limited waste types to be accepted at the facility means there is little of nutritional value to vermin and birds. The applicant does not anticipate pest control to be a problem at the proposed facility.

***Witherley Parish Council Response:** We confirm that there is reference to vermin on composting sites on page 6 of '(HSE 2003)' reference (Bioaerosols in Composting Sites SIM 03/2003/58).*

Recommendation: *LCC request that the Applicant corrects their assertion that '(HSE 2003)' reference (Bioaerosols in Composting Sites SIM 03/2003/58) does not refer to vermin on composting sites.*

3.13 Limited assessment of human and animal health effects

"...There are conflicting recommendations for the establishment of safety zones surrounding composting facilities and safe distances have so far been set on an arbitrary basis. Clearly, there is a need for accurate monitoring of Aspergillus at every composting facility and appropriate measures need to be taken to protect personnel during composting operations." (Soil Sense, 2008).

Silkstone Environmental Ltd Response

The first three paragraphs of section 3.13 of the Witherley Parish council report were taken from the Soil Sense website. No references to scientific studies were made to substantiate the ill health claims, and as such can only be considered as the personnel opinion of the author. The Witherley report also omitted the following statement from the same body of text which clearly identifies the commercial aims of the works referenced;

"The aims of our current research are to develop a monoclonal antibody-based lateral flow device (LFD) for the rapid, specific and sensitive detection of Aspergillus species in composts and bioaerosols" (Soil Sense, 2008)...

The applicant considers the Health and Safety Executive (2003) research report 130, to be an authoritative text regarding the issue of bio-aerosols and associated health complaints.

It is considered highly unlikely that there would be any health issues associated with bio-aerosols from the proposed facility.

Witherley Parish Council Response: *'Soilsense' is a commercial organisation, however, it has a sound academic base: Dr Chris Thornton is "a lecturer in developmental biology in the School of Biosciences at the University of Exeter, where he is actively involved in ...teaching of mycology, immunology and biotechnology."*
(http://www.soilsense.net/ourpeople.php)
We have noted before that the above quoted HSE document is out of date and is now incorrect in its assertion that there "there is no published evidence that exposure to bioaerosols disseminated from compost facilities cause respiratory ill health in residents or workers at nearby (>200– 250m) locations, or that slightly greater than background aerosol levels represent a significant excess risk."

3.14 Inadequate assessment of ecological effects

"...contrary to this opinion, Roz Smith a local naturalist with experience of making wildlife assessments and who knows this site well, concludes that this site is likely to be provide range of habitats for a wide range of species, including protected species. With surrounding woodland and pools and open concrete areas to lie in the sun, this area will be an important habitat for amphibians and reptiles. The existing bunding has the potential to provide badger sets and the existing building is a typical habitat for some species of bat".

"Greater Crested Newts have been seen in the locality (location confidential as this isa protected species) and the adjacent woodland open grass area and pools means that it is highly likely that Great Crested Newts will be found on this site too.

Silkstone Environmental Ltd Response

Faulks Perry Culley & Rech (FPCR) were commissioned to carry out the ecological appraisal of the proposed composting site area...

Witherley Parish Council Response: *We note that contrary to normal practice the ecological report does not confirm what the surveyors professional qualifications were, e.g., were they members of the Institute of Ecology and Environmental Management, Chartered Environmentalists,*

or licensed bat or great crested newt surveyors. The ecological survey still does not encompass the access route (new passing bays and adjacent pond) or the junction of access road and Fenn Lane (trimming of hedgerow and mature trees proposed). Local naturalists have seen great crested newts in the area and the Applicant's revised Ecology report states "several ponds fall within 500m of the site boundary providing a potential network for newts". As the great crested newt and all bat species are protected species, ***PPS9 requires Planning Authorities to request a Reptile and Bat survey in accordance with Natural England guidelines before they can determine the application. Disturbance of a protected species is a criminal offence.***

Recommendation: *LCC to request:*

a) *Consultants to provide details of professional qualifications of ecologists.*
b) *Confirm that the 'informal' bat habitat survey was undertaken by a Natural England licensed surveyor.*
c) *Provide a revised ecological report that includes the access road and Fenn Lane junction prior to determination..*
d) *The Applicant arranges for a Great Crested Newt survey to be undertaken in accordance with Natural England Guidelines prior to determination as required by PPS9.*
e) *The Applicant arranges for a Bat survey to be undertaken in accordance with Natural England Guidelines prior to determination as required by PPS9.*

3. List of Further Issues which have not been addressed by the Applicant

The following issues and questions have been voiced by local residents. Due to time constraints we have not covered these in detail, and list them here for completeness sake and to demonstrate that whilst we have concentrated on the most vital issues in this report, they are not exhaustive.

- The HGV traffic delivering waste to the site will drain foul smelling liquids and drop waste material onto the roads. Who will clean it up?
- Concern that the site will not have room for the appropriate amount of storage and material segregation recommended by the Environment Agency and Composting Association.
- As well as humans Bio-aerosols and dust will impact livestock (including poultry). There are several horses, cows, sheep and poultry in the area.
- Badgers are commonly sighted in and around the wooded area surrounding the site. The perimeter fencing would need to be resistant to badgers and any security trips during the night would have to consider these nocturnal creatures.
- What will be the effect on tourism? The Fenn Lanes are a unique entrance to the area of the Bosworth Battlefield site, the Ashby Canal, and the tourist attractions of Market Bosworth.
- There is a sizable pool of water on the right hand side of the access road that has not been included in the ecology survey.
- The planning application lacks transparency in what materials will be going in and out of this area. Will the green composting will be quickly followed by crushing type operations and the treatment of contaminated soils?
- Connected with the above there are additional checks, adjustments to the development plan and possible approvals needed from the State veterinary Service if the site intends to take food waste (per Animal By-Products Regulations 2003 (ABPR)).
- The Environment Agency [EA] was not aware of this application until very late in the planning application process. There is a strong likelihood that the EA will not issue a waste licence based on the data provided so far and our concerns already voiced. Both the EA and Composting Association advocate a parallel application for planning and waste licence to avoid issues surrounding the environmental controls, applicant responsibility and alleviating resident concerns, etc.
- There are fears that the land may be contaminated (the application even says that further surveys are needed). It may have munitions buried beneath it and it's very close to a foot and mouth outbreak occurrence in 2001.
- The access track is also an emergency vehicle access route for MIRA. Has this been taken into consideration?