

29/05/2001

Item A2**Reg. No.** 9 2001 0082 F**Applicant:**
Brandons Poultry Ltd
Holly Bank
Scropton
DE65 5PS**Agent:**
Alan Taylor
Talbot Associates
Liberty Farm
Findern Lane
Burnaston
Derbyshire
DE656LJ**Proposal:** **Housing for effluent treatment unit, associated sludge tank and provision of a reed bed filtration system at Brandons Poultry Limited Hollybank Farm Scropton Road Scropton Derby****Ward:** North West**Valid Date:** 30/01/2001**Site Description**

The site lies to the rear of the existing Brandon's factory site at Scropton adjacent to the railway line. The site is separated from the railway by a fence otherwise the site is open to the factory area. The land around the site is surfaced with hardcore. In addition, the application includes another area within the ownership of the applicants. This land is situated to the east of the main factory. It is currently used as an open lagoon that receives all the effluent from the factory. The lagoon lies adjacent to the River Dove in an otherwise open field.

Proposal

The proposal involves the installation of a piece of equipment known as a DAF plant within the required housing. The plant would extract solid material from the effluent prior to discharge to the reed bed. The extracted material would be stored in the sludge tank prior to being disposed of by an authorised method. The structure itself is modest in relation to the adjacent factory buildings measuring 14 metres by 4 metres with a height of 6 metres.

Applicants' supporting information

The application arises from strong objections from the communities at Scropton and Hatton. The complaints relate to the smells that have been coming from the existing lagoon. Solids in the effluent primarily cause the smells. The DAF plant would extract the majority of the solids and transfer them to the sludge tank. Through this operation, the main component of the smell is reduced from a level of BOD (Biological Oxygen Demand) from 800mg/litre to 50mg/litre BOD.

The effluent is then passed to the reed bed that further reduces the BOD to less than 20mg/litre. The effluent is then passed in to a soak away system that is the subject of the related application (9/2001/0332). The BOD level is further reduced to a level of 5mg/litre. This is the BOD level of the water extracted from the company bore hole for use in the factory.

The company that installs the reed beds has 50 years of experience in the field and works with numerous large companies including South Staffordshire Water and Severn Trent. The company has installed reed beds at Doveridge Sewage Works and at Dove Valley Poultry in Ashbourne.

The applicant's anticipate that the proposals would remove the smells from the factory site.

Planning History

The factory itself has a long planning history. The various permissions have resulted in the factory on site today. The expansion of the factory has resulted in increasing discharges to the lagoon described above. The engineering works to form the lagoon are now exempt from enforcement due to the passage of time. An application for a plant to treat other waste water at the factory was recently approved.

Responses to Consultations

Foston and Scropton Parish Council has no objection to the proposal.

The Environment Agency is satisfied that the proposals have the potential to improve discharges to the floodplain. The further comments of the Agency are awaited on the additional details about the system that have been submitted since the application has been received.

The Environmental Health Services Manager has commented that the proposal should alleviate the smell problem. This would only occur if there were good management programmes to ensure that the system is operating efficiently. A condition to that effect is recommended.

Responses to Publicity

No responses to the advertisement of the application have been received. However, there have been numerous complaints about the smells around the area. A single e-mail has been received requesting an update on the situation. This has been given together with the advice that the matter would be reported to this meeting. The response to an earlier application for the retention of the second lagoon was significant. The current situation on that matter is contained in the report on application 9/2001/0332.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4 and Economy Policy 4
Local Plan: Environment Policy 1 and Employment Policy 1

Planning Considerations

The main issues central to the determination of this application are:

- The policies of the development plan
- The impact of the proposal on the character of the area.
- The impact of the development on nearby residents

Planning Assessment

Development plan policies allow for new development that is allied to an existing industrial activity and that are requisite for such a use providing they do not adversely impact upon the character of the area. In this case the proposal is necessary in connection with an existing use. In principle the proposal is, therefore, acceptable.

The structure to house the plant is relatively small and would have no significant impact on the wider area.

The potential to benefit the amenities of nearby residents appears to be significant. The Environmental Health Services Manager considers that the system of the DAF plant and reed beds would go a long way to relieving the smells that currently cause problems in the area. This is subject to adequate management arrangements being put in place and a condition to this effect is proposed

There is space in the original lagoon for the increase in the area of the reed bed required if there is an increase in BOD levels (BOD = smell) arising from the DAF plant.

Overall, there appears to be a net improvement to the locality from the introduction of this method of effluent disposal. If it transpires that there is a continuation of the smell, the Environmental Health Services Manager has indicated in a letter to residents that the provisions of the Environment Protection Act would apply if there was a proven statutory nuisance.

The applicants at a meeting indicated that it would be necessary to drain and excavate the original lagoon to install the reed bed. This is likely to cause significant odours. This is necessary to gain the benefits from the new system. The company would be anxious that the community is aware of this possibility if the applications are approved.

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990

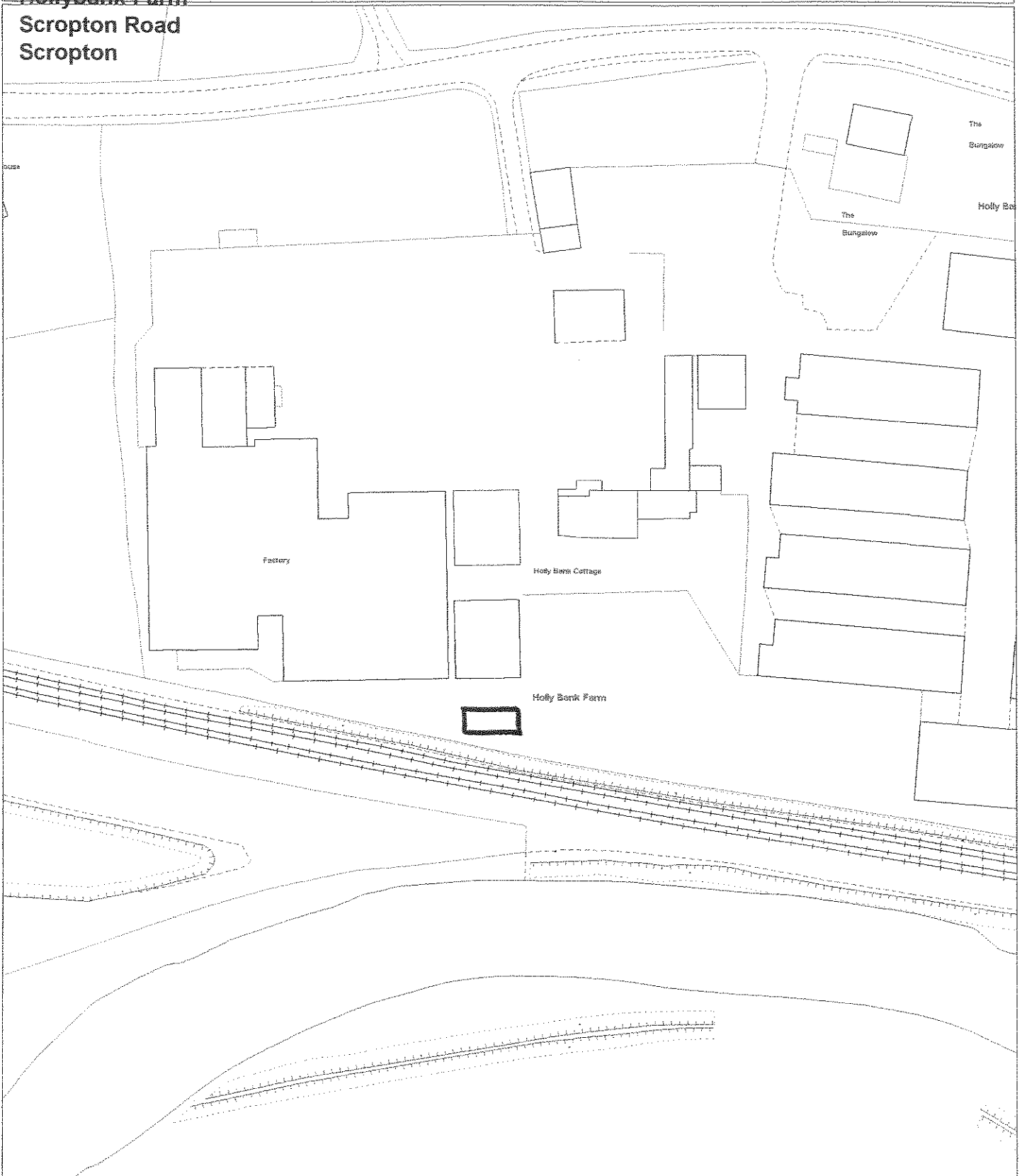
2. Before the development hereby permitted is first brought into operation, a scheme for the management and maintenance of the effluent treatment plant and associated sludge tank shall be submitted to and approved in writing by the Local Planning Authority. The treatment plant and sludge tank shall then be operated in accordance with the approved details.

Reason: In order to ensure that best practicable means are in place to operate and maintain the equipment and associated structure in the interests of the residential amenity of residents in the area of the plant.

3. This permission shall relate to the information accompanying the original application and the supplementary information contained in and attached to the following letters dated 27 April and 14 May 2001

Reason: For the avoidance of doubt

Title : Brandons Poultry Ltd
Hollybank Farm
Scropton Road
Scropton



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Scale 1:1250 Date Plotted 18 6 2001

Plot centred at 419906 330035

User : jm



29/05/2001

Item A3**Reg. No.** 9 2001 0332 F**Applicant:**
Brandons**Agent:**
Alan Taylor
Talbot Associates
Liberty Farm
Findern Lane
Burnaston
Derbyshire
DE656LJ**Proposal:** The retention of a water detention pond, installation of a sump and soakaway system at Brandons Poultry Limited Hollybank Farm Scropton Road Scropton Derby**Ward:** North West**Valid Date:** 05/04/2001**Site Description**

The site comprises an existing lagoon enclosed by mounding. It lies in open countryside to the south-east of the existing Brandon's factory site. The site is located immediately to the south of the railway line.

The site lies within the flood plain of the River Dove. Hedges otherwise enclose the site.

Proposal

In response to the serving of an Enforcement Notice to secure the removal of the lagoon, the company has submitted proposals to retain the works. However, since submission, the application has been amended to show a soak away sump and 200 metres of 150mm dia of perforated pipe under the land.

Provision has also been made for a gap in the embankment of the lagoon which would allow water to flow into the lagoon area in times of flood.

Planning History

The applicant's formed a water detention lagoon some time ago. An application to retain the lagoon was submitted last year but was withdrawn. An enforcement notice requiring the removal of the lagoon was served earlier this year.

Responses to Consultations

Foston and Scropton Parish Council objects to this application in the strongest terms possible. It understands that an enforcement notice was served upon Brandon's to remove the lagoon. The Parish Council is unsure as to what stage this enforcement notice is at, but the smell imposed upon residents over a several mile radius, has not improved despite many meetings and discussions with Brandon's and Government departments. Promises made over the years to curb or eliminate the smell have not been kept and it is considered that the situation will only persist with the granting of permission for this application. It considers that the continual pungent smell from the site is an infringement of the Human Rights of residents over a wide area and that the opportunity now presents itself to remove this by refusing the application.

The County Highways Authority has no comment.

The Environment Agency (EA) has no land drainage objection provided the existing bunds are lowered at the south-eastern part of the site to allow the natural floodplain storage of the site to be restored to the satisfaction of the Agency. The comments of the EA on the amended drawings are awaited. They will be reported to the meeting verbally

Severn Trent Water has no objection.

Railtrack has no objection.

Responses to Publicity

Two letters have been received that object to the application on the following grounds: -

- a) Smells have been monitored over a number of months and the application should be refused on environmental health grounds. The site is an open pit full of rotting offal
- b) The enjoyment of local homes has been destroyed by the smells.
- c) The site is a potential hazard to children and animals.
- d) The enforcement notice has been ignored since it was served.
- e) There are clouds of insects around the pit.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4

Local Plan: Environment Policy 1

Planning Considerations

The main issues central to the determination of this application are:

- The need for the development in the countryside.
- The impact of the development on the area
- The affect of the development on nearby residents.

Planning Assessment

The policies of the development plan seek to restrict development in the countryside to that requiring such a location.

In this case, the lagoon, the subject of this application, was originally constructed to overcome waste water problems occurring at the applicant's factory. The works were carried out without the benefit of planning permission.

An enforcement notice has been served requiring the removal of the lagoon. Since that time the applicant has sought, through negotiation, to rectify the problems caused by the waste water from the factory. This has resulted in an application being made for an effluent treatment unit (Ref: 9/2001/0082) along with this submission, which seeks to further de-contaminate the waste water by means of a sump and soakaway system. This element of the application is necessary in this location and would have no detrimentally visual impact on the area. It is, therefore, acceptable in principle.

Discussions have continued with the applicant with regard to the removal of the second lagoon. Whilst willing to undertake the works necessary to relieve the current problems over smell the applicant retains concerns about the ability of this land to soak away the treated effluent. Particularly he has received complaints from his neighbour about runoff from the land. The lagoon had otherwise prevented this problem and he seeks to retain it in the short term to enable a period of time to elapse to ensure the new system works effectively.

The view of the Environmental Services Manager and the Environment Agency is that the treatment proposals referred to in application reg. No. 9/2001/0082 would help to significantly reduce the amount of material entering the lagoon area. This should ensure that the water entering the soak away would not have the potential for causing a smell nuisance.

Therefore, on balance, it is appropriate to approve this submission but, in view of the applicant's concern, to allow the retention of the lagoon banking for a temporary period to assess the performance of the soak away. A suitable length of time would be two years. A condition to this effect is recommended.

The overall impact of the retention of the banks constructed to form the lagoon, in the short term, is minimal. Their retention for a temporary period, would, therefore, not be visually damaging.

A gap in the banks of the lagoon is proposed. This would allow flood waters into the lagoon in times of flood.

The objections of the Parish Council and local residents are primarily related to the existing situation and the impact of the smell from water disposal from the factory on the area and residents. The measures proposed in this and application 9/2001/0082, in the opinion of the Environmental Health Services Manager and the Environment Agency, will alleviate that problem.

GRANT permission subject to the following conditions:

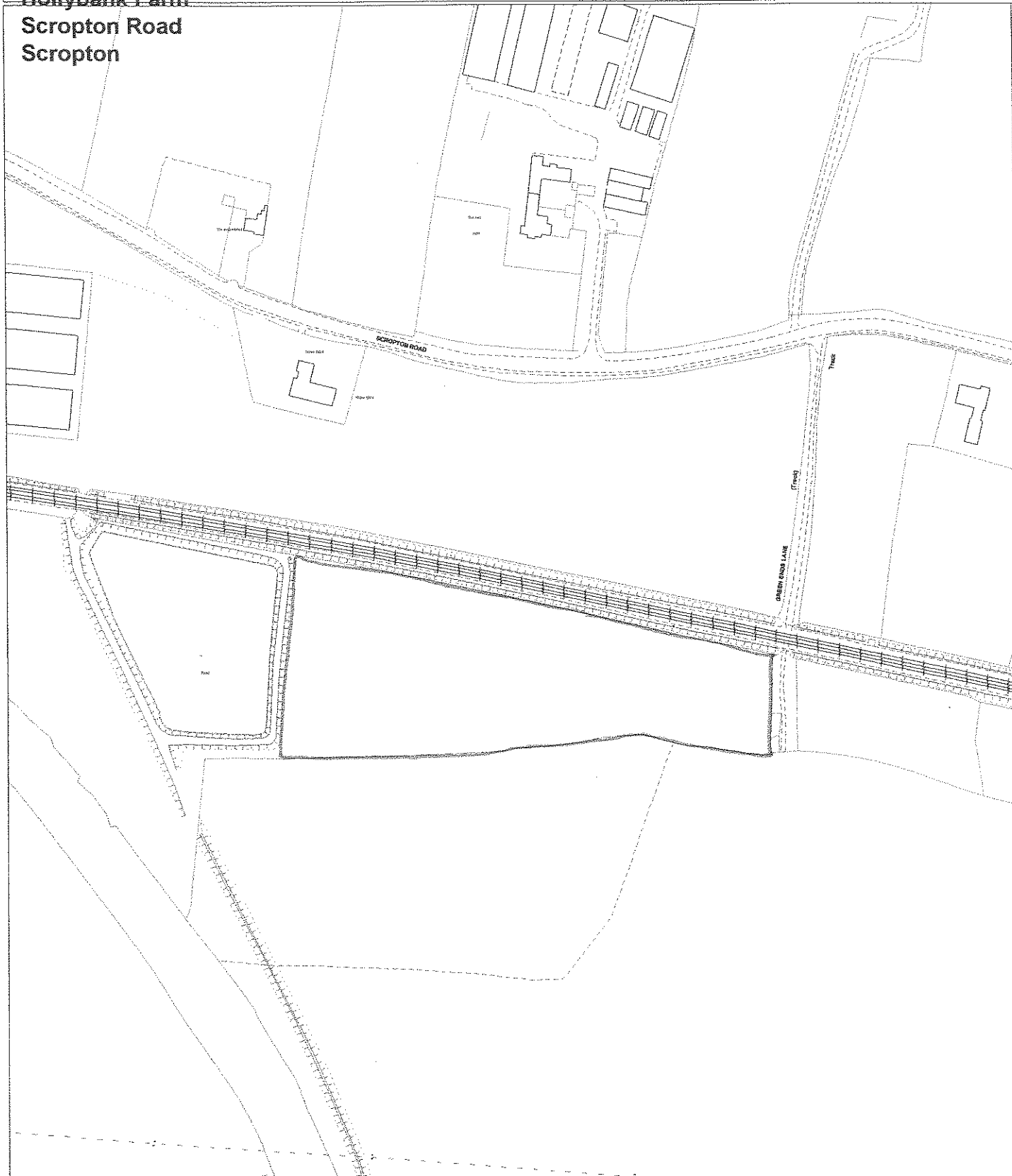
1. This permission, with regard to the lagoon and its associated embankments, shall be for a limited time period only, expiring on 31 May 2003 on or before which date the lagoon and all associated works including the embankments, shall be removed from the land and the site reinstated in accord with a scheme of works, including a time scale for the works, that shall be first submitted to and approved in writing by the Local Planning Authority unless, prior to that date, an application has been made and permission has been granted for an extended period.

Reason: In order that the effectiveness of the soakaway system can be assessed with a view to the full re-toration of the land to the floodplain.

2. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. 639/SS/2 submitted under cover of your letter dated 4 May 2001.

Reason: For the avoidance of doubt.

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Hollybank Farm
Scropton Road
Scropton



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Scale 1:2500 Date Plotted 18 6 2001

Plot centred at 420379 329905

User : jm

