

UPDATE BRIEFING ON CLEAVE FARM AND CROSSPARKS, TEMPLETON



Scrutiny Committee April 2017

1.0 Introduction

- 1.1 Members will note the briefing presented to the Scrutiny Committee on 13 March 2017 and the public question item raised by Miss S. Coffin (Chair of Templeton Parish Council) at the committee meeting on 13 February 2017, as recorded.
- 1.2 The March briefing presented a detailed response to a range of points and assertions raised by Miss Coffin. Specifically, nuisance allegations and the impact on a private drinking water supply arising from agricultural, farm storage and spreading activities at Cleave Farm and Crossparks.
- 1.3 The briefing also addressed matters relating to planning (as updated by the Head of Planning and Regeneration).
- 1.4 The briefing was noted by members and the committee also heard a further detailed question from Miss Coffin; in addition statements from local residents, Mrs and Mrs Faulkner.
- 1.5 The Committee requested an update at the April 2017 meeting; this is provided below. This paper is an update to supplement the March briefing, therefore members are advised to refer to that document in respect of the background to this issue, legal viewpoints and the investigations the Council have carried out prior to March 2017.

2.0 Additional public question time statements – Environmental Health matters

Miss S. Coffin (Templeton Parish Council)

- 2.1 A question was posed to the committee; why the Environmental Health (EH) team “categorically refuse to acknowledge the potential for nuisance in connection with the Crossparks slurry pit”. Whilst it is felt this matter was addressed in the previous briefing, and during the subsequent committee discussion in March, it is important to reiterate the on-going work of the council. The work undertaken by the council to date, specifically the investigations and site visits, have not to date substantiated the existence of a statutory nuisance.
- 2.2 The circumstances for a statutory nuisance to exist have been outlined previously and the briefing provided information on odour and noise nuisance specifically.

- 2.3 Clearly, where Environmental Health investigate without recourse to formal action (which is the case to date in respect of Crossparks) then this does not in any way constitute a refusal to acknowledge a potential problem or indicate a lack of reasonable response. Furthermore, contrary to assertions, at no stage have officers dismissed residents.
- 2.4 A question was also raised whether a sealed storage tank with a point emission source at high level (10 metres+) would offer significant improvements. Notwithstanding any planning or Environment Agency permitting matters that are likely to be relevant, such a structure would need to be subject to detailed design. The benefits of enclosure being a design parameter; without that detailed design work being completed it would be speculation to comment on the relative merit of an unspecified enclosure with a nominal stack height.
- 2.5 To explain further, a general comparison with an AD tank facility is made however this is not directly valid given such tanks are designed as part of a controlled, integral energy generation and material storage process and do not operate wholly in isolation.
- 2.6 Furthermore, point emissions from stacks are by their nature significantly more concentrated than open dispersed emissions, such as those from a slurry pit, and can therefore result in greater exposure. Some of the potential pollutants of concern (for example hydrogen sulphide) are heavier than air which may limit the benefit of an elevated emission point.
- 2.7 In respect of the query raised regarding Environment Agency requirements for permitted facilities to have a 200m separation distance, this (and any other permit requirements) does not apply at Crossparks. From information that has already been provided to all parties to date, the Agency have clarified that the Crossparks facility does not require a permit.
- 2.8 Miss Coffin made further reference to Environmental Health officers refusing to make rapid out of hours visits. Reference should be made to section 2.9 of the previous briefing; Environmental Health is not an emergency service and Mid Devon District Council does not provide a formal out-of-hours call out scheme. However, as outlined further below, officers have continued to respond to issues in normal hours as quickly as possible and a further targeted evening visit out of hours has been completed.

Mr and Mrs Faulkner (local residents)

- 2.9 Information provided in respect of the Fire Service, medical professionals and symptoms of ill-health experienced since the New Year were covered in the previous briefing. Mr and Mrs Faulkner have continued to report similar and on-going concerns; actions completed or planned since the previous committee meeting are outlined below.
- 2.10 We are aware that Mr and Mrs Faulkner are continuing to spend periods of time away from their home and have acknowledged any additional letters received in respect of symptoms they reported to their GP. However, we are not aware of any additional tests or information from medical professionals that enable a clear source

– pathway – receptor (symptom) relationship. It is clear that MDDC will be reliant on medical professionals to substantiate and lead on any prejudicial to health action were it to be deemed the most suitable course of action.

- 2.11 Where reference is made to an EH officer requesting that Mrs Faulkner be an ‘ignorant witness’ at the pit and the conducting of an ‘experiment’. Having sought clarity from the case officer, the request made (and one made to all residents in contact with us) was for residents to contact the EH team if significant activity was observed so that it could be logged and potentially witnessed with nuisance assessment visits carried out.
- 2.12 Mr Faulkner made specific reference to Environmental Health struggling with the idea that if you cannot smell an odour it does not exist. In response, we have and continue to recognise that there will be different sensitivities to odour. As previously highlighted, more than one officer undertakes odour assessments and on some occasions more than one (most recently three) have been involved in simultaneous assessments at the same location. It is also important to stress that statutory nuisance is based on the test of reasonableness and its impact on the ‘average’ person; the ‘man on the Clapham omnibus’. This means an individual may be impacted by an occurrence or recurrence of an activity, but that in itself may not constitute a statutory nuisance.

3.0 Update on Environmental Health investigations and responses

Additional odour assessments

- 3.1 The Environmental Health team have continued to respond to reports of nuisance/ill-health and activity at the Crossparks pit. An additional four visits have been undertaken since the last committee meeting. This brings the total number of assessment visits for 2017 (up to 25th March) to 16.
- 3.2 A summary of these additional assessment visits is given in the table below.

Reactive or planned?	Officer(s)	Time	Reason for visit/pit activity observed	Nuisance observed and outcomes?
Reactive	EH technical officer	Daytime – am/noon	Call from resident (nuisance/symptoms). Additional call from separate resident received during officer visit so able to undertake simultaneous assessment. Mixing and pit loading (AD digestate) and unloading witnessed	Low-level odour and noise noted immediately adjacent to pit during mixing. Odour reduced to zero within 10m of pit. No nuisance observed at relevant receptor location (boundary of residential property) No officer ill-health

				symptoms reported.
Reactive	EHO	Daytime - pm	<p>Call from resident (strong odour nuisance)</p> <p>Unloading of pit for subsequent spreading</p>	<p>No odour nuisance observed at any receptor location (boundary of residential properties).</p> <p>Location of spreading not identified however confirmed as not close to properties in vicinity of Crossparks</p> <p>No officer ill-health symptoms reported.</p>
Planned	EHO, Public Health Manager and Director of Operations	Daytime - pm	<p>Planned visit to coincide with high risk nuisance potential following mixing and other activities at the pit in preceding days. Familiarisation visit for Director.</p>	<p>Low-level mixed source of odour noted by all officers immediately adjacent to pit. No odour or any nuisance observed outside of Crossparks boundary. Assessment undertaken at relevant receptor location and again no odour observed by all officers. Call received subsequently from occupants of receptor property indicating they had experienced strong odour and reporting symptoms at the same time as the officers were on-site.</p> <p>No officer ill-health symptoms reported.</p>
Planned	EHO	Evening	<p>Planned extended indoor odour assessment visit to two residential properties currently providing the majority of ill-health and</p>	<p>Indoor odour assessed along with items provided by occupants alleged to have absorbed odour (e.g. bedding) and relevant confined spaces (e.g. inside</p>

			nuisance complaints. This followed an increase in odour complaints during and after the above assessment visit.	oven with external flue) and higher risk living areas. No odour and any other nuisance identified inside or externally. No officer ill-health symptoms reported.
--	--	--	--	---

Reviewing unusual sources and pathways for potential exposure to harmful chemicals

- 3.3 There is no evidence of exposure from the pit other than through the open air. Nonetheless, officers are obtaining highways drainage plans to rule out possible connecting features that may allow movement of gases by this pathway. This is a highly unlikely pathway but will be investigated in order to close this line of investigation.
- 3.4 In discussion with residents, officers have already ruled out other potential sources relating to individual properties; such as boilers/flues and household domestic chemical products etc. However, more in-depth investigations will seek to rule out other potential property specific issues such as damp course design, recent chemical/pest treatments or decorating and any farm chemical storage and possible exposure.
- 3.5 We are aware of at least two properties with private water supplies within 600m of the Crossparks pit. Sampling and analysis of these supplies will be offered to analyses water before and after filtration/treatment. This will be offered at no cost to the residents. Again, this is a highly unlikely pathway but will be investigated in order to close this line of investigation. .

Additional engagement with Environment Agency

- 3.6 The results of the February samples taken from the pit have now been made available to officers and local residents by the Environment Agency. Unfortunately no interpretation information was supplied with the data when circulated. There has been some understandable confusion from residents interpreting this data.
- 3.7 The Agency has referred the results back to their laboratory services for further interpretation and will be communicating their conclusions in due course. Officers from Environmental Health have also provided some initial comments on the results and will await the overall findings.
- 3.8 The Environmental Health team have also raised two new queries with the Agency, first in respect of identifying any similar pit facilities regionally which the Agency are aware of as being used for mixed slurry/AD digestate storage. If a similar facility can be identified then this will be useful for comparison purposes in terms of whether problems are being reported elsewhere and if any different controls/practices are in

place. The second query relates to whether any gas analysis data is available from permitted AD plant sites in respect of gases within AD digestate prior to subsequent mixing and spreading off-site. These queries have been referred to the Agency agricultural lead regionally and the national permitting team respectively.

Additional engagement with public health professionals

- 3.9 Officers continue to communicate all reports received of ill-health to Public Health England (PHE). With our input, PHE have also prepared some additional advice to residents and their GPs in respect of hydrogen sulphide and health-impact thresholds which will be sent out shortly. It is important to highlight the role of health colleagues from PHE in their lead role investigating health concerns manifesting as symptoms.
- 3.10 We are also in communication with the local Consultant for Public Health based at Devon County Council covering the Mid Devon area. The purpose was to establish if the consultant and/or the wider DCC Public Health team are able to offer any additional input into prejudicial to health concerns in particular given their direct working relationship with the NHS and GPs locally. A four-way meeting is now in the process of being arranged between the local consultants, PHE regionally and the Chilton based PHE Centre for Radiation, Chemical and Environmental Hazards (CRCE) and the Mid Devon Environmental Health team.

Further communication with local residents

- 3.11 At the invitation of Templeton Parish Council, the new Director of Operations (who is also a trained EHO) will attend the Templeton parish meeting on 29 March in order to discuss Crossparks issues specifically.

4.0 Other matters

Development Management response to additional public questions raised at Scrutiny Committee regarding planning matters

- 4.1 The contents of the disc submitted to MDDC showing vehicular movements have been viewed and the content noted.
- 4.2 The planning department have stated that in their opinion, neither Crossparks nor Cleave farm are being used as a waste transfer station for the reasons explained in the report that was presented to Scrutiny Committee on the 13th March 2017. This opinion has not changed. The minutes of the 13th March 2017 Scrutiny Committee state: The Head of Planning and Regeneration informed the Committee that Mid Devon was not the Waste Planning Authority but that the service had been in liaison with Devon County Council and the Environment Agency with regard to whether or not the site was being used as a waste transfer station. They had concluded that the digestate being delivered to the site was not waste and therefore there was no requirement for planning permission.
- 4.3 Pulsard's Farm - the Enforcement Notice recently served at Pulsard's Farm requires the re-instatement of the site following the unauthorised excavation of a large pit.

The Enforcement Notice requires the re-instatement of the land by the end of March 2017. The Local Planning Authority will be seeking compliance with the Enforcement Notice.

- 4.4 The slurry pit at Crossparks has a historic planning permission. The Local Planning Authority is not aware of any new activities being undertaken at Crossparks or Cleave Farm that would constitute a change of use or require planning permission.

Simon Newcombe, Public Health and Professional Services Manager

Lucy Hodgson, Area Planning Officer (Section 4.0)

24th March 2017