



## Update Report to Strategic Planning Committee

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<b>Application Number:</b>	CM/0022/20
<b>Proposal:</b>	Section 73 planning application relating to Condition 9 pursuant to planning application CM/78/14 at Anaerobic Digestion Plant, Samian Way, Aston Clinton operated by Olleco.
<b>Site Location:</b>	Olleco (Aylesbury Dairy) Samian Way Aston Clinton Buckinghamshire HP22 5WJ
<b>Applicant:</b>	Olleco
<b>Case Officer:</b>	Mitchel Pugh
<b>Ward(s) affected:</b>	Aston Clinton, Bierton
<b>Parish-Town Council:</b>	Aston Clinton Parish Council/Buckland Parish Council
<b>Date valid application received:</b>	11th May 2020
<b>Statutory determination date:</b>	9 <sup>th</sup> October 2020
<b>Recommendation</b>	<p>Subject to the applicant entering in to an appropriate S. 106 Planning Obligation to apply the requirements with regard to routeing and the catchment area for the collection of waste the Strategic Sites Committee INDICATES SUPPORT for application CM/0022/20 with the imposition of an alternative condition 9 being as proposed in the application and to the other existing conditions attached to planning permission CM/78/14 with any amendments to reflect the subsequent discharge of conditions and to condition 18 being amended to read as follows:</p> <p>Within 3 months of the date of this planning consent an update to the existing Odour Management Strategy (Approved 17th September 2015) shall be submitted to and approved in writing by the Planning Authority. The updated strategy shall include reference to the following aspects:</p> <ul style="list-style-type: none"><li>• Specific odour sources within the waste streams presented in the Anaerobic Digestion Facility and Materials Recycling Facility , respectively</li><li>• Measures in place at the site in order to identify , isolate and/or restrict inherently odorous waste streams</li><li>• Any additional odour control strategies and/or features that have been implemented following the approval of the existing Odour Management Strategy (Approved 17th September 2015)</li></ul> <p>The updated Odour Management Strategy shall be implemented thereafter in accordance with the approved details for the duration of the development</p>



## 1.0 Introduction

1.1 Application CM/0022/20 seeks permission to carry out the development permitted under Planning Consent CM/78/14 at Olleco, Samian Way, Aston Clinton, HP22 5WJ without complying with condition 9 attached thereto. The effect of the application is to increase the scope of the permitted waste stream sources set out within Condition 9 of CM/78/14; the proposed amendments act to distinguish the waste streams of the Anaerobic Digestion Plant and Materials Recycling Facility respectively.

1.2 Operational changes, including vehicle movements and annual throughput, are not proposed to change as part of this planning application.

1.3 The application was deferred by committee on 3<sup>rd</sup> September 2020 to allow for the applicant to submit further information to address concerns regarding the odour impact of the proposal. The September 3<sup>rd</sup> report is attached to this report at **Appendix A**.

## 2.0 Updated Information

2.1 On the 17<sup>th</sup> September 2020, the Applicant (Olleco) provided the Council with the following documents;

Odour Tour Logs + Methodology – April – June 2020 and Sept 2019

Odour Complaint log – July 2020

EA Update September 2020

Ricardo Odour Assessment – Jan 2019

These documents are attached to this report at the following appendices;

Odour Tour Logs/Methodology (**Appendix B**)

Odour Complaint log (**Appendix C**)

EA Update (**Appendix D**)

Ricardo Odour Assessment (**Appendix E**)

2.2 In addition to these aforementioned submissions, the Applicant has also provided copies of several emails; 2 emails between Buckinghamshire Council and the Applicant dated the 1<sup>st</sup> April 2020 (**Appendix F**) and 22<sup>nd</sup> April 2020 (**Appendix G**), respectively. A further email outlining correspondence between the Applicant and Buckland Parish Council, dated 14<sup>th</sup> October 2019 (**Appendix H**), was also provided.

2.3 The Applicant has also provided a covering letter summarising the additional submissions, this letter is attached to the report at (**Appendix I**).

## 3.0 Evaluation

3.1 The emails provided at Appendix F & G display initial conversations between the Council and the applicant in respect of the changes proposed within application CM/0022/20. The applicant suggests that these emails are material in the determination of the relevant application. Upon inspection of these emails, whilst their content falls to be relevant to the submission of the application, the emails are not considered to be of sufficient materiality in the consideration of the application. Members should be minded that at the receipt of an application the subsequent determination of that application must be conducted in accordance with our duty set out in Section 38(6) of the Planning and Compulsory Purchase



Act 2004, which states;

*where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.*

3.2 The email attached at Appendix H , displays communication between the Applicant and Buckland Parish Council (BPC) on the 14<sup>th</sup> October 2019. The email moves largely to establish that there is a dialogue between the Applicant and BPC. The email is not considered to be material in the consideration of the proposed development against the relevant development plan.

3.3 The additional documentation supplied by the applicant, attached at Appendices B-E, form as a body of odour evidence. Appendices B, C & D outline the odour assessments, internally and externally, during the relevant period of this application's determination. Appendix E comprises an external odour assessment from January 2019; whilst this falls outside of the aforementioned relevant period, members may find this document materially useful in considering the baseline for odour at the site as it exists currently (as permitted by CM/78/14).

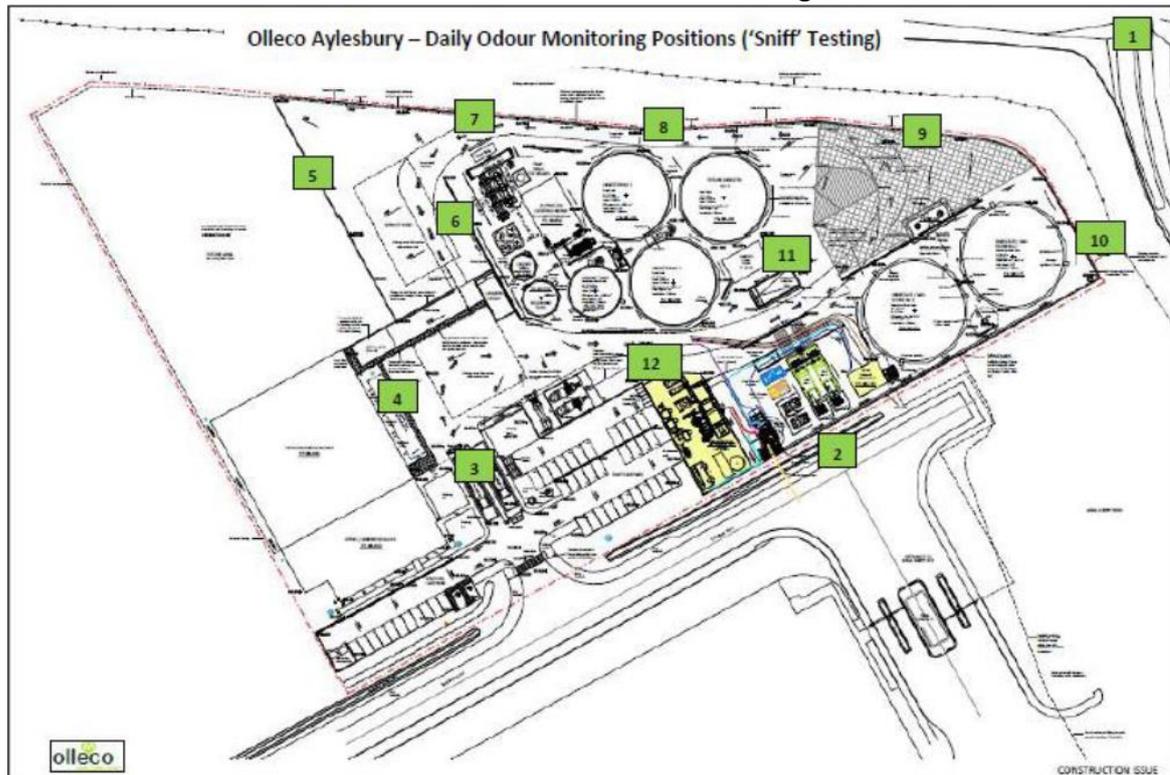
#### 3.4 ***Odour Tour Logs and Sniff Test Methodology (Appendix B)***

3.4.1 The documentation provided at Appendix B sets out the site's current approach to daily olfactory assessment (Sniff Testing) at the site. The methodology provided establishes the following;

- Sniff Tests are conducted twice a day (Mon-Fri) and once a day on Saturday, if the site is accepting waste.
- An external assessor will conduct the daily Sniff Tests, however if an external person is not available a member of the on-site operational staff will conduct the tests.
- Sniff Test measurements are taken at 15 points; 10 within the operational site boundary and 5 off site.
- A measurement will be taken at each monitoring location and a score between 0-6 will be recorded;
  - 0 - No odour (no odour can be detected)
  - 1 - Very faint odour (only detectable if you specifically sniff for it)
  - 2 - Faint odour (detectable if you casually sniff for it)
  - 3 - Distinct odour (detectable by just standing there normally)
  - 4 - Strong odour (unavoidable odour)
  - 5 - Very strong odour (likely to leave lingering smell on clothes, or lingering taste)
  - 6 - Extremely strong odour (likely to causes immediate physical symptoms such as nausea, sore throat and headaches)

3.4.2 In the application of the methodology set out above, it is possible to inspect the Sniff Tour logs (April- June 2020 & September 2019) and interpret the results; whilst records for September 2019 were provided, the analysis within this report will focus on records collected

between April –June 2020 as these are considered to be of greater materiality in the determination of the application. In addition to an overall analysis of these results , it is important to give additional focus to those monitoring points present at the peripheries of the site and those outside of the operational site boundary , as these points may give greater inferences as to the transient nature of any odours detected; the peripheral and external monitoring points are comprised of points 1,2,3,4,5,7,8,9,10,12,13,14&15. Please see figures 1&2 below for the locations of all 15 Sniff Test Monitoring Points.



**Figure 1.** Daily Odour Monitoring Positions (Internal)



**Figure 2. Daily Odour Monitoring Positions (External)**

- 3.4.3 For the month of April 2020, 21 daily (one-two per day) records were provided. With exceptions on the 7<sup>th</sup> and 8<sup>th</sup> April where scores of 4 were recorded, the month of April presented a general range of odour scores between 0-3; No odour (0) to Distinct odour (3)
- 3.4.5 For the month of May 2020, 19 daily (one-two per day) records were provided. With exception of the 28<sup>th</sup> May where a score of 5 was recorded at monitoring point 4 (Western periphery of the site), the month of May presented a general range of odour scores between 0-4; No odour (0) to Strong odour (4)
- 3.4.6 For the month of June 2020, 22 daily (one-two per day) records were provided. With exceptions on the 15<sup>th</sup> and 19<sup>th</sup> June where scores of 5 were recorded, the month of June presented a general range of odour scores between 0-4; No odour (0) to Strong odour (4).
- 3.5 ***Odour Complaint Log –July 2020 (Appendix C)***
- 3.5.1 The document provided at Appendix C outlines odour complaints received by Olleco during July 2020. This document was submitted alongside the initial committee report (Appendix A) and its content was addressed in an addendum to that report; the addendum is attached to this report at **Appendix J**.
- 3.6 ***Environment Agency Update September 2020 (Appendix D)***
- 3.6.1 The document provided at Appendix D outlines the position of the Environment Agency (EA) in their position as regulator of the site’s Environmental Permit.
- 3.6.2 The document forms to be a regulatory statement, covering the involvement of the EA between 2018 – September 2020.



3.6.3 The document sets out the site's level of compliance during this period and states the following;

*No non-compliances of this permit have been recorded since April 2018. We have visited the site 16 times since then to check that the plant is operating normally and to assess the level of odour on-site and offsite.*

*In 2019 we conducted 4 inspections of the site. No non-compliances were found and the site was rated in compliance band A.*

*In 2020 we have conducted 3 inspections of the site to date. No non-compliances have been found and the site is currently rated in compliance band A. Since June we have carried out 5 odour surveys and have not detected any odours at a level we consider to be unacceptable.*

3.7 ***Ricardo Odour Assessment- January 2019 (Appendix E)***

3.7.1 The document provided at Appendix E comprises a 2019 Odour Assessment that sought to measure the presence of Hydrogen Sulphide. The assessment was undertaken by Ricardo (External Consultants) , which utilised a Jerome J605 Gold film hydrogen sulphide analyser. The Jerome J605 was located at a residential property to the north of the site. The odour threshold of Hydrogen Sulphide is 0.5 parts per billion (ppb). The findings of the assessment concluded that the property would likely have experienced a very low intensity odour during the two monitoring periods. Readings were taken during the following periods;

- Between 22:00 on 23rd January and 00:00 on 24th January; and
- Between 09:45 and 12:25 on 24th January

3.7.2 In the summary of these findings, the assessment does move to suggest that there may be additional odour sources, other than those arising from the Olleco facility, responsible for the odours present at the assessment site.

3.8 ***Effect of the additional submissions***

3.8.1 When considering the effect of the additional submissions, moderate weight is applied to the submissions found at Appendices B & D as opposed to some weight applied to Appendices C&E and the no weight applied to Appendices F,G&H ; this allocation of moderate weight is twofold, firstly these documents are considered to largely address the general spirit of the Committee's deferral rationale and secondly as they move to outline an objective baseline odour assessment of the site during the relevant period of determination of application CM/0022/20.

3.8.2 Whilst odour scores that are generally unacceptable are observed within the provided logs, 4-5, a significant majority of odour scores across the 3 relevant months fall within 0-3. In isolation, scores of this level are can generally be considered as acceptable and unlikely to give rise to a significant detriment towards local amenity. However if odours scored at 2-3 were to persist for substantial periods of time within a fixed location, moderate harm to amenity within that locality may arise. The scores provided in the logs do identify typically unacceptable scores at peripheral monitoring points, however no scores greater than 3 are recorded at external monitoring points.

3.8.3 The Environment Agency , as result of their regulation of the site , consider that the site has



not , at any one period of inspection between April 2018 and September 2020 , presented any contravention of the environmental permit nor have they found odours at or around the site that would be deemed unacceptable. This metric of (un)acceptability is key in understanding the nature of the odour baseline of the development as currently permitted (CM/78/14) but also may be applied to the development as proposed (CM/0022/20) due to retrospective elements of the application; acceptance of domestic food waste sources since April 2020.

- 3.8.4 Whilst weight is being applied to the regulatory position of the EA, it is important to remember that the consideration of odour falls differently within the planning system. In the specific context of this application, regard is given to odour in relation to its impact upon amenity (Policy 16 of the Buckinghamshire Minerals and Waste Local Plan), whereas the permitting regime will assess odour more akin to an objective pollution assessment; applying the 'as low as reasonably practicable' (ALARP) principle as opposed to the infinitely more subjective measurement of amenity applied in the planning process. In acceptance of these distinctions , weight is still applied to analogous regulatory position due to consistency of acceptable assessments provided by the EA.
- 3.8.5 Accepting the odour baseline context provided by the additional submissions, consideration of the proposed changes falls to ascertain whether the proposed diversification of food (and associated) waste sources would likely result in a significant odour impact. In the addressing of this particular matter, reference is again given to the Environmental Health consultation response provided alongside the initial report , which states;

*Having reviewed the planning application with regard to the variation of Condition 9 pursuant to planning application CM/0022/20, I would advise as follows from an Environmental Health point of view.*

*This facility is regulated under permit from the Environment Agency who would deal with odour emissions from the premises and complaints. With regard to the proposal to include general waste and packaging from businesses operating within Use Classes A3 and A5, I am satisfied that the Anaerobic Digestion Plant and associated equipment is capable of handling these types of materials efficiently without causing excessive odours in the area that are likely to amount to a statutory nuisance. The food that is to be collected from premises in Use Classes A3 and A5 in my opinion have no additional adverse impacts on the plant's inherent ability to process the materials collected.*

*It is clear from the general facilities specifications and Olleco's technical knowledge of this industry that it will be operated safely and within industry good practice guidelines.*

*This memo does not include comments relating to air quality and contaminated land, where relevant, these comments will be provided separately.*

- 3.8.6 The Environmental Health response, provided above, supports the notion that as the proposed development is of materially similar character to the development as currently approved, any odour impacts arising from the development as proposed would likely be



adequately controlled by the existing management features/strategy. The additional documentation provided, particularly Appendix D, also moves to support this position.

3.8.7 In order to ensure parity between the proposed development and the existing odour management strategy, the recommendation in the previous committee report included the following ;

Within 3 months of the date of this planning consent an update to the existing Odour Management Strategy (Approved 17th September 2015) shall be submitted to and approved in writing by the Planning Authority. The updated strategy shall include reference to the following aspects:

- Specific odour sources within the waste streams presented in the Anaerobic Digestion Facility and Materials Recycling Facility, respectively
- Measures in place at the site in order to identify, isolate and/or restrict inherently odorous waste streams
- Any additional odour control strategies and/or features that have been implemented following the approval of the existing Odour Management Strategy (Approved 17th September 2015)

The updated Odour Management Strategy shall be implemented thereafter in accordance with the approved details for the duration of the development.

3.9 In summary, following analysis of the additional information provided a contextual baseline of current odour levels at the site has been formed. This objective baseline, considered to be generally acceptable in respect of local amenity, is mainly applied to the development as currently permitted but can be extrapolated to the development as proposed due to the retrospective elements of the application. On balance, the additional documentation does not provide any basis to deviate from the recommendation set out in the addendum to the initial committee report on the 3<sup>rd</sup> September 2020. The changes proposed within the application are not considered to result in an adverse odour impact of their own volition.

#### 4.0 **Equality and Diversity Issues**

4.1 In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

#### 5.0 **Conclusion**

5.1 Application CM/0022/20 seeks permission to carry out the development permitted under Planning Consent CM/78/14 at Olleco, Samian Way, Aston Clinton, HP22 5WJ without complying with condition 9 attached thereto. The effect of the application is to amend the scope of the permitted waste stream set out within Condition 9 of CM/78/14; the proposed amendments act to distinguish the waste streams of the Anaerobic Digestion Plant and Materials Recycling Facility respectively.



- 5.2 The application was deferred by committee on 3<sup>rd</sup> September 2020 to allow for the applicant to submit further information to address concerns regarding the odour impact of the proposal. In response to this the applicant engaged actively with the Planning Authority to interpret the deferral rationale and as a result submitted the following documentation;

Odour Tour Logs + Methodology – April – June 2020 and Sept 2019

Odour Complaint log – July 2020

EA Update September 2020

Ricardo Odour Assessment – Jan 2019

Emails Dated 14<sup>th</sup> October 2019

Emails Dated 1<sup>st</sup> April 2020

Emails 22<sup>nd</sup> April 2020

Covering letter

- 5.3 The additional submissions do act to provide an objective measurement of odour at the site. In the assessment of this objective measurement, the anticipated odour impact of the proposed development is likely to be generally acceptable. This assumption is based, in part, on the efficiency of the existing odour management system.

- 5.4 Therefore, it is recommended that planning permission be granted for the proposed development subject to the applicant entering in to an appropriate S. 106 Planning Obligation to apply the requirements with regard to routeing and the catchment area for the collection of waste the Strategic Sites Committee INDICATES SUPPORT for application CM/0022/20 with the imposition of an alternative condition 9 being as proposed in the application and to the other existing conditions attached to planning permission CM/78/14 with any amendments to reflect the subsequent discharge of conditions and to condition 18 being amended to read as follows:

Within 3 months of the date of this planning consent an update to the existing Odour Management Strategy (Approved 17th September 2015) shall be submitted to and approved in writing by the Planning Authority. The updated strategy shall include reference to the following aspects:

- Specific odour sources within the waste streams presented in the Anaerobic Digestion Facility and Materials Recycling Facility , respectively
- Measures in place at the site in order to identify , isolate and/or restrict inherently odorous waste streams
- Any additional odour control strategies and/or features that have been implemented following the approval of the existing Odour Management Strategy (Approved 17th September 2015)

The updated Odour Management Strategy shall be implemented thereafter in accordance with the approved details for the duration of the development.



## List of Appendices

Appendix A- Committee Report September 3<sup>rd</sup> 2020 (CM/0022/20)

Appendix B- Odour Tour Logs (April – June 2020 & September 2019)& Sniff Test Methodology

Appendix C- Odour Complaint Log (July 2020)

Appendix D- Environment Agency Update (September 2020)

Appendix E- Ricardo Odour Assessment (January 2019)

Appendix F- Emails between Applicant and Buckinghamshire Council (Dated April 1<sup>st</sup> 2020)

Appendix G- Emails between Applicant and Buckinghamshire Council (Dated April 22<sup>nd</sup> 2020)

Appendix H- Email from Applicant to Buckland Parish Council (Dated October 14<sup>th</sup> 2019)

Appendix I- Applicant Covering Letter

Appendix J- Addendum to Committee Report September 3<sup>rd</sup> 2020 (CM/0022/20)