

Herefordshire Council
Central Division
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Herefordshire
HR1 2ZB

Our ref: SV/2022/111252/04-L01
Your ref: 222728
Date: 15 November 2024

FAO: Rebecca Jenman

Dear Rebecca

THE ERECTION OF AND THE CONSTRUCTION OF AN ANAEROBIC DIGESTION (AD) PLANT WITH ASSOCIATED FACILITIES, INCLUDING FEEDSTOCK STORAGE CLAMPS; TANKS; LAGOONS AND WETLAND FILTRATION SYSTEM; AND CONNECTION TO THE NATIONAL GAS GRID, TOGETHER WITH THE INSTALLATION OF PHOTOVOLTAIC PANELS ON BUILDINGS, A GRAIN STORE AND DRYER AND THE CONSTRUCTION OF A NEW VEHICULAR ACCESS TO THE A417 WHITWICK MANOR, LOWER EGGLETON, LEDBURY, HEREFORDSHIRE HR8 2UE

Thank you for your re-consultation of the above planning application, received by us on 9 October 2024.

Environmental Permit (EP): In our previous correspondence, we advised that a bespoke EP would be appropriate for this development due to the size and scale of operations on site. We also advised what the permit would likely consider relevant emissions to land air and water.

Since our previous consultation response of 15 September 2023 (our ref: SV/2022/111252/03-L01) we have issued an EP for the site. We attach a copy of the EP for your information.

The permit allows the acceptance of up to 176,000 tonnes of feedstock per year predominately consisting of poultry manure, apple pomace, digestate and liquid wastes. The equivalent daily throughput of the process is 482 tonnes.

The installation will comprise the following operations:

- Pre-treatment of incoming waste
- Anaerobic digestion (four primary digesters and two secondary digesters)
- Two combined heat and power units (CHPs) (each 2.22 MWth), two backup boilers (0.526 MWth)

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- Biogas upgrading plant
- Carbon dioxide capture plant
- Process water lagoon and attenuation lagoon

The EP controls day to day general management, including operations, maintenance and pollution incidents. It will also control relevant point source and fugitive emissions to water, air and land; including odour, noise, dust, from the activities within the permit 'installation boundary'.

The EP includes the following key areas:

- Management – including general management, accident management, energy efficiency, efficient use of raw materials and waste recovery.
- Operations - including permitted activities and Best Available Techniques (BAT).
- Emissions - to water, air and land including to groundwater and diffuse emissions, odour, noise and vibration, monitoring.
- Information – records, reporting and notifications.

Please also see that there are a number of pre-operational measures which need to be addressed prior to the commencement of any activities on site. Should the site operator fail to meet the conditions of a permit we will take action in-line with our published Enforcement and Sanctions guidance.

We have the following comments to make for your consideration regarding the Environmental Impact Assessment (EIA).

Based on our current position, we would not make detailed comments on these emissions as part of the current planning application process. We have not therefore reviewed any odour or noise modelling as provided with the EIA.

The National Planning Policy Framework (NPPF) suggests that:

191. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

194. The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes).

Odour, Noise and Vibration Management: As part of the EP, we can confirm that an odour management plan (OMP) and a noise and vibration management plan were submitted and reviewed. This is due to proximity to nearby sensitive receptors. The red line area of the site is approximately 55m from the nearest cottage, with several dwellings in that vicinity to the east. There is also a cluster of houses approximately 400m west of the red line boundary of the site.

Based on the information available to us at the time, we approved both of the plans. There are also monitoring and reactive measures within the permit to consider odour, noise and vibration going forwards. For example, there is an onus on the applicant to keep the plans under constant review. This is confirmed within section 1.2 of the permit 'operating techniques' (best available techniques that the operator intends to use to help prevent and minimise odour and noise nuisance).

The OMP can reduce the likelihood of odour pollution but is unlikely to prevent odour pollution when residents are in proximity to the units on site and there is a reliance on air dispersion to dilute odour to an acceptable level. In addition, the OMP/NMP requirement is often a reactive measure where substantiated complaints are encountered. This may lead to a new or revised OMP/NMP to be implemented and/or other measures to be in place.

Note - For the avoidance of doubt, we do not 'directly' control any issues arising from activities outside of the permit installation boundary. Your Public Protection team may advise you further on these matters. However, a management plan may address some of the associated activities both outside and inside of the installation boundary. For example, a NMP may include delivery lorry operation hours / vehicle engines to be switched off when not in use on site. We do not look at in combination effects for odour or noise.

Habitat Regulations Assessment (HRA): Our National Permitting Service, as a competent authority, carried out their own HRA screening prior to determination of the permit. This assessment and decision were taken in accordance with our guidance based on information and evidence at the time.

We recommend that you discuss your council's HRA and the Shadow HRA with Natural England. The conclusion of no significant adverse effects in the shadow HRA on the Wye SAC or the River Lugg SSSI should be considered through the planning process following further liaison with Natural England.

The pre-operational and improvement conditions (mitigation) in the EA permit should be considered, however, the council must be satisfied through the planning process that emissions to water are controlled adequately.

Potable Water Supplies: We noted in our previous response that there is a borehole at Whitwick Manor. It was unclear from the supporting evidence whether the properties on the estate were fed by mains water or the borehole. There may also be other private water supplies in the area. It does not appear that this has been addressed as part of the latest EIA submission.

As part of the EP, emission limits to water from the facility are limited and once operational, reviews of the parameters and emission limits will be undertaken by the operator to ensure that the facility is working effectively and not causing pollution of the environment.

In terms of impacts to water and consideration of water features, the EIA doesn't fully consider private water abstractions but, as mentioned above, the permit has controls which sets out limits for such emissions.

We would recommend that for completeness and robustness as part of the EIA, that the council be satisfied that the assessment of the risk to the private water abstractions is appropriate. This would be to ensure that risk to potable water as a result of the proposed development is fully understood/considered and the impacts are avoided and suitably mitigated through the planning process.

Some of the monitoring and pre-operational requirements (controls) as part of the EP, to avoid impact on controlled waters are:

- Systems and tankage designed to the standard of [CIRIA 736](#)

- Secondary containment against the C736 standard in the event of catastrophic tank failure
- Leak detection systems
- Management systems
- Maintenance and inspection

Water Emissions: Emissions to water (Site ditch drain) are controlled within the permit through appropriate water quality limits and monitoring requirements. Please see Table S3.2 'Point source emissions to water (other than sewer) and land' within the attached permit.

I trust that the above is of assistance.

Yours faithfully

Mr. Matt Bennion
Planning Specialist

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