

From Martin Goldman, resident of Great Shelford, to the Environmental Services Portfolio Holder [Question rejected by the Chairman prior to the meeting, but answered by the Portfolio Holder on the day]:

“South Cambridgeshire District Council granted a licence for the so-called remediation at the Hauxton Bayer Crop Science site and consulted residents in Hauxton and Harston. In this matter, it did not consult or inform people in Grantchester, Barton, Coton, Haslingfield, Newton, Whittlesford, Stapleford, The Shelfords, Trumpington, south Cambridge and further afield.”

For any planning application, this Council has a duty to consult owners of adjoining land, either directly or by the posting of a notice on site. In addition the practice is that it consults with the relevant Parish Council where the site lies within its area. Consultations for the remediation application included the Parish Councils of Hauxton, Haslingfield, Great Shelford and Harston who were identified as the immediate neighbours. Four site notices were erected around the site and publication put in two places in the Cambridge Evening News on 19th December 2006. Both the remediation and development application were discussed in planning committee on two occasions and public minutes were published following these meetings.

Supplementary question – accepted by the Chairman as the substantive question

“The council has said and written much about working to ensure its residents have a good quality of life by looking after them, and their environment.

“Its constitution claims that it is “committed to ensuring that South Cambridgeshire continues to be a safe and healthy place for you and your family”.

“It has powers to stop this nuisance to its residents' quality of life. Why is it not doing so?”

South Cambridgeshire District Council has powers available to it in respect of statutory nuisance. We can only operate within the regulatory framework which requires us to make our judgements on the ordinary normal person. When investigating any complaint of disturbance, several factors need careful consideration by the Environmental Health Officer in determining whether the source is likely to constitute a statutory nuisance. Considerations to which the test of an ordinary normal person will be applied include location, time, duration, frequency, convention, importance to the community of activity and difficulty in avoiding external effects of activity.

Investigations have been undertaken at locations where complaints have been received, at all times of the working day during variable weather conditions, as well as early in the morning, at night and on weekends. If a statutory nuisance is established then South Cambridgeshire District Council must serve an abatement notice in accordance with the council's enforcement policy. However the Council is limited to the extent of enforcement action we can take at Hauxton due to the existence of the environmental permit. Any enforcement action for statutory nuisance would have to be approved by the Secretary of State for the Environment, as the primary enforcement body is the Environment Agency in its regulation of the environmental permit.

In the last fortnight I have asked for officers to undertake a review of the evidence of nuisance in respect of this site and the Principal Environmental Health is satisfied

that the Council's procedures have been followed and at this time there is not a statutory nuisance on the grounds of odour.