

Meeting PLANNING AND LICENSING COMMITTEE

Date Tuesday 3 September 2019 (commencing at 10.30am)

Membership

Persons absent are marked with `A`

COUNCILLORS

Chris Barnfather (Chair)
Jim Creamer (Vice-Chair)

Pauline Allan	Bruce Laughton
Andy Brown	John Longdon
Neil Clarke MBE	Tracey Taylor
Sybil Fielding	Keith Walker
Paul Henshaw	Andy Wetton

OTHER COUNTY COUNCILLORS IN ATTENDANCE

Glynn Gilfoyle

OFFICERS IN ATTENDANCE

Pete Barker – Chief Executive’s Department
Rachel Clack – Chief Executive’s Department
Rob Fisher – ASCHPP Department (Item 5)
Sally Gill – Place Department
Mike Hankin – Place Department
Oliver Meek – Place Department
Jonathan Smith – Place Department

1. MINUTES OF LAST MEETING HELD ON 16th July 2019

The minutes of the meeting held on 16 July 2019, having been circulated to all Members, were taken as read and were confirmed and signed by the Chair.

2. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Madden (medical).

Councillor Laughton replaced Councillor Harper for this meeting only.

3. DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

Councillor Fielding declared an interest in Item 6, To Operate Asbestos and Clinical Waste Transfer Stations, Sandy Lane Industrial Estate, Worksop, as the site is in her electoral division, though the nearest residential properties to the site are in Councillor Gilfoyle's electoral division.

This declaration did not preclude Councillor Fielding from speaking or voting on that item.

4. DECLARATIONS OF LOBBYING OF MEMBERS

Councillor Fielding declared that she had been lobbied regarding Item 6, To Operate Asbestos and Clinical Waste Transfer Stations, Sandy Lane Industrial Estate, Worksop. Canning Conveyor Co Ltd, who have offices at Sandy Lane, Worksop, had requested a meeting with Councillor Fielding but she had declined, informing the company that she was a member of the Planning and Licensing Committee.

This declaration did not preclude Councillor Fielding from speaking or voting on that item.

5. APPROVED PREMISES FOR CIVIL CEREMONIES

Mr Fisher introduced the report which provided an update and overview regarding the County Council's role in licensing premises for marriages and civil partnerships.

Members then debated the item and the following question was responded to: -

- The cost of a licence for an approved premise is approximately £2k, which is valid for 3 years. The cost of the first licence for such premises is £1400, which is also the fee charged to not-for-profit organisations.

On a motion by the Chair, seconded by the Vice-Chair, it was: -

RESOLVED 2019/021

That Committee receive an update report in the next 12 months and that this be included in the work programme.

6. TO OPERATE ASBESTOS AND CLINICAL WASTE TRANSFER STATIONS – SANDY LANE INDUSTRIAL ESTATE, WORKSOP

Mr Hankin introduced the report which concerned a planning application for the operation of an asbestos and clinical waste transfer facility on part of a larger waste processing site previously used as a waste transfer station. Mr Hankin informed Committee that the key issues related to the suitability of the site and the wider location for the development of a waste transfer facility; concerns relating to the safety and management of the site, particularly in the context of

the planning history of the site; potential adverse impacts to surrounding land and property; and traffic generation.

Mr Hankin informed Committee that supplementary information received from the applicant had satisfied any outstanding concerns officers had had about the application.

Following the introductory remarks of Mr Hankin, Ms Waite, a Director of CW Waste, the applicant, was given the opportunity to speak and a **summary** of that speech is set out below: -

- I will be managing the site if permission is granted and I am highly qualified to deal with the management of asbestos.
- I am currently the only fully qualified and licensed female Asbestos Manager and Supervisor in the country.
- I have regularly submitted ASB5 Notifications to the HSE to remove asbestos and supervised teams of up to 10 men during the asbestos removal process.
- I have had many audits from the HSE and governing bodies and had exemplary results.
- I am also IOSH qualified at manager level and fully conversant with all the safety aspects and requirements of such a challenging industry.
- I am proud to have been part of the instigation and growth of Spire Facilities Ltd who are without doubt one of the country's most respected asbestos removal companies for delivering excellence in service and safety. I fully intend to establish a similar reputation for CW Waste Services.
- If I have learned one thing in this industry it is that you cannot, and I will not, cut corners of any description.
- I know the history of the site and have had a bird's eye view of the goings on which have resulted in the residues that still plague the town today.
- Looking back at the waste companies that have failed in Worksop I can honestly say that my business will be nothing like them.
- Although the waste will be specialised, the site will only receive a fraction of the volume of waste that it has done in the past.
- There will be no problems with vermin, odours or self-combusting fires as the site will be handling a much-reduced volume of completely contained waste that has been fully risk-assessed in terms of storage and handling, meaning that it will be a perfectly safe operation.

- There will be no build up of waste on site as we have established licensed disposal outlets for the waste which will be removed from site on a regular basis.
- The risks to our operatives and our neighbours have been fully assessed and we have tried to engineer out every opportunity involving fibre presence, escape and odours.
- I want to build up a business that demonstrates the excellence that I built into Spire Facilities, a business which Worksop can be proud of and our neighbours can be comfortable with.
- We will carry out ongoing airborne monitoring to add further peace of mind for all our staff, customers and neighbours.
- My business will go a long way to removing the stigma associated with previous waste operations in Sandy Lane.
- My business will work closely with Spire Facilities and act as a safe and trusted disposal point for their waste, as well as providing a training ground and staff feeding pool for when Spire Facilities is struggling to find fully-trained, competent and dedicated staff.
- The staff will be able to see a progressive career path and hopefully the business will continue to grow and be able to employ more local people.
- This facility will give the local asbestos removal community a safe, licensed facility which will be quick and easy to use.
- The site will mainly be on hard standing, meaning that the service will be quick and less damaging than running onto a landfill site.
- Similarly, with the clinical waste – the collectors will be in and out and back on their patch extremely quickly.
- My business has been well thought out and can only be good for the local authorities, local waste companies, care homes, hospitals, Asbestos Containing Material (ACM) contractors and the public at large. I hope you agree with me and look favourably on this application.

Following Ms Waite's speech, the following comments and questions were responded to: -

- Systems are in place should a spillage occur – an H-type vacuum with a filter is on site which would be used to vacuum up any debris, and air borne monitoring will take place to ensure that the site operates at a safe level and within legal limits. Conditions 14 and 15 specify the controls that will need to be adopted.
- The asbestos waste will be double-bagged in Class 9 waste bags, which are industry-specific bags. These bags are not biodegradable. Asbestos

can only be disposed of in landfill sites, where the pit is lined and which will be sealed when full. There are hazardous and non-hazardous landfill sites. There are no hazardous landfill sites in Nottinghamshire. Public records are kept which mean that asbestos will never be dug up accidentally.

- Clinical waste will be incinerated.

Councillor Gilfoyle was then given the opportunity to speak and a **summary** of that speech is set out below: -

- I would like to thank Mr Hankin for meeting me and the residents and for having the opportunity to visit the site.
- The residents who will be most affected by this development, should permission be granted, live in my electoral division.
- The site has had a chequered history and relations with the local community have been strained as a result.
- The regulatory bodies have failed in their duties previously and local residents now have no confidence in any enforcement action being carried out if it is required.
- I was worried when I first saw the application as it was poor and lacked detail. There were numerous inaccuracies, and this has meant that it has taken a long time for the application to come before Committee.
- There is no need for this facility on this site and other consultees agree. Residents do not want an ecological disaster on their door steps, with 5 arson events having occurred in the past. There are other brown field sites available that would be more suitable.
- It is difficult to assess the traffic impact, but Sandy Lane is busy, with residents already experiencing problems crossing the road, and it is likely to get busier with a new supermarket due to be built in the area. The road is not suitable for the installation of a refuge or a zebra crossing, so while through traffic may be light it will have an impact.
- Although Bassetlaw District Council's Local Plan is only at the draft stage, it does not incorporate any specific site allocations or detailed development policies and the designation of this site will not change as it would not align with the future aspirations for the area.
- The relevant local authorities have worked hard to develop the area – D2N2 monies have been obtained, a new roundabout will be built, a large ASDA supermarket will be built, and other units are being developed. Who will want to invest in the area when there is a contaminated eyesore nearby? The development will have a negative effect on the area.

- If the application is approved, can a condition be imposed to ensure that an accountable, qualified person is on site at all times? The relevant agencies in the past have shown that they are unable to protect residents.

Following Councillor Gilfoyle's speech, the following comments and questions were responded to: -

- There were concerns initially with the quality of the application, but officers have worked with the developer to arrive at an acceptable application. The application now before Committee contains all of the information required and none of the statutory consultees has objected. Bassetlaw District Council's Environmental Health Officer has reassessed the application following the submission of the supplementary documents and his comments are summarised in paragraph 29 of the report.
- In terms of personnel being on site, the site operations will be regulated by the conditions imposed by the planning permission and by permit, issued by the Environment Agency.

Members then debated the item and the following comments and questions were responded to: -

- There is no connection between the applicant and the company that ran the site previously.
- There are strict industry guidelines for dealing with asbestos that does not fit into the standard bags. Such waste is double-wrapped in 1000-gauge polythene before being disposed of. Panels have to be wetted before being double-wrapped. It is not permitted to break up asbestos so that it fits into the bags.
- CW Waste Ltd recently offered its services when some asbestos was fly-tipped. Bassetlaw District Council have engaged CW Waste Ltd professionally in the past. Members are welcome to visit the company unannounced.
- There are a mixture of companies operating out of the same site and close to the site. The application site is not in isolation, but in the middle of a larger industrial site.
- The construction of a concrete base has already begun on site and a new electrical supply has been installed.
- The on-site drainage tank contains a filter which will be replaced weekly, with the old filter double-bagged and disposed of. Condition 13 will be amended to include the following: *'with any asbestos residues disposed of as described in Condition 14'*.
- Officers were thanked for including site security measures in the conditions (Condition 12).

- Condition 14 defines how asbestos is managed on site. There will be no facilities that will allow the processing of asbestos. All asbestos arriving on site will already be double-bagged or sealed. It will be stored securely before being taken to landfill. There will be no processing of asbestos on site.
- No highway objections have been received. It is anticipated that the operation will only generate 2 light vehicles per hour during the day and 8 HGVs per week, at an industrial site. Access will be from the A60 which generates 15k vehicles a day. It is concluded, therefore, that the traffic impact of the proposed development will not be severe.

On a motion by the Chair, seconded by the Vice-Chair, it was: -

RESOLVED 2019/022

That planning permission be granted subject to the conditions set out in Appendix 1, with Condition 13 amended to include the following wording: *‘with any asbestos residues disposed of as described in Condition 14’*.

7. PROPOSED AMENDMENTS TO THE COUNTY COUNCIL’S CODE OF BEST PRACTICE.

Mrs Gill introduced the report which sought approval of amendments to the existing Planning and Licensing Committee Code of Best Practice with respect to public speaking arrangements at committee and in particular arrangements for special presentations for major and/or controversial applications.

The Chair stated that the Code of Best Practice is brought to Committee periodically to be reviewed and that at the last review a drafting error meant that references to special presentations had been omitted. The Chair explained that this report sought to correct that omission.

Members then debated the item and the following comments and questions were responded to: -

- Officers will look into the issue of the definitive map not being issued to Parish Councils
- Consideration will be given to producing a smaller version of the Code of Best Practice for members

On a motion by the Chair, seconded by the Vice-Chair, it was: -

RESOLVED 2019/023

1. That changes to the Planning and Licensing Committee Code of Best Practice, as detailed in paragraph 5 of the report, be approved.

8. DEVELOPMENT MANAGEMENT PROGRESS REPORT

Mrs Gill introduced the report and confirmed that this was the usual regular report detailing which reports were likely to come before Committee. Mrs Gill informed Committee that officers always aimed to get reports to Committee as soon as practicable but that there could be delays when officers were waiting for more information to be submitted by applicants.

The Chair referred to the extra meeting originally arranged for 17th September, which had had to be cancelled precisely because information requested of applicants had not been forthcoming in time. The Chair apologised to members for any inconvenience caused.

Mr Smith confirmed that site visits had taken place to the CW waste operation in Worksop and to Barton in Fabis. Mr Smith confirmed that as the Barton in Fabis development had not yet been considered by Committee another site visit would be organised before the report came before Committee.

On a motion by the Chair, seconded by the Vice-Chair, it was: -

RESOLVED 2019/024

That no further actions are required as a direct result of the contents of the report.

The Chair informed members that Oliver Meek was leaving the authority to take a position at Leicestershire County Council, and on behalf of the Committee thanked Oliver for his expertise and professionalism and wished him all the best for the future.

The meeting closed at 12.02pm.

CHAIR