



Meeting **PLANNING AND LICENSING COMMITTEE**

Date **Tuesday 23 October 2018 (commencing at 10.30 am)**

Membership

Persons absent are marked with `A`

COUNCILLORS

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

Pauline Allan	Rachel Madden
Andy Brown	Kevin Rostance
Neil Clarke MBE	Tracey Taylor
Sybil Fielding	Keith Walker
Paul Henshaw	Andy Wetton
John Longdon	

OTHER COUNTY COUNCILLORS IN ATTENDANCE

John Knight
Jason Zadrozny

OFFICERS IN ATTENDANCE

Pete Barker - Chief Executive's Department
Sue Bearman - Chief Executive's Department
Sally Gill - Place Department
Ruth Kinsey - Place Department
Jane Marsden-Dale - Place Department
Oliver Meek - Place Department
Jonathan Smith - Place Department
Tim Turner - Place Department
Claudine White - Place Department
Debbie Wragg - Place Department

1. MINUTES OF LAST MEETING HELD ON 18th September 2018

The minutes of the meeting held on 18th September 2018, having been circulated to all Members, were taken as read and were confirmed and signed by the Chair of the meeting.

2. APOLOGIES FOR ABSENCE

Councillor Barnfather apologised to Committee for his late withdrawal from the previous meeting and thanked Councillor Creamer for chairing the meeting in his absence.

3. DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

No declarations of interest were made.

4. DECLARATIONS OF LOBBYING OF MEMBERS

Referring to Agenda Item 6, 'Storage and Bulking of Glass – Portland Industrial Estate, Welshcroft Close, Kirkby in Ashfield', Councillor Madden declared that she had attended some early meetings in connection with the facility and had also provided information to objectors regarding Committee procedures.

Councillor Creamer declared that he had been lobbied by fellow Labour Members regarding the same item.

The above declarations did not preclude either Councillor from speaking or voting on that item.

5. ANIMAL HEALTH LICENSING WORK CARRIED OUT BY THE TRADING STANDARDS & COMMUNITIES SERVICE

Ms White introduced the report which updated Members on the work of the Service and informed them of the new changes that had come into force.

Following the introductory remarks of Ms White, Members debated the item and the following comments and questions were responded to:-

- The responsibility for monitoring also passed to District councils on 1st October 2018.
- All District Councils have been made aware of their new responsibilities, though not all of the information for the media has been disseminated.
- There is a need at present for the County Council to continue to work with, and offer advice to, the District councils.

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

RESOLVED 2018/025

That the appropriate use of the media to communicate the legal changes be approved.

6. STORAGE AND BULKING OF GLASS – PORTLAND INDUSTRIAL ESTATE, WELSHCROFT CLOSE, KIRKBY IN ASHFIELD

Mr Smith introduced the report which concerned two planning applications. The first application related to the proposed construction of external bays for the storage and associated bulking of glass at the existing Waste Transfer Facility. The second application sought to vary the extant planning permission to facilitate the development and operation of the glass storage bays, enabling locally collected glass to be deposited, stored and bulked up for onward transit.

Mr Smith informed Committee of a change to proposed condition 10 in Appendix 1 of the report in that glass deliveries and tipping would be further restricted to the hours of 11am to 3pm on a Sunday.

Mr Smith stated that there had been no increase in the road traffic accident rate since the site became operational and that NCC Highways had raised no objections to the applications.

Mr Smith informed Committee that two late representations had been received. One representation had been received from Gloria De Piero MP who objected to the applications on various grounds including noise, odour, pollution, road safety and the lack of publicity regarding the proposals. A late representation was also received from a local resident, Mr Denzil Rayworth, who missed the deadline for registering to speak at Committee. Mr Rayworth objected on various grounds including noise, odour, vermin and the increased numbers of HGVs on the highway. Mr Smith stated that all of the points raised in the late representations had been addressed in the report to Committee. In terms of publicity, Mr Smith informed Committee that press and site notices had been issued and 38 neighbour notification notices had been sent to the nearest local residents and businesses. Publicity had all been carried out in accordance with the County Council's adopted Statement of Community Involvement and exceeded statutory requirements.

Some objectors had referred to the poor response by Veolia to complaints received and Mr Smith informed Committee that the company had been trying to improve its performance in this area and gave the example of a recent complaint. A complaint about odour had been received by Veolia at 4.10pm and by 4.55pm one of their employees was on site to investigate, though no odour was detected. An officer from the County Council attended the site next day and again no unpleasant odour was detected.

Following the introductory remarks of Mr Smith, Mr Severn was given the opportunity to speak and a **summary** of that speech is set out below:-

- I am a life-long resident of Kirkby in Ashfield and live approximately 180 metres away from the Veolia facility on Welshcroft Close.
- A well-known Olympic sprinter could cover that distance in less than 20 seconds. The closest house to the facility is actually only 65 metres away according to today's Committee report.
- Since Veolia have been on site residents have had to endure terrible odours emanating from the site and, at times, this has prevented us from enjoying our gardens that we have worked so hard to pay for and enjoy. These problems have been addressed to some degree, but no new waste streams with potential new issues should be introduced while original ones do still occur.
- My family and I fear that the introduction of glass will add yet another potential reason for us not to be able to enjoy our garden because of noise and odour.
- In order to gauge noise levels, in my own time I have visited and witnessed a reported 4.5 tonne glass deposit at the Veolia site in Worksop. Whilst that particular deposit was not too noisy from where I was standing, I never got to witness the next stage in the process which is the filling up of the large open-topped, metal-bodied lorries where the glass is dropped from height by a scoop until the load is complete. This will be extremely noisy.
- The publicity carried out for the site itself, and now this glass proposal, has been woeful with so few notified but so many affected.
- Why did it take the residents of Kirkby to form their own group for Veolia to acknowledge that there were issues?
- Veolia's website states: '*Veolia takes responsibility for promoting the harmonious development of territories and for improving the living conditions of people concerned by its activities.*' This has not been our experience with Veolia. Given people's experiences, the feeling in the area is that Veolia have been extremely inconsiderate in their operation of this facility and I am obviously sceptical about future proposals. Are we going to have to make dozens of complaints in future, if the glass does prove to be a problem, before anything gets done? We have lives to live and enjoy. We do not want to be constantly complaining on the phone or by email.
- I have taken the day off work today to be here, such is the importance of this matter.
- We were told by the Environment Agency (EA) to forward any complaints directly to Veolia, but on several occasions these were responded to by a generic letter stating '*the plant is operating normally.*' This dismissive attitude has led people to become disheartened and feel like hope is lost

of getting their lives back to normal. To my knowledge Veolia do not have to report nor are they audited on complaints received so they are never held to account on their activities by the authorities that can make them improve their processes.

- This cycle of failure falls squarely on the shoulders of Veolia, Nottinghamshire County Council (NCC) and the EA, but it is the residents living around it that are expected to live with the consequences. This is not acceptable. How do we know that any future complaints will be taken seriously and acted upon accordingly?

Following Mr Severn's speech the following comments and questions were responded to:-

- Mr Severn confirmed he lived on May Street (Mr Smith indicated on the projected map the location of May Street).
- Mr Severn stated that he viewed recycling in a positive light but that it should not be to the detriment of people's lives.
- Mr Severn expanded on his criticisms of the Veolia complaints system stating that it was not always possible to submit a complaint at the same time as the problem first occurred. For example, someone might not be able to report a problem immediately as they could be on their way to work. By the time they have reported the problem the smell could have dissipated or the noise could have ceased.
- Mr Severn works shifts and can be in his garden during the day when the amount of traffic generated by the facility can be a problem.
- The meetings of the Community Liaison Group (CLG) tend to take place in the afternoons which means that not everybody who would like to attend can. The venue is not always easy to reach by public transport.

Officers/Mr Smith responded to Mr Severn's comments as follows:

- Condition 13 requires the bulking operation to take place close to the waste transfer building to mitigate the potential noise problem for nearby residents.
- The invitations to the CLG meetings are sent out by Veolia but Mr Smith agreed to investigate to see if the timing of meetings could be changed.
- The local community is well represented on the CLG with officers and members of NCC and Ashfield District Council (ADC) attending, along with representatives from the Kirkby Action Group (KAG) and Veolia.

Mr Bridgwood, the agent for the applicants, was then given the opportunity to speak and a **summary** of that speech is set out below:-

- I acknowledge that there have been problems with odour in the past and Veolia's responses could have been quicker. Problems are monitored and issues are now responded to promptly.
- Permission already exists to handle glass on site, we are seeking permission to handle glass outside. The existing permission is for 75k tonnes of throughput per annum and we are not seeking to increase this, therefore there will not be extra vehicles using the highway.
- The glass itself is not odorous. There is a slight smell but this dissipates quickly and is not noticeable from distances in excess of 10 feet.
- Noise levels have been measured elsewhere and as a result it is anticipated that the noise generated by this facility will not be audible by residents.
- The glass is dense and will not be affected by wind. The glass will be stored below the tops of the proposed bays.
- The site activities will be governed by the conditions imposed and by the EA permit.

Following Mr Bridgwood's speech the following comments and questions were responded to:-

- The facility is open on Sundays and Bank Holidays as NCC have asked for the site to be available at these times. Weekends and Bank Holidays are busy times for the site.
- It was originally intended to house the glass facility indoors but the odour from the recycled bales, when stored outside, caused too many problems. It is not clear why, but the bales of recycled material processed at this site contain a higher level of organic matter and as a result generate more of the objectionable odour. The filtration system has been improved with the charcoal being changed and recharged on a regular basis.
- The buildings on site could be extended so that the glass operations take place indoors, but following noise assessments elsewhere, and after taking account of the local context, the predicted noise levels do not justify such an extension. The anticipated noise levels are expected to be inaudible from residents' gardens at 15db. Background / ambient noise has been measured at 32db and as these noise levels are so low the possible building of an extension has not been costed.
- The glass would come from Household Waste and Recycling Centres (HWRCs) and local authorities. Some of the glass bottles / jars do contain a residue of material, though some people do wash them out, but it is not enough for odour to be a problem.

- No glass is processed on site at present. All of the past problems pre date this application and have been caused by the processing of plastics and paper.
- Having the glass facility at this site would minimise HGV movements and consequently reduce the generation of CO2. If permission were to be refused the next nearest site is in Worksop, but the use of this site would not allow the minimisation of lorry movements before the bulking of the glass. There would be an average of 1 ½ loads per week for bulking and this is a facility that has been requested by NCC.

Councillor Knight, in whose division the facility is situated, was then given the opportunity to speak and a **summary** of that speech is set out below:-

- This facility was not requested by either Ashfield District Council or Nottinghamshire County Council. It is designed solely to save Veolia money. As Members we are here to represent the views of residents, we are not shareholders of Veolia.
- I have made clear my objections as detailed on Page 26 of the report to Committee.
- Context is important – this facility is not needed. There have been untold problems in the past, though these have curtailed recently.
- The liaison group has no power – we objected but Veolia went ahead anyway.
- If this application were to be refused no one would be any worse off as similar facilities are available elsewhere.
- The bulking of glass may only be infrequent and for short periods but what if you are sitting in a nearby garden.
- The plans are misleading – the conurbation is very near and the nearby estate suffers from noise and odour.
- Veolia were asked to delay the application for a year or two so that trust could be regained but no response was received.
- The facility may not be in other members' divisions but it may be one day and you will be asking for my support.
- Given all of the problems that have been encountered with this site in the past it would be ludicrous to approve these new applications.

Councillor Zadrozny, whose division is adjacent to the facility, was then given the opportunity to speak and a **summary** of that speech is set out below:-

- Context is important. Historically, this has been a badly run site. The fact that the glass operation was originally planned to be operated inside but now needs to be carried on outside confirms this. The site is vile and smelly.
- A similar facility is located outside Kirkby in Ashfield and vermin love it.
- The operation should take place indoors in an extension and preferably behind double-doors.
- I hope the filtration system is staying. The stack has had to be raised in the past because of problems. There is also the possibility that lorries may hit the system.
- The CLG only receives generic responses from Veolia to its queries. There is a lack of trust with this operator.
- There is no noise mitigation in terms of my division. The wind blows both ways and emptying glass into metal containers is very noisy and is not acceptable on a Sunday or bank holiday. If Veolia know when the site is going to be busy then it should empty the site at a more appropriate time, it is not the residents' fault that Veolia cannot manage this.

Councillor Zadrozny responded to the following comment:-

- Councillor Zadrozny stated that he was aware that Ashfield District Council had not opposed the applications but that was an officer decision which he did not support.

Following Councillor Knight's and Councillor Zadrozny's speeches officers made the following comments:-

- Regarding the driver for the provision of glass collection at the site, paragraph 22 of the report was read out which states: "Whilst glass is not a waste stream which forms part of the County Council's PFI Waste Contract, kerbside collection of glass is now being undertaken in Ashfield and it is hoped a similar scheme will start in Mansfield in the near future. The ability to bulk up these glass collections at the application site would therefore be beneficial in this respect."
- There are conditions proposed that are designed to minimise the noise impacts arising from the operation of the site.
- Similarly, there are conditions proposed to ensure that vermin are controlled on site.
- The CLG was set up as a result of the number of complaints received. It has opened up ways of communication and has proved effective in reporting views and affecting change. The number of complaints has reduced and Veolia have taken on board comments made by NCC who

will continue to look at ways that the management of the site could be improved.

- Paragraph 34 of the report states that the EA regard the site as operating to a high standard.
- Veolia are reviewing their complaints system with the aim of providing more detailed and less generic responses.
- The recommended hours of operation have been changed, the tipping of glass on Sundays will now be restricted to between the hours of 11am and 3pm.

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

- The management of the site is not a material consideration for the Committee.
- Vermin mitigation measures are referred to in the report and this matter is also a matter for the EA through the permit process.
- The proposed applications will have no impact on the filtration system.
- A cross reference to the restrictions on the loading of bulkers, as detailed in Condition 10 of Appendix 1, could be added to Condition 13.
- Noise assessments indicate that no further noise mitigation measures, other than those proposed, are required. Proposed conditions need to be reasonable and necessary, which they are considered to be in this case. Officers have visited a similar site and, from a distance, when glass was tipped the noise was less than that from passing traffic. At this site the noise from glass being tipped and bulked is not expected to be above the background noise. If noise proves to be a problem then Condition 15 can be enforced, but this is not anticipated.
- The tipping of glass can be noisy but on this site properties will be at least 100m from operations which should take place close to buildings which will also provide some sound mitigation.
- Veolia do have another facility that is not near to a conurbation but that site performs a different function – it separates waste for onward movement. This site provides for the bulking up of materials and is the most appropriate site.
- Highways have not objected to the proposals and the situation will not be any worse for residents than that which they are currently experiencing. No formal vehicle movement conditions have been proposed, but drivers of large vehicles will want to take the quickest way to the strategic highway network. This will not be achieved by turning right when leaving the site

and heading to the centre of Kirkby-in-Ashfield and so it is anticipated that vehicles will continue to turn left out of the site and head north towards the A38.

- The complaints system is a good way of getting immediate action concerning problems. A complaint regarding odour was reported recently to Veolia at 4.10pm and their staff were on site by 4.55pm.
- The bulking of glass on Sundays and Bank Holidays will only take place if the site is nearing capacity.
- Mr Bridgwood stated that avoiding the bulking of glass on a Sunday should not present a problem as the bays had sufficient capacity for 5 days. In the run up to a Bank Holiday the glass could be collected on a Thursday with the aim of freeing up enough capacity to cope with the demand over the holiday period. Mr Bridgwood stated that this may cause a potential problem depending on the demand in that period. The Chair stated that restricting the bulking on a Sunday and Bank Holiday would reassure local residents. Mr Bridgwood replied that he was happy for this restriction to be made a condition and that if this proved problematical in practice then Veolia would come back with revised proposals.

Given the concerns expressed by residents and local members regarding noise, odour and opening hours, Members suggested that the decision on the applications be delayed.

An amendment to the motion was moved by Councillor Wetton and seconded by Councillor Henshaw which sought to defer the decision on the applications pending further investigations.

The amendment was put to the vote and the Chair declared the amendment was not carried.

Members continued to debate the item and the following comments and questions were responded to:-

- Concern continued to be expressed at the potential for the site to generate noise problems, but officers responded by stating that, if the noise assessments had indicated further mitigation measures were required, then these would have been recommended.
- The noise assessments did not consider the area to the west of the site, but concentrated on residential properties on Low Moor Road where the closest receptors are, as per standard practice. At this point Mr Smith showed all members an aerial photo of the site which showed the location of the site and the surrounding conurbation.
- Various concerns continued to be expressed regarding odour, traffic problems and the possible further restricting of deliveries and tipping to 11 - 3 on Bank Holidays.

At this stage of the meeting an amendment to the motion was moved by Councillor Taylor, duly seconded, which sought to amend the recommended opening hours.

At the request of officers the Chair agreed to adjourn the meeting at this point to take stock of the position.

After reconvening the meeting the Chair confirmed to Committee that kerbside collections would never take place on a Sunday and that the proposed opening hours needed to accommodate the needs of several different parties.

Ms Bearman then explained to Members that Mr Smith would now clarify the current position for Members. Ms Bearman confirmed that Councillor Taylor could then put forward an amendment if she wished to do so.

Mr Smith then clarified for Members the proposed recommended opening times, confirming that although it was never proposed that the bulking of glass would be allowed to take place on a Sunday, it would also not now be allowed on Public or Bank Holidays. To be clear on opening hours Mr Smith projected the details on a slide.

The position regarding operating hours and days agreed during the meeting is shown in the table below (the wording in bold/underlined highlights the differences to those times originally contained in the report to Committee):

Mondays to Sundays, including Bank and Public Holidays for glass deliveries and tipping	09:00hrs – 15:00hrs <u>except on Sundays and Public and Bank Holidays where the hours shall be restricted to 11:00hrs – 15:00hrs</u>
Mondays to Saturdays, <u>except for Public and Bank holidays</u> , for the loading of glass onto bulker vehicles and export of glass on bulker vehicles (there shall be no export of glass on bulker vehicles on Sundays)	09:00hrs – 15:00hrs

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

Resolved 2018/026

1. That planning permission be granted for planning application 4/V/2018/0233 subject to the conditions set out in Appendix 1 with operating hours as detailed in the table above.
2. That planning permission be granted for planning application 4/V/2018/0417 subject to the conditions set out in Appendix 2 with operating hours as detailed in the table above

7. RESPONSE TO TWO CONSULTATION PAPERS RELATING TO SHALE GAS PROPOSALS

Mr Smith introduced the report which sought Members' approval of the response to the Government's consultation papers relating to shale gas proposals entitled 'Permitted development for shale gas exploration' and 'Inclusion of shale gas projects in the nationally significant infrastructure project regime' as set out in the appendix to this report.

Mr Smith confirmed that the responses now reflected the changes that had been requested by Members.

Committee thanked officers for the hard work that had gone into the production of the responses.

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

RESOLVED 2018/027

That Members approve the detailed response as set out in the appendix to the report as the formal comments of the County Council to the Government departments on their two consultation papers.

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8. DEVELOPMENT MANAGEMENT PROGRESS REPORT

Ms Gill introduced the report and confirmed that it was the usual regular report detailing which reports were likely to come before Committee. At present there are a large number of reports due to come before the December Committee but this could change.

Resolved 2018/028

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

The meeting closed at 1.12pm

CHAIR