

The **REGULATORY COMMITTEE** met at
WARWICK on the 11th **JULY, 2006**

Present:-

Councillor Joan Lea (Chair of Committee)

- “ Les Caborn
- “ Richard Chattaway
- “ Michael Doody
- “ Pat Henry
- “ Barry Longden
- “ Brian Moss
- “ Mike Perry
- “ Ian Smith
- “ John Wells

1. General
(1) Apologies

Apologies for absence were received from Councillors Peter Barnes and Dave Shilton.

(2) Members Disclosure of Personal and Prejudicial Interests

Personal interests relating to any item on the agenda arising by virtue of the member serving as a District/Borough councillor were declared as follows:-

- (i) Councillor Les Caborn – Warwick District Council
- (ii) Councillor Michael Doody – Warwick District Council
- (iii) Councillor Pat Henry – Nuneaton and Bedworth Borough Council.
- (iv) Councillor Joan Lea – North Warwickshire Borough Council.
- (v) Councillor Brian Moss – North Warwickshire Borough Council.

Ian Marriott, Community & Environmental Legal Services Manager, was asked to give advice in relation to the position of Members who were or whose spouses were members of the Pension Fund when discussing pension issues. He informed members that the Standards Board had indicated that there was at most a personal interest if the Members or their spouses were already in receipt of a pension so that no decision could impact upon them individually. However, if they were in membership of the Fund and awaiting a pension, then a prejudicial interest would exist.

In accordance with that guidance, Councillors Les Caborn, Richard Chattaway, Michael Doody and Barry Longden disclosed prejudicial interests in connection with Agenda item 6. Councillors Ian Smith and John Wells disclosed personal interests in that item.

Councillor Brian Moss – Agenda item 6 – personal – as a member of the Warwickshire Pension Fund Investment Board.

Councillor Michael Doody – Agenda item 2(1) – personal – as the local County Councillor.

(3) Minutes of the meeting held on the 13th June 2006 and matters arising

(i) Minutes

Resolved:

That the minutes of the Regulatory Committee's 13th June 2006 meeting be approved and be signed by the Chair.

(ii) Matters arising

Nil.

2. Applications for Determination

(1) Bubbenhall Landfill Site – Amendment to Profile and Restoration of Landfill

The report of the Strategic Director for Environment and Economy was considered.

Mr. David Cobb, local resident

He was in the process of building a cottage that was within 120 yards of the mound and was within eight weeks of moving in to it with his family. Their existing cottage was located a further 150 yards away. They had experienced problems over two years earlier with vermin and flies from the site and they were therefore seriously concerned about the possibility of it cap being opened up again.

In response to a question from Councillor Moss, Mr Cobb confirmed that his home was a bungalow which Members had seen on their site visit. He added that the normal practice was for homes to be at least 250 metres away from a landfill and that the smell had gone when the mound was complete.

The Chair said that the local liaison committee between residents and the owners of the site might prove a useful vehicle for dealing with such problems.

Councillor John Border, Bubbenhall Parish Council

He said that a meeting of 45 local residents strongly objected to the proposals. There had been complaints of a lack of consultation over the proposals. Bubbenhall's ancient woodland was badly affected by litter from the site. An extension of the operation of the site by two times would make the impact on the area twice as bad. There was no need for an increase in landfill capacity. The purpose is better restoration and if there is an alternative way to achieve that in the same timescale, it should be pursued.

It was Green Belt land and it should be restored as soon as possible. The excessive settlement was put down to the high proportion of organic waste involved in the landfill but there was the thought that this had as much to do with inadequate compaction. The cap should not be breached if it was adequate and the compaction and cap could be dealt with specifically without additional waste. Raising the profile of the land by 10 metres was excessive and would only make the differential settlement worse. The increase was being proposed on very flimsy reasoning. He urged the Committee to reject the application.

In response to a question from Councillor Richard Chattaway on the consultation carried out, Jasbir Kaur, Development Manager in the Environment & Economy Directorate said that all adjoining property owners had been sent letters, site notices had been posted, the Parish Council had been consulted and an advertisement had been placed in the local paper.

Councillor Barry Longden asked whether the applicant had been sent details of more acceptable options.

Mr. Border said that the Parish Council had written to the County Council with suggestions. The remedial measures should take place within the existing 10 years; the extra 12 years were unnecessary.

Jasbir Kaur said that the Parish Council suggestions had been discussed at the last meeting. Hollows created by gas extraction would need to be re-opened, backfilled and recapped.

Councillor Doody remarked that other acceptable options could be achieved within ten years.

Mr. Border agreed that they could be achieved within 10-12 years, saying that the real issue was the integrity of the cap.

Councillor Steven Evans, Weston-under-Wetherley Parish Council

Weston-under-Wetherley was located right on the border with the site but the Parish Council had not been notified of the proposal. At the Public Inquiry in 1975 a categorical undertaking had been given that sand and gravel extraction would not take place in the south west but this had proven to be a total fabrication as the whole area had been quarried. There was no need for the extension. This was spurious excuse for profitable landfill. The site was in a once beautiful part of the Green Belt. Nature and earthworms would correct the situation on the site and already there had been a crop of wheat grown. It was perfectly possible to fill the gaps. There was no evidence of the need for further landfilling and the County Waste Strategy was going out for consultation in the Autumn. The Committee had implied at its last meeting that it would approve the application today and he wondered if the decision had already been taken.

Ian Marriott read out the appropriate minute: *“That the Regulatory Committee defer to their next meeting a decision on the planning application to vary the*

profile of the Bubbenhall Landfill Site, Western Lane, Bubbenhall to ensure adequate post settlement gradients are achieved to promote surface water drainage across the site and to alter the restoration scheme at the site to enable officers to draw up suitable conditions to be applied in the event of the Committee granting planning permission. and explained that this decision was taken after the majority had indicated that they were minded to grant but subject to officers looking into conditions and obligations.

Jasbir Kaur said that the statutory notice would have been issued within twenty-one days of receipt of the application and the application had been in for over sixteen weeks. There had been 40 hand delivered letters, five site notices, the application was on the County Council website, on deposit at Warwick District Council offices and in the public register in Warwick.

Councillor John Hammon, Warwick District Council

He said the proposals had not been brought to a public meeting of the Weston-under-Wetherley and Offchurch Parish Councils. It was a huge application with a commercial advantage which he calculated to be in the order of £80m-£100m. It had been supported very strongly by officers at the previous meeting, and the presenting officer had improperly put up site photographs after speakers had spoken.

The Chair reminded Councillor Hammon that if he had had any objections to the way officers had presented the matter at the last meeting he should have made those objections in writing at the time and should not be making such allegations now.

Councillor John Hammon, Warwick District Council

He referred to the site photographs displayed at the last meeting and said that they had been taken during a very wet May when puddles could be found on any farm. The proposal involved a huge commercial advantage. Reliance had been placed on an officer in the County Council with experience and the Committee should instead have asked for independent advice on the application. He asked whether the other letters of objection had been circulated.

The Chair confirmed that the other letters of objection had been circulated.

Councillor Chattaway reminded the meeting that the application had been debated for over two hours at the last meeting and asked Councillor Hammon whether there was anything that the Committee did not discuss on the last occasion which they needed to know before making a decision.

Councillor Hammon said that an independent firm should have been employed to assess the application.

Councillor Henry pointed out that it was normal procedure for the presenting officer to present the application (and show photographs) after the public had spoken and there was nothing improper in this.

Mr. Paul Green for Waste Recycling Group Limited

He said that the 250 metre limit related to landfill gas and Building Regulations take care of that. He was aware of Mr. Cobb's position and arrangements had been made to have an inert zone behind his house. Work would get closer on the eastern side of his property but this would be for a limited period of twelve months. The Applicant had produced a newsletter, made a presentation to Bubbenhall Parish Council and held a two day exhibition on site which had been attended by 25 to 30 people. The option proposed was the best possible and had the support of the Environment Agency. The issue of alternative options was critical. The consequences of the "do nothing" option had been spelt out in the application; coming back periodically to remediate patches would have more detrimental impact. It was not possible to double the rate of deposit to complete it inside ten years because the waste would not be available.

In response to questions from Members, Mr. Green gave the following information.

- he had not received any complaints about flies and odour through the Environment Agency nor Environmental Health
- some objections had been received from residents and these had been responded to immediately
- the applicant had plans and techniques for controlling vermin, odour and litter
- flies could be controlled through covering waste and pest control spraying
- the Environment Agency had looked at the contours and the scheme and confirmed that the proposal was the only way
- the waste industry had advanced since operations began, far better equipment was available for compaction and it was possible to be more accurate about compaction and settlement
- none of the speakers had come to the applicant with alternative proposals
- when areas were re-opened there would be active control of old waste
- the primary objectives were to stop water getting in and gas getting out through cap integrity
- increasing the depth of the cap would cause a lake so that water would threaten the cap
- he was satisfied that there were no alternatives.

During discussion of the application, Councillor Caborn asked if the officers had confirmed directly with the Environment Agency whether it had agreed the proposal. Jasbir Kaur said that she had done so and read from a letter from the Agency to the effect that the proposal was a satisfactory way of dealing with water. However, in response to questions from Councillor Wells, Mrs. Kaur confirmed that the Agency would only ever say that a proposal was sufficient to

satisfy their statutory objectives; it would not say (even if asked again) that that the scheme was supported over any other means of achieving that aim.

The applicant was offering the following community benefit in recognition of continuing environmental impact of the proposal:-

£30,000 for improved rights of way through Bubbenhall Woods

£40,000 community chest

£5,000 per year for the life of the operations on the site for highways maintenance and litter clearance from the verges in the vicinity of the site.

During discussion of the application, Members indicated that they were not persuaded that adverse environmental impacts of the nature and duration likely to result from the proposed scheme could be justified by the requirements of the settlement problem. The Committee took advice from Ian Marriott on whether their objections to the application were valid planning reasons for refusal and considered the suggestion of deferring a decision in order to obtain expert independent advice.

Councillor Barry Longden, seconded by Councillor Michael Doody, moved and it was Resolved, seven Members voting in favour and one against:

That the Regulatory Committee refuse the application on the basis proposed and that the officers draw up a detailed reason for refusal for its approval.

(2) **Brinklow Quarry – Facility for the Production of Loams, Soil Conditioners and Secondary Aggregates and Sale and Distribution of Imported Aggregate**

The report of the Strategic Director for Environment and Economy was considered and it was then Resolved:-

That the Regulatory Committee authorises the grant of planning permission for the production of loams, soil conditioners and secondary aggregates and sale and distribution of imported aggregate at Brinklow Quarry, Coventry Road, Brinklow, subject to the signing of a Section 106 Agreement covering vehicle routing and restriction upon vehicle numbers and to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director for Environment and Economy.

(3) Blabers Hall Farm, Fillongley – Importation of Green Waste for Composting on Site

The report of the Strategic Director for Environment and Economy was considered and it was then Resolved:-

That the Regulatory Committee authorises the grant of planning permission for the importation of green waste for composting on site and subsequent use of composted materials as fertiliser on land at Blabers Hall Farm, Fillongley, subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director for Environment and Economy and subject to the County Council receiving no further representations by the 13th July 2006 (the end of the public consultation period specified in the local newspaper)..

(4) Hampton-on-the-Hill, Warwick – Use of Incinerator for Animal Cremation

The report of the Strategic Director for Environment and Economy was considered.

Ian Grace, Principal Planner, informed the Committee that the Environment Agency had no objection. He also confirmed, in response to a question from Councillor Ian Smith, that neither Environmental Health nor the local residents had objected to the incinerator.

It was then Resolved:-

That the Regulatory Committee authorises the grant of planning permission for the use of land at Hampton Lodge, Henley Road, Hampton-on-the-Hill, Warwick, for the siting and operation of a mobile incinerator to cremate animals (domestic pets), subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director for Environment and Economy.

(5) Whitestone Infants School, Nuneaton – Erection of 2 Metre High Security Fence

The report of the Strategic Director for Environment and Economy was considered and it was then Resolved:

That the Regulatory Committee authorises the grant of planning permission for the siting of the proposed 2 metre high powder coated fence at Whitestone Infants School, Magyar Crescent, Nuneaton, subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director of Environment and Economy.

3. Appointments to School Governing Bodies

The report of the Strategic Director of Children, Young People and Families was considered and it was then Resolved:-

That the three Local Authority governor seats on the governing body for the new Woodlands Community Special School be allocated as follows:

Conservative Group	:	2 seats
Labour Group	:	1 seat

4. Any other items

Ian Marriott said that it was proposed to arrange a Committee visit to sites of interest as part of the training for Members during July and asked them to e-mail their availability to him.

Councillor Barry Longden asked whether it was possible to produce a computer based training package for Members to use at home. Ian Marriott said that he was looking into that possibility but he had not yet found anything suitable. He was also preparing a home tutorial package for members.

5. Report containing exempt

Resolved:

That members of the public be excluded from the meeting for the following item on grounds that their presence would involve the disclosure of confidential and exempt information as defined in paragraph 1 of Schedule 12A to the Local Government Act 1972.

Councillors Les Caborn, Richard Chattaway, Michael Doody and Barry Longden, left the room and took no part in the discussion on the following item.

6. Local Government Pension Scheme – Determination of Employer Policies

The joint report of the Strategic Directors of Performance & Development and of Resources was considered.

Dave Clarke, the Strategic Director, said that the external auditors would examine very closely any decision to change the policy established in 1998 not to grant extra membership upon termination of employment. They would want to see what value the County Council would gain from the change.

There were two other issues that the Committee were being asked to consider. The first was related to the recoupment of contributions from those fund members who had reached forty years membership and had been on a contribution “holiday” up to the 6th April 2006. From that date, all membership counted for determining the pension payable. The final issue related to tightening up the rules when the County Council would be prepared to grant the early release of pension benefit on compassionate grounds. The existing rule allowed this when the employee gave up work to look after a sick or aged relative. This was too wide because most scheme members could find themselves in that position. It was suggested that this should be limited to caring for a chronically ill spouse or partner.

He added that the Leaders Liaison Group had considered the three issues and their views was shown on the agenda management sheet. However, it was a matter for the Committee to decide.

It was then Resolved:

- (1) That the granting of extra scheme membership upon termination of employment be not approved;
- (2) That the employee contributions not made by employees during a ‘contribution holiday’ be not recouped; and
- (3) That the circumstances in which pension benefits should be released on compassionate grounds be limited to those where an employee is forced to give up work to care for a chronically ill spouse or partner.

.....
Chair of Committee

The Committee rose at 12.10 p.m.