

# Regulatory Committee

Tuesday, 3 March 2020

## Minutes

### Attendance

#### Committee Members

Councillor Mark Cargill (Vice-Chair)  
Councillor John Cooke  
Councillor Bill Gifford  
Councillor Anne Parry  
Councillor David Reilly

Councillor Clive Rickhards  
Councillor Kate Rolfe  
Councillor Jill Simpson-Vince  
Councillor Adrian Warwick  
Councillor Chris Williams

#### Officers

Jasbir Kaur, Planning Manager  
Helen Barnsley, Democratic Services Officer  
Ian Marriott, Legal Service Manager

#### Others Present

Niall Kelly (applicant for Item 3)  
Sean Matty (applicant for Item 3)  
Martin Blaydon (applicant for Item 3)

### 1. General

#### (1) Apologies

Apologies were received from Councillor Caroline Phillips and Councillor Bill Olnier.

The Committee wished it to be recorded that they all send their best wishes to Councillor Olnier. It was agreed that Helen Barnsley will ensure that this message gets to Councillor Olnier.

#### (2) Disclosures of Pecuniary and Non-Pecuniary Interests.

None

#### (3) Minutes of the Previous Meeting

The Committee agreed that the minutes of the Regulatory Committee meeting held on Tuesday, 4 February 2020 be signed by the Chair as a true and accurate record. There were no matters arising.

### 2. Delegated Decisions

The Committee noted the delegated decisions made by officers since the last meeting as presented in the report.

### **3. Planning Application: NWB/19CM022**

At the start of the meeting the Chair confirmed that the applicants were present in order to answer any questions from the Committee.

Tom Evans, Senior Planner presented the report to the Committee confirming that the application is for a new road sweeping recycling facility within the current landfill site. The application is seeking ten-year consent; it was noted that the original request was for permanent consent.

Members of the Committee were asked to note the following points;

- The proposed route for HS2 and the Birmingham interchange were shown to the committee who noted the location in relation to the application site.
- Following the end of landfill activities on the site, progressive restoration of the wider site has been ongoing for a number of years. The application site itself has recently been restored.
- Photos were shown to the Committee with the recently completed restoration; any new development, if approved, would mean that some completed areas would need to be re-developed.
- The application proposes 38 vehicle movements per day. The Committee noted that this would create a visual impact on the rural landscape.
- The application includes the addition of lighting at night which would create light pollution and be visible from surrounding rural areas. It was noted by the Committee that lights from the nearby M6 would also create light pollution in the area.
- Planning Policy supports associated waste developments on landfill sites while a site is active. Packington is no longer receiving municipal waste and is therefore not considered to be 'active'.

Tom Evans advised that as the application is new and not an extension to an existing permission, it is a backward step in the restoration of the site. Areas on site that have been completed as part of the restoration would have to be redeveloped should the application be granted approval.

The following points were highlighted to the Committee;

- There have been no complaints or objections raised in relation to this application
- Alternative sites were identified, but only partially assessed, by the applicants.
- The Site is in the West Midlands Green Belt
- There is no end date for the final restoration of the wider landfill site specified by condition.

- The wood shredding and composting operations have permission to operate only until August 2023.

Following questions to the applicant's representatives from Councillor Adrian Warwick and the Chair, it was confirmed that, if the application was not approved, the applicant had an existing facility at a Severn Trent site in Coleshill that could take the waste material; although there was the option that companies outside Warwickshire could also pick up the business. The contract with Seven Trent has now ended but the applicant is currently in negotiations to extend this contract. However, an extension may be temporary and thus aged plant at the site would not be replaced.

Councillor Clive Rickhards asked the applicants to confirm their justification for the very special circumstances stated in the application in order to gain approval for development in the Green Belt. It was confirmed that the applicants had undertaken alternative site assessments within a ten-mile radius and that no suitable sites for a road sweeping facility were identified.

It was noted that the applicant says that they had followed NPPF guidance in the assessment of alternative sites.

The applicants asked the Committee to note that Packington has a long history of accepting waste and that organic material removed from the road sweepings can go directly to the composting pad currently on site.

Warwickshire County Council has previously granted a 25-year consent for an anaerobic digester with associated poly tunnels and allotments for community use. The consent was never implemented and has now lapsed.

Following a question from the Chair, it was confirmed that the consent for the current composting and wood shredding expires in 2023 and that the applicants were exploring options for beyond that date an extension to the consent may be sought.

Councillor Dave Reilly noted that no Biodiversity Impact Assessment (BIA) had been carried out. It was confirmed by Tom Evans that a BIA is something that ecologists ask for. However, the application has been recommended for refusal, so the applicant was not asked to complete a BIA. If Members were minded to approve the application a condition would be added that requires a BIA.

Councillor Anne Parry expressed concern that North Warwickshire Borough Council has indicated that they would support the application with temporary consent, but the report identifies that the application contravenes the Core Strategy of the Borough Council.

It was confirmed by Tom Evans that the Borough Council's consultation response will have been debated at a meeting of the Borough Council's Planning and Development Board and that their officers and Members may have come to a different opinion to that of Warwickshire County Council Officers.

Members noted that the Borough Council states that they will support the application until 2023 and not the ten-year period applied for.

Ian Marriott advised that the grant of permission for an anaerobic digester for 25 years in 2014 was a material consideration in that it was a matter that the Committee needed to recognize and address and in that consistency in decision-making is desirable. The Committee would need to be clear whether it regarded that application as similar to the current application and, in so far as it was similar, what its reasons were for taking a different approach. However, provided that the Committee could explain its reasons, the previous decision was not in any way binding.

## **Debate**

The Chair moved the meeting into debate and confirmed the following points;

- There are existing facilities on site that are scheduled to end in 2023
- The application site is in the Green Belt
- The site is currently being restored after landfill work ended.

Councillor Adrian Warwick stated that he believed the application would constitute inappropriate development in the Green Belt; however, the area has been used similarly before and it is in an area that is about to go through huge development (HS2). Councillor Warwick stated that he was minded to support temporary consent but would require strong conditions around lighting and visual impact.

Councillor John Cooke stated that the application is not as straightforward as it might first appear. He agreed with the comments by Councillor Warwick but also saw the argument against and was at this point undecided. Councillor Cooke noted that an agreement has been made to restore this site and that work has started. If this application is approved that restoration is set back.

Councillor Dave Reilly stated that he would support the recommendation of the officers to refuse the application, stating that the application is inappropriate development in the Green Belt. The very special circumstances highlighted by the applicant are not very special circumstances, but decisions made on a business case.

Councillor Chris Williams stated that he was in full agreement with Councillor Reilly, and that his overriding reason for supporting the refusal of the application was that Green Belt is protected from development.

Councillor Anne Parry confirmed that she would be supporting the officer's recommendation to refuse the application. Councillor Clive Rickhards confirmed that he agreed with comments made by colleagues, confirming that he believed very special circumstances are not made out by the applicant's assessment of alternative sites.

Councillor Jill Simpson-Vince added that she felt that consideration was only being given to the application because the site was previously landfill but the site is now being restored. If this was just an application for a site in the Green Belt there would be no debate.

The Chair made the point that the fact that transport development was going to take place in the locality made it more not less important that the application site be protected.

The recommendation was proposed by Councillor John Cooke and was seconded by Councillor Jill Simpson-Vince. A vote was held, and the Committee voted unanimously in favour of supporting the officer recommendation to refuse the application for the reasons laid out in the report.

#### **4. Reports Containing Exempt or Confidential Information**

##### **Resolved**

That members of the public be excluded from the meeting for the items below on the grounds that their presence would involve the disclosure of confidential or exempt information as defined in Paragraph 2, Schedule 12A of the Local Government Act 1972 as amended.

#### **5. Exempt Minutes**