

Regulatory Committee

Tuesday 3 August 2021

Minutes

Attendance

Committee Members

Councillor John Cooke (Chair)
Councillor Parminder Singh Birdi
Councillor Yousef Dahmash
Councillor Sarah Feeney
Councillor Peter Gilbert
Councillor Christopher Kettle
Councillor Jan Matecki
Councillor Chris Mills
Councillor Richard Spencer

Officers

Ian Marriott, Delivery Lead - Commercial and Regulatory
Sally Panayi, Senior Planning Officer
Matthew Williams, Senior Planning Officer

Others Present

For Item 3

Jan Lucas – Chair of Bubbenhall Parish Council.
Andrew Brown – local resident
Agent - Pawel Zlocki – Hansen Group

For Item 4

Jackie Chapman – Clerk of Ufton Parish Council
Mike Harty – BIFFA Development & Planning Manager

1. General

The Chair explained to the committee how the meeting's logistics would work and what could legally be considered.

(1) Apologies

Apologies were received from:

Councillor Adrian Warwick who was substituted by Councillor Parminder Singh Birdi,
Councillor Justin Kerridge who was substituted by Councillor Yousef Dahmash,
Councillor Dave Humphreys who was substituted by Councillor Pete Gilbert,
Councillor Jeff Clarke who was substituted by Councillor Richard Spencer
Councillor Jill Simpson-Vince

(2) Disclosures of Pecuniary and Non-Pecuniary Interests

Councillor Christopher Kettle disclosed that the second application was in his division and he had responded to questions on the application before the meeting.

(3) Minutes of the Previous Meeting

The minutes of the previous meeting were accepted as a true and accurate record.

2. Delegated Decisions

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

3. Variation of condition 14 of planning permission WDC/17CM003 to revise the time limit by which inert waste disposal operations shall cease to no later than 08 May 2024 and the site shall be restored to no later than 31 December 2024 at Bubbenhall Quarry, Weston Lane, Bubbenhall, CV8 3BN

Sally Panayi (Senior Planner) presented the report and provided an overview of the application including its location and nearest buildings.

- The site restoration end period was originally extended from 2011 to May 2021 to allow gravel extraction to continue into 2016.
- The application proposed an extension of time for the completion of infilling the quarry void from May 2021 to May 2024 and for the completion of restoration from December 2021 to December 2024.
- The mineral processing facility to the south of the site (controlled and operated by Smith's Concrete) has permission to process minerals from Wolston Fields Farm until October 2024.
- The whole application site will become agricultural land when restored.
- An objection was received from Bubbenhall Parish Council and two local residents.
- No objections were received from the Environment Agency (EA), Warwick District Council-Environmental Health, Highways England, or Natural England.
- Refusal of the application would result in a need for waste clays and silts to be exported from the site for disposal at an alternative site, which would increase HGV movements out of the site.

In response to several questions from Councillor Jan Matecki, Sally Panayi stated that the remaining void was reserved to facilitate the disposal of waste from the wash facility at Wolston Farm. The original 1991 permission was varied to extend permission for the extraction of minerals from Bubbenhall until 2016. Such extensions are needed to keep up with changing situations in the extraction of minerals and to prevent mineral sites being sterilised.

Ian Marriott (Delivery Lead Commercial & Regulatory) added that any conditions imposed on planning permissions were subject to the landowner having the right to ask for a variation. Therefore, no condition is permanent/immutable and if the committee wanted applications not to vary then they would need to resort to something like a section106 agreement where there is no right of appeal. A time limit was still meaningful because it required applicants to justify why they need an extension. These developments operate long-term, so circumstances do change.

In response to Councillor Christopher Kettle, Sally Panayi stated that refusal of the application would mean that waste material from the processing plant would have to be exported for disposal at other sites which would increase HGV movement.

In response to Councillor Chris Mills, Sally Panayi stated that the void would be left unrestored if the application was refused which would leave the site in an unsafe condition given the nature of the silts and clays.

In response to Councillor Sarah Feeney, Sally Panayi stated that another planning application would be needed to raise the ground level higher than it was before; the void remaining has capacity for the waste from processing the mineral from Wolston until 2024 to restore to the original ground level. Sally Panayi confirmed that if the application was rejected and work continued beyond December 2021 without another application then there could be enforcement action.

Following a supplementary question from Councillor Matecki, Sally Panayi and Matthew Williams (Senior Planner) confirmed that this site only accepted material from Wolston Farm, accepting materials from other sites would require another application.

Following a supplementary question from Councillor Kettle, Sally Panayi stated that there was still topsoil on site to be spread.

In response to Councillor Parminder Singh Birdi, Sally Panayi stated that the conditions were monitored in liaison meetings with site representatives and the Parish Council; there were also monitoring and enforcement staff.

Public Speaking

Jan Lucas (Chair of Bubbenhall Parish Council) spoke against the application and stated that 'the Parish Council were dismayed that site restoration was delayed again and the proposal to extract sand and gravel from Glebe Farm aroused strong opposition from the village when it was proposed in 1990. Planning was granted in May 1991, on the condition that restoration of the site would be completed by 2011. In 2011 this was extended to May 2016 but completed in 2015 but a further extension allowed work to continue until 2021. Glebe Farm had not been restored and the application would delay restoration until 2024. The village and Parish Council regard this as unacceptable and requested that the committee grant a more limited extension to expedite the restoration of the remaining portion of the farmland.

Andrew Brown (local resident) noted the points raised by some members of the committee and stated that applicants should stand by what they said they will do. He stated that he was concerned that this site may not end if more extensions were granted.

Pawel Zlocki (Hansen Group – on behalf of Smith's Concrete) addressed concerns raised by the committee and stated that, 'this section 73 application sought permission to extend the end date to complete the restoration of Glebe Farm in accordance with the rest of the approved restoration scheme. The site had been restored using waste material from processing plants on site at Bubbenhall from Wolston Farm quarry. The planning permission to import material to Bubbenhall expires in 2024 as well as the Wolston quarry permission. Following a reserves reassessment at Wolston, Smith's Concrete applied for the 2024 extension to avoid sterilising the minerals at Wolston. This application is to time the end date for restoration of

the Bubbenhall site in line with the other permitted deadlines in 2024. There would be no greater impact on the environment or the local residents if the application was approved, and the site would be restored to agriculture in accordance with the approved restoration scheme. If rejected, then they would have to reassess their restoration scheme which would lead to more HGV activity to remove silt to an alternative location.

In response to Councillor Kettle, Pawel Zlocki stated that they had permission to extract 1.2 million tonnes of mineral from Wolston Fields, and this is brought to Bubbenhall for processing and the waste silts used for the infilling of the void.

In response to Councillor Pete Gilbert, Pawel Zlocki stated that site restoration was not realistically going to be finished before 2024 as processes could not be sped up.

Debate

Councillor Richard Spencer said that the site should not be extended in the future if this application was accepted.

Councillor Gilbert noted that it was important to listen to Parish Councils as they lived in the area. He added that this site having its applications extended did not support the local area.

Councillor Yousef Dahmash noted that he could not see a material reason why this application could be refused.

Councillor Kettle noted that as it was unknown how much material would be needed for site restoration, this made it unclear what would be finished by when and whether another delay would be requested. He proposed that this application be delayed until the exact figures were known. This was seconded by Councillor Matecki then by Councillor Mills after Councillor Matecki withdrew his support.

Councillor Judy Falp noted that she did not think deferring the application would stop it being accepted at a future meeting.

The Chair queried whether anything would change in a month if the item was deferred.

Ian Marriott informed the committee that they could delegate authority to the officers to grant planning permission, upon receiving satisfactory evidence to show that restoration completion was achievable within three years. The officers would do that in consultation with the Chair and Vice-Chair and this information could be circulated virtually to the committee. This could expedite the process and mean that the application would not have to come back to a future meeting.

Councillor Matecki proposed the suggestion made by Ian Marriott which was seconded by Councillor Falp.

In response to a suggestion made by Councillor Matecki, Ian Marriott suggested an additional condition be imposed requiring submission of a programme of works to enable milestones in the rate of infill and vehicle movements to be monitored to give early warning of any risk of failure to complete by the end of 2024.

If the officers believe that the information submitted does not show that the 2024 deadline would be met, then the application would be brought back to committee to decide what to do.

Councillors Kettle and Mills withdrew their proposal.

Out of 11 members present, 10 voted for the proposed resolution and one voted against. There were no abstentions.

Resolved

That the Regulatory Committee authorises the officers to grant planning permission to the applicants after receiving satisfactory evidence showing that the completion of restoration is reasonably achievable within three years.

AND

A condition be added for a timetabled programme to be submitted by the applicants to predict the rate of infill and vehicle movements to enable officers to monitor restoration rates and ensure they are completed by the end of 2024.

4. Amendment to site layout to increase size of the compost maturation pad – Ufton Hill Landfill Site, Southam Road, Ufton, CV33 9PP

Matthew Williams (Senior Planner) presented the report on the IVC (in-vessel compost) facility and provided an overview of the application including its location and nearest residents.

- The pad was part of the second stage of IVC
- The site had been operating for 10 years and had an additional pad implemented in 2013
- The application proposed that the layout of the composting pad be amended to increase the area to 4275 square metres, and include the addition of concrete retaining walls on the site 3.5 metres high
- Some weldmesh fencing boundaries of the pad and the relocated welfare facilities, would need some lights to be replaced to cover the 10 eight-metre-high lighting columns
- The site size would increase but the waste, commuting vehicles and operating levels will not
- Their soil was initially used as soil conditioner to help with site restoration but as the site had been fully restored, they wanted to be able to sell compost offsite
- Objections to this application had been received from Ufton Parish Council due to the existing smell and odour. The EA recently visited the site and did not substantiate the complaints. Operational measures on site to try to resolve odour and flies included a bio filter (a big expanse of chipped wood to reduce emissions) and a system of nozzles neutralising the site
- The changes would make the facility Pas100 (publicly available specification) industry standard

In response to Councillor Kettle, Matthew Williams stated that the site was sprayed regularly to reduce the fly issue. The lights needed to be expanded to follow the site expansion.

In response to Councillor Matecki, Matthew Williams stated that the application was to improve efficiency and the quality of the compost.

Public Speaking

Jackie Chapman (Clerk for Ufton Parish Council) spoke against the application and stated that 'there had been a long history of smells from the site, in 2015 there were 41 complaints against it. The EA were meant to visit the site in 2020, but this was delayed because of Covid-19. Smell complaints had risen over the years and the smell came in wafts and in one evening she swatted

132 flies.’ She continued that they did not have a regular spray and there should be more. Jackie Chapman asked for the committee to support regulation for smell and fly issues.

Mike Harty (BIFFA Development & Planning Manager) noted that ‘there were no objections from officers from the relevant fields and the only objection received was from Ufton Parish Council. When the EA visited in July 2021, they said that the fly increase was not because of their work, and they found no breaches. Increasing the site would make composting piles smaller which should reduce the smell and make pest control management easier.’

In response to Councillor Chris Mills, Mike Harty stated that they sprayed the site twice a week. Jackie Chapman added that the smell had existed since the site was set up; she reported the smell to Stratford District Council (SDC) who told them to contact the EA who told them to contact SDC.

In response to Councillor Dahmash, Mike Harty stated that they were frequently monitored by the EA, and they would say if they breached their permit.

In response to Councillor Kettle, Mike Harty stated that the in-vessel process should reduce the odour issue with its bio-filter.

In response to Councillor Matecki, Jackie Chapman stated that the Parish Council would like the appropriate conditions in place to manage the odour and smell if the applicant does not manage it.

Debate

Councillor Matecki stated that refusing the application would not reduce the fly and odour issues.

In response to Councillor Kettle, Matthew Williams stated that the EA would have to request more frequent fly extermination sprays as Warwickshire County Council does not have this authority. It was clarified that the council could ask the EA to investigate the issue further.

The Chair proposed authorising the application but adding that the council will ask the EA to investigate the issue.

The committee unanimously voted for this.

Resolved

That the Regulatory Committee authorises the grant of planning permission for the amendment to the existing site layout to increase the size of the compost maturation pad and associated works, subject to the conditions and for the reasons contained within Appendix B of the report of the Strategic Director for Communities.

AND

Warwickshire County Council planning officers will ask the Environment Agency to investigate the issue of flies from the site further.

5. Confidential Minutes

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 3, Schedule 12A of the Local Government Act 1972 as amended.

6. Exempt Minutes of the previous meeting

The exempt minutes of the previous meeting were accepted as a true and accurate record.