

Planning and Regulatory Committee

Tuesday, 9 February 2016, County Hall, Worcester - 10.00 am

		Minutes
Present:		Mr R C Adams (Chairman), Ms P Agar, Mr A T Amos, Mrs S Askin, Mr P J Bridle, Mr S J M Clee, Mr P Denham (Vice Chairman), Mrs A T Hingley, Mr A P Miller, Mr D W Prodger, Mr A C Roberts and Mr R J Sutton
Available papers		The Members had before them: A. The Agenda papers (previously circulated); B. A copy of the summary presentations from public participants invited to speak (previously circulated); and C. The Minutes of the meeting held on 3 November 2015 (previously circulated). A copy of documents A-B will be attached to the signed Minutes.
922	Named Substitutes (Agenda item 1)	None.
923	Apologies/ Declarations of Interest (Agenda item 2)	None.
924	Public Participation (Agenda item 3)	Those representations made are recorded at the Minute to which they relate.
925	Confirmation of Minutes (Agenda item 4)	RESOLVED that the Minutes of the meeting held on 3 November be confirmed as a correct record and signed by the Chairman.
926	Proposed change of use from light	The Committee considered a County Matter planning application for a change of use from light industrial to a Sui Generis use to enable the receipt, transfer and temporary storage of asbestos in two sealed, free-

industrial to a Sui Generis use to enable receipt, transfer and temporary storage of asbestos in two sealed, free-standing metal containers, pending removal to a licensed waste facility as landfill waste. No treatment of asbestos waste will take place. Units 231-232, Ikon Trading Estate, Droitwich Road, Hartlebury (Agenda item 5)

standing metal containers.

The report set out the background of the proposal, the proposal itself, the relevant planning policy and details of the site, consultations and representations.

The report set out the Head of Strategic Infrastructure and Economy's comments in relation to the Waste Hierarchy, the Green Belt, location of the development, landscape character and appearance, residential amenity, health and safety and pollution control, and traffic and highways safety.

The Head of Strategic Infrastructure and Economy concluded that the proposal demonstrated accordance with the waste hierarchy and met very special circumstances for development in the Green Belt. The proposal accorded with the geographic waste hierarchy by being located in level 1 (the highest level). There would be no unacceptable adverse impacts on landscape character, health and safety, traffic and highways safety, or ecology and biodiversity.

Taking in to account the provisions of the Development Plan and in particular Policies WCS 1, WCS 2, WCS 3, WCS 6, WCS 8, WCS 9, WCS 10, WCS 11, WCS 13, WCS 14, WCS 15 and WCS 17 of the Worcestershire Waste Core Strategy, Policies GD 1, GD 2, SR 7, SR 9, RES 3, ENV 1 and ENV 23 of the Wychavon District Local Plan and the National Planning Policy for Waste, it was considered the proposal would not cause demonstrable harm to the interests intended to be protected by these policies, or highway safety.

The representative of the Head of Strategic Infrastructure and Economy added that the Government Inspector had reported that the draft South Worcestershire Development Plan was sound subject to modifications. The relevant councils were looking to adopt the plan in February 2016 therefore substantial weight could now be attached to these draft policies. He also recommended typographical changes to condition g) of the recommendation.

Mrs Abercrombie had been invited to speak but was unable to attend the meeting. Mrs Hewitt attended in her place and read out her submission. She commented that there were currently other asbestos waste storage sites which the applicant could use within Worcestershire at Bromsgrove, Worcester and Kidderminster. Therefore this site was not necessary and represented over

development in the Green Belt. The applicant had moved to this greenfield site 14 months ago from a site which was closer to Dudley landfill where they disposed of their waste, knowing fully that they would have the additional cost of transport to the Landfill site. There were other sites available to them which were closer to Dudley landfill which would reduce the cost of transport.

She added that crops were grown on the adjacent land which were for human consumption and no care or thought had been given to ensure that there was no cross contamination. Neither the applicant nor Worcestershire County Council had put in acquitted measures to stop this possible contamination. As such the landowner would be able to claim for compensation for loss of his crop from the County Council and the applicant as no protection had been put in place when planning permission was granted.

She commented further that this development would be in breach of Health and Safety guidelines which clearly stated that a one way traffic system must be in place to collect the containers, This was not possible at this site as it currently stands. The County Council was not utilising the current facilities within the County and wanted to open new ones within the Green Belt ,which were clearly against the wishes of district and parish councils.

In response to a query, Mrs Hewitt explained that the information set out in the presentation about other asbestos waste storage sites within a 15 mile radius of the site had been obtained from the Environment Agency. The representative of the Head of Strategic Infrastructure and Economy added that Kidderminster Household Waste Site was not permitted to accept waste from commercial companies.

Mr Pickett, the representative of the applicant addressed the Committee. He commented that Asbestos removal was a highly regulated process. All asbestos removal contractors must hold a licence issued by the Health and Safety Executive who stipulate extremely strict controls and ensured that they were adhered to. The company had a three year licence – the maximum, proving that it was among the best in the industry. Furthermore waste transfer stations were regulated by the Environment Agency, which issued the required permit. They stipulated the rules and carried out inspections. The health risks from poorly maintained or incorrectly handled asbestos were well known. Less so the practices that

ensured that the risk to the operatives, the public and the environment were miniscule. Of the consultees, only the District and Parish Councils had raised concerns. LFI (a food manufacturer on the Ikon Trading Estate who held a veto within the company's lease) had no objections, nor did Public Health England, the EA and HSE.

He added that the waste generated was thoroughly wetted with a solution containing a surfactant prior to removal from the premises. The waste was double-bagged in specially approved packaging, taped shut and vacuumed to remove any dust before the waste left the removal site. Thus no fibres could escape into the local atmosphere. The proposal complied with all HSE guidance and best practice, and waste was removed and transported in accordance with all relevant transport and environmental legislation. It was normal practice to consolidate waste for both environmental and commercial reasons, this was supported by the EA and the HSE. The EA required a comprehensive management plan, including waste acceptance and handling procedures and a robust emergency plan. The nearest transfer facility licenced for asbestos was in Dudley and there were no landfill facilities in Worcestershire. Currently, asbestos waste was left in vans overnight at the yard, which was legal and did not require permits or permissions. All containers would be completely full, maximising the environmental benefit by reducing the many hundreds of vehicle movements that currently carry out transporting waste. A plan had been submitted showing how all existing parking spaces could be relocated within the yard. This was merely temporary storage, before the asbestos was taken out of Worcestershire completely. This was a brownfield site and would be screened by the palisade fencing and a geotextile membrane, so not visible from outside the premises.

Following Mr Pickett's presentation, the following issues were raised:

- Mr Pickett confirmed that the waste was double-bagged, cleaned at the removal site, completely sealed and taken directly from the vehicle to the container
- There were different types of asbestos, some more hazardous than others, which type of asbestos would be handled at the site? Mr Pickett explained that approximately 70% of the asbestos was bonded asbestos which was low risk. The other 30% was from licenced removal for example

from schools and public buildings. All the waste was treated using the same processes

- In response to a query about lighting on the site, Mr Pickett explained that there was lighting on site and therefore additional lighting had not requested as part of this application
- Mr Pickett explained that at present, 3-5 vehicle movements per day were necessary to and from Dudley which represented a considerable cost to the business as well as significant CO2 emissions
- In response to a query about security, Mr Pickett stated that the company had been operating on this trading estate for five years and the site was very secure. The unit had palisade fencing on its perimeter and the main access had an electronically controlled gate. The containers were labelled as containing asbestos waste and there had not been any issues with break-ins at the site
- Had there been any issues associated with the regulation of the site? Mr Pickett indicated that the site had been licenced for seven years and had the necessary health and safety accreditations and no issues had been raised or improvement notices served by the relevant authorities.

In the ensuing debate, the following principal points were raised:

- The Chairman indicated that both himself and the Vice-Chairman had visited the site
- The application site was on an existing industrial estate, had a low flood risk and accorded with the waste hierarchy and the NPPF in relation to sustainable development. In addition, the special circumstances for development in the Green Belt had been met. The fact that this proposal would reduce vehicle movements was welcomed but there was a concern about the possible use of the local road network by HGVs leaving the site. Was there adequate signage to prevent HGVs using the local road network? The representative of the County Highways Officer commented that access to the site was via a main A road and the applicant's employees were aware of the most appropriate routes to use. She did not believe there was an issue with the signage for HGVs on the local road network but would look into the matter
- Although the concerns expressed by local residents about asbestos were understandable, the report made it clear that the Environment

Agency and the Health and Safety Executive were responsible for controlling the process on site and they did not object to this proposal. Indeed the applicant was one of a very limited number of companies granted a full three year licence. The site was clean and tidy and managed to a high standard. The bags would be sealed, vacuum cleaned at the removal and then transferred to sealed and locked units on site. Although the site was in the Green Belt, it was located on an industrial estate where industrial activities already took place. It was preferable to cut the number of vehicle movements and no objections had been received from the County Highways Officer. On balance therefore the proposal should be approved.

RESOLVED that planning permission be granted for the change of use from light industrial to a Sui Generis use to enable receipt, transfer and temporary storage of asbestos in two sealed, free-standing metal containers, pending removal to a licensed waste facility as landfill waste with no treatment of asbestos waste taking place at Ikon Estate, Droitwich Road, Hartlebury, Worcestershire, subject to the following conditions:

- a) The development must be begun not later than the expiration of three years beginning with the date of this permission;
- b) The development hereby permitted shall be carried out in accordance with the details shown on submitted drawings titled: 'Plan 2 – Location plan', and 'Plan 3 Detailed Site Plan';
- c) Construction works shall only be carried out on the site between 08:00 to 18:00 hours on Mondays to Fridays inclusive, and 08:00 to 13:00 hours on Saturdays with no construction work on Sundays or Bank Holidays;
- d) Asbestos Waste Transfer operations within the development (excluding the collection and delivery of containers) hereby approved shall only take place between the hours of 06:00 and 19:00 hours Mondays to Sundays inclusive, including Bank Holidays;
- e) The collection and delivery of containers within the development hereby approved shall

only take place between the hours of 08:00 and 17:00 hours Mondays to Fridays inclusive, no collection or delivery of containers shall take place on Saturday, Sunday, or on Bank Holidays;

- f) In the event of a cessation of use of this Waste Transfer facility, the containers and bunded area shall be removed from the site;**
- g) Prior to Asbestos Waste Transfer operations commencing, details of car parking areas to be provided within the site shall be submitted to the County Planning Authority for approval in writing. The approved parking areas shall be retained for the duration of Asbestos Waste Transfer operations.**

The meeting ended at 10.55am

Chairman