



PLANNING AND REGULATION COMMITTEE 2 JULY 2018

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors T R Ashton (Vice-Chairman), D Brailsford, L A Cawrey, Mrs P Cooper, G E Cullen, D McNally, Mrs M J Overton MBE, N H Pepper, Mrs A M Newton, S P Roe, P A Skinner and H Spratt

Officers in attendance:-

Steve Blagg (Democratic Services Officer), Andy Gutherson (County Commissioner for Economy and Place), Neil McBride (Planning Manager) and Martha Rees (Solicitor)

19 APOLOGIES/REPLACEMENT MEMBERS

Apologies for absence were received from Councillors S R Kirk, R B Parker and M J Storer.

The Chief Executive reported that under the Local Government (Committee and Political Groups) Regulations 1990, he had appointed Councillor Mrs P Cooper and G E Cullen to the Committee, place of Councillors S R Kirk and R B Parker, respectively, for this meeting only.

20 DECLARATIONS OF MEMBERS' INTERESTS

No declarations were made at this stage of the meeting.

21 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND REGULATION COMMITTEE HELD ON 4 JUNE 2018

RESOLVED

That the minutes of the previous meeting held on 4 June 2018 be agreed as a correct record and signed by the Chairman.

22 TRAFFIC ITEM

23 REVISED CCTV TRIAL EXPERIMENTAL AMENDMENT ORDER

Officers stated that since the publication of the report further representations had been received which officers had not had an opportunity to consider and therefore the Committee was requested to defer consideration of the report. In the meantime, the current Traffic Regulation Order would remain in place.

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PLANNING AND REGULATION COMMITTEE
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On a motion by Councillor D Brailsford and seconded by Councillor P A Skinner it was -

RESOLVED (unanimous)

That consideration of the report be deferred and the current Traffic Order remain in place.

24 TRAFFIC REGULATION ORDERS - PROGRESS REVIEW

The Committee received a report in connection with the latest situation of all current Traffic Regulation Orders and petitions received since the last report to the Committee.

RESOLVED

That the report be noted and the petitions be received.

25 COUNTY DEVELOPMENTS

26 TO VARY CONDITION 2 OF PLANNING PERMISSION S12/1294/17 TO INCREASE THE PERMITTED TONNAGE OF WASTE FROM 20,000 TONNES PER ANNUM TO 40,000 TONNES PER ANNUM AT BLUE SKY PLASTICS LTD, SOUTH FEN ROAD, BOURNE - BLUE SKY PLASTICS LTD - S18/0643

(Note: Councillor Mrs M J Overton MBE, arrived in the meeting before consideration of the planning application)

Comments made by the Committee and the responses of officers included:-

- There was a need to emphasise to the applicant the importance of abiding by the conditions to avoid a fire like that which had occurred at Barkston Heath as detailed in minute 27. Officers stated that there had been issues in the past at the applicant's site in connection with the storage height of plastics but the applicant had taken the necessary action to reduce the height to the conditioned height of 3m. Also, the site was being inspected by the Council's Enforcement Officers to ensure the applicant was complying with the conditions.
- What were the accumulative traffic movements on the South Fen Road as there was only a modest increase in traffic arising from the applicant's site? Officers stated that they had not got this information available as the adjacent scrap yard had been in existence for many years prior to planning controls coming in.
- It was noted that the Fire Prevention Management Plan was a requirement of the Environment Agency permit for the site and a condition of an earlier planning permission for the site but to date it had not been formally approved by the Agency or Planning Authority. Agencies should be working together to prevent fires. Officers stated that the issue of Conditions attached to Environment Agency Permits and planning conditions was a grey area as they should not duplicate each other. It was not known why the Agency had not

taken any action to secure the submission of the Fire Prevention Management Plan. Officers stated that they were working with the applicant to confirm the current level of tonnage and this was the reason for Condition 2(a) in the recommendations.

- Did the applicant have the storage capacity to store the increase in plastics and electrical waste as they posed a significant fire risk? Officers stated that the applicant was confident that this could be achieved without increasing the areas of permitted storage or exceeding the permitted heights of the stockpiles. This would be subject to checks when the site was inspected.
- Could the applicant be asked to make a contribution towards for the cost of maintaining the South Fen Road due to the increase in traffic to and from his site? Officers drew the Committee's attention to the comments of the Highway's Officer detailed in the report which stated that the proposed small increase in traffic movements arising from this application could not be considered severe as required in the National Planning and Policy Framework.
- Was there sufficient capacity at the site to cope with a doubling of capacity at the site? Officers stated that the applicant was content that he had sufficient capacity at the site and proposed to operate in the existing permitted area. Officers again emphasised that if there were problems with throughput then they had the ability to take enforcement action.

A motion moved by Councillor P A Skinner, seconded by Councillor N H Pepper, that the application should be deferred until such time as the receipt of the Fire Prevention Management Plan and that when it was received the application should be brought to the Committee for reconsideration, was defeated on the casting vote of the Chairman by 5 votes, 6 votes against and 2 abstentions.

On a motion by Councillor D McNally, seconded by Councillor T R Ashton, it was –

RESOLVED (7 votes for, 5 votes against and 1 abstention)

That planning permission be granted subject to the conditions detailed in the report.

27 PLANNING ENFORCEMENT PROSECUTION

The Committee received a report in connection with a joint prosecution taken out by the County Council and the Environment Agency under the Town and Country Planning Act and the Environmental Protection Act against Mid UK Recycling Ltd for a serious fire at Barkston Heath, Wilsford. Details of the fine and the costs imposed were detailed in the report. It was also noted that Mid UK Recycling Ltd had agreed to pay the Council's Fire and Rescue service costs of £230,000 for attending and managing the fire.

Comments by the Committee and the responses of officers included:-

- What was the maximum fine that could be imposed in these situations? Officers stated that there were different levels of fines imposed in connection with enforcement matters. In this particular case the Court had found it difficult to know what fine to impose on the planning breaches and therefore had had to

make a judgement on the impact of the case based on the severity of the incident and fines which could be imposed under sentencing guidelines. Officers initially had considered the penalty imposed too lenient but noted that the applicant had to pay compensation to the Fire and Rescue Service for the cost of the fire and had also paid compensation to local businesses.

- Officers stated that Magistrates Courts found it difficult to impose huge fines but noted that the applicant now had a criminal record.

RESOLVED

That the report be noted.

The meeting closed at 11.12 am