

My ref: H/5002/18/CW
Your ref:

Date: 07 November 2018

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**Place and Economy
Environment and Commercial**

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Dear Professor Lake

As per my original holding response e-mail of 8 October 2018 and my further updated response of 25 October 2018 (both attached for ease of reference), I can confirm that we have considered all your concerns set out in your original e-mail dated 8 October 2018. Furthermore, I can confirm that these points have also been considered alongside those of the Parish Council and Warboys Landfill Action Group (WLAG) in relation to their pre-action judicial review concerns.

Whilst we can acknowledge the concerns you have raised in your e-mail dated 8 October 2018, it is important to note that the Planning Committee minutes are not intended to be verbatim or a transcript of the meeting. Furthermore, these have already been signed off by members of the Planning Committee as they were considered representative of the meeting that took place. What we have done as officers therefore has been to look at whether any of your points strike to the heart of the decision making process and whether there is a need to update the minutes as a result.

Taking each of your points in turn, I have set out the view of officers (planning officers and democratic services officers) to provide an audit trail of our consideration of your concerns:

(1) You believe that the minutes as currently approved suggest there would be a risk of libel, as you consider the reference to the 'company' within the published minutes to mean the 'applicant'. Having read this back, we consider the intention of the record is for the 'company' to not mean the 'applicant', otherwise we would have stated the applicant again within our text. As such, we do not consider a change is required, but duly note your concerns on this matter.

(2) As the minutes are not intended to be verbatim or a transcript, we consider the text as written was an interpretation of what was said by the applicant and what Members took to understand from the applicant. Nonetheless the matter is

a moot point, as members of the Planning Committee were clear that the Environment Agency's permit application is a separate regulatory regime that has no bearing on the land use planning matters and therefore had no influence on their decision. As such, whilst your points are noted, they are considered irrelevant to the decision and no changes are recommended to the approved minutes on that basis.

(3) The point made about the presenting officer misleading the Planning Committee is not accepted. Having checked the minutes of the meeting the presenting officer at no point made reference to the amount of 1,200 litres per hour. It is agreed that this reference is in the officer's report and this figure is based on the amount per evaporator. However, the air modelling has taken account of the full processing capacity of 6 x 1,200 litres per hour and whether this emits from one chimney or six, the total being considered remains the same. Furthermore the officer's report was clear where land use planning matters had been considered for air quality, and the environmental concerns that fall to the EA permit to consider - which we consider to be the case here.

(4) The other inaccuracy raised about whose website held details of the waste water from the food and plastics industry is also noted. Officers have taken a similar perspective to your point (1) in that it is not precisely what you said. However, once again, when you take the important point about the type and source of waste water, we consider that this key information is portrayed and shows that this was considered by members of the Planning Committee. As such, like point (1) above, whilst we do not consider that this poses a fundamental issue that requires a change to be made, we have duly noted your concerns on this matter.

For the reasons set out above, we do not consider it necessary to change the approved minutes of the meeting. Nor do we consider that the approved minutes (which are neither verbatim nor a transcript of the meeting) are not representative of the main points and considerations that took place. However, in light of correspondence we have had with Warboys Parish Council and WLAG we are looking to refer this matter back to committee on two specific points, namely (i) that relating to potential noise experienced by caravan occupants; and (ii) the effects of water vapour releases on local atmospheric conditions. The points raised in your complaint will not be dealt with at committee as it is the Council's view that these matters have properly been dealt with. However, a copy of your complaint and this response will be made available to members as part of the officer's report and therefore members will be made aware of the concerns you have raised. This further consideration will not involve a full rehearsing of the entire application scheme but only a consideration by the Council as to whether, in the light of that additional information there should be any change to the decision they have made. This additional information will be reported to committee at the next committee on Thursday 13 December and a short report dealing with the two points set out above will then be considered; this report will be made available in the usual way on the Planning Committee website pages. The agenda and the planning officer's report will be published 6 working days ahead of the meeting.

I hope that this clarifies the situation and will satisfy your concerns raised.

Yours sincerely

A handwritten signature in black ink that reads "EC Fitch". The letters are cursive and slightly slanted.

Emma Fitch (Miss)

Joint Interim Assistant Director, Environment and Commercial

Enc. E-mail correspondence from 8 and 25 October 2018.