

Wiltshire Council

Overview and Scrutiny Management Committee

5 June 2018

Westbury Advanced Thermal Treatment Plant: Response to a public request for review by Overview and Scrutiny

Purpose

1. To respond to the request from members of the public at OS Management Committee on 20 March 2018 regarding overview and scrutiny input on the Westbury Advanced Thermal Treatment (ATT) Plant.

Background

2. On 20 March 2018 members of the public presented a petition to OS Management Committee regarding the ATT plant proposed in Westbury. Members of the Westbury Gasification Action Group (WGAG) spoke and their full statements are attached (Appendix 1). The main points made are summarised below.
3. Having heard these statements, OS Management Committee resolved that the Chairman and Vice-Chairman of the Committee should discuss the potential for scrutiny work in this area with the relevant cabinet members, officers and select committee chairmen and vice-chairmen before making a decision.
4. The following councillors and officers met to discuss this issue on 16 May 2018:

Cllr Graham Wright	Chairman, OS Management Committee
Cllr Alan Hill	Vice-chairman, OS Management Committee
Cllr Christine Crisp	Chairman, Health Select Committee
Cllr Gordon King	Vice-chairman, Health Select Committee
Cllr Matthew Dean	Chairman, Environment Select Committee
Cllr Robert Yuill	Chairman, Waste Contracts Task Group
Cllr Toby Sturgis	Cabinet Member, Planning & strategic asset management
Cllr Bridget Wayman	Cabinet Member, Highways, transport and waste
Cllr Jerry Wickham	Cabinet Member, Adult social care, public health and public protection
Martin Litherland	Head of Waste Management, Waste and Environment
Gary Tomsett	Public Protection Team Leader, Public Health
Mike Wilmott	Head of Service, Development Management
Henry Powell	Scrutiny Lead, Legal and Democratic

Main considerations

5. In 2015 Hills Waste obtained planning permission for the development of an ATT in Westbury. In 2018, Hills put forward revised plans for the proposed ATT plant. After careful examination, the council concluded that due to the significant differences in design, bulk, height and external appearance compared to the extant planning permission, a new planning application would be required. This has since been submitted and is being considered and consulted on by the council. It is likely to be determined by the Strategic Planning Committee.
6. The public statements made at by Management Committee on 20 March 2018 asked Wiltshire Council to take a coordinated view of the public health, waste management and planning aspects of the ATT plant proposed for Westbury. Key statements made by the speakers are included below, along with relevant information provided in response:

Statement	Comment
<p>a) Since the Westbury incinerator was given planning permission in 2015 new research has highlighted the adverse effects of these particulates on human health.</p>	<p>As local planning authority the council will consider whether the development is an acceptable use of the land.</p> <p>Waste Gasification processes of the nature and size proposed are subject to Environmental Permitting by the Environment Agency. Such permits prescribe how the operator must limit and control emissions to air, water, and soil. They also control issues such as noise. Any permit would be issued under the terms of the Industrial Emission Directive and Waste Incineration Directive. These prescribe maximum emissions to air and both continuous and periodic emission monitoring requirements. Permits must be advertised and are subject to public consultation. It is understood that the Environment Agency will be undertaking an extended period of public consultation. The local authority is also consulted and can raise concerns about any cumulative impact on local air quality where appropriate.</p>
<p>b) Parliamentary select committees have recently concluded that air pollution is a national health emergency, resulting in tens of thousands of early deaths and costing billions of</p>	<p>The focus of the parliamentary select committee report was road traffic emissions.</p> <p>Air quality objectives contained in UK air quality regulations are health-based. The concerns that exist locally are recognised and since the declaration of the Air Quality</p>

Statement	Comment
pounds in health impacts each year.	Management Area (AQMA) on Haynes and Warminster Roads in Westbury in 2001 an extensive body of evidence on the health effects of pollutants on health has accumulated nationally. The council is committed to working toward achieving the annual mean objective for nitrogen dioxide in Westbury.
c) They say at a local level this should be monitored by <i>local authority Directors of Public Health and through NHS organisations</i> . Better information about air quality is also needed at a local level.	The council's Public Health and Protection Services currently monitor air quality on the Haynes and Warminster Roads using nitrogen dioxide monitoring tubes. It also plans to locate an indicative Osiris particulate monitor in Westbury for a period of time. The council's air quality monitoring is reported in an Annual status report to DEFRA in June each year and these reports and air quality data can be found at http://www.wiltshireairquality.org.uk/
d) They recommend that air pollution levels should be monitored at key spots within local communities—for example near schools, hospitals and care homes—and the results clearly communicated to local residents and service users to provide the public with the information they need to press their elected representatives for further changes at a local authority level.	Vehicle exhaust emissions are the major source of pollution. This has led to declaration of AQMAs across the country. Public Health and Protection Services have identified exceedances of the nitrogen dioxide annual mean objective on Haynes and Warminster Roads and therefore that has been the focus of our monitoring. No other areas in the town have been identified as at risk of breaching air quality objectives. However, the council keeps its monitoring programme under regular review and in recognition of local concerns it plans to relocate the Osiris indicative particulate monitor following service and calibration. Suitable sites are currently being investigated.

7. The speakers asked the **council** to:

Statement	Comments
a) Undertake careful scrutiny of the decision regarding whether or not amended plans for plant represent 'minor material changes' that	Having scrutinised the plans, the council has determined that they are not a minor material change under Section 73 and therefore require a new planning application. This has now been submitted and is likely to

Statement	Comments
may be submitted under Section 73.	be considered by Strategic Planning Committee.
b) Consider the changes to the environment since the original plans were submitted i.e. large housing developments nearby.	The new application will consider any relevant changes in planning terms to circumstances since the original permission was granted.
c) Consider the cumulative impact of existing and proposed waste disposal facilities on the well-being of the local community to be considered (given issues relating to the current waste facility at Northacre)	See information above.
d) Revisit the environmental and public health impacts of the proposed incinerator	The council's Environmental Protection and Public Health teams will be consulted on the planning application and their comments will be reflected as appropriate in the planning officer's report. The Public Health team will engage with Public Health England to inform its response.
e) The council's Public Health team to look at the levels of cardiovascular and respiratory diseases in Westbury compared with other towns in Wiltshire.	A study will take place assessing the admissions and mortality rates for a number of Lower Layer Super Output Areas ¹ (LSOA) surrounding the site. These will be compared to a Wiltshire figure and several control areas (areas with a similar age and deprivation breakdown).

8. The petition/speakers asked **OS Management Committee** to:

Statement	Comments
a) Ensure that any impact statements from the waste contracting company or recommendations from the public health and waste teams are based on sound, up-to-	The Environment Agency examines the emissions impact of agreed sites under its permitting regime (see 6 a) above).

¹ LSOAs (Lower-layer Super Output Areas) are small areas designed to be of a similar population size, with an average of approximately 1,500 residents or 650 households.

Statement	Comments
date and impartial scientific evidence.	The council's Environmental Protection and Public Health teams are consulted on planning applications.
b) Seek the advice of Air Quality and Waste Management experts from outside the Council.	The council's Environmental Protection and Public Health teams have the necessary expertise and will also be liaising with Public Health England.
c) Scrutinise who will carry out impartial health studies for the proposed plant and who will reassess and scrutinise the air quality and health impact assessments and environmental statement that the waste contractor's consultants produced with their planning application in 2015 and who will assess any new ones that may arise under a revised planning application.	See 6 a) above.
d) Prioritise the Environment Select Committee decision on March 13 th to undertake a piece of work on the contribution waste plants and associated logistics make to emissions in Wiltshire.	Environment Select Committee is due to receive a briefing note from the Director for Waste and Environment on 26 June 2018. The note will include a proposal that scrutiny input be considered from January 2019, once amendments to national policy have been implemented.
e) Add value to any decisions made by the Environment Select Committee to resource a visit from the Environment Agency and more importantly, by WRAP or, Waste and Resources Action Programme. WRAP support local authorities in England to assess the business case for implementing collection services. WRAP meets the full revenue cost of providing technical support.	<p>The Environment Agency is consulted on any flood risks posed by planning applications and, in this case, would also examine the emissions impact under its permitting regime (see 6 a) above)</p> <p>WRAP were involved in an initial assessment of waste collection operations and potential modifications prior to the procurement of Waste Management and Waste Collection services (these new contracts commence 29 July 2018).</p>
f) Ask Environment Select Committee to visit a bio-	Members of the Environment Select Committee visited a Mechanical Biological

Statement	Comments
<p>digester plant and liaise with Swindon Borough Council who support a local business developing and running a plastic to oil enterprise.</p>	<p>Treatment plant at Northacre in Westbury as part of its work on the council's Waste Management Strategy (currently still in draft form).The Committee has not explored work regarding plastic-to-oil enterprise. However, this could be included in considerations regarding future scrutiny of plastic waste management.</p> <p>New waste collection services to be implemented from 29 July 2018 will provide Wiltshire residents with greater opportunities to recycle a wide range of post-consumer plastic at the kerbside, with the inclusion of plastic bottles, pots, tubs and trays, drink and food cartons.</p>

Proposal

9. In light of the information presented above and the discussions held with officers, cabinet members and scrutiny chairmen and vice-chairmen on 16 May 2018, it is proposed that the Committee:
 10. Does not consider that scrutiny can add value on this matter at present, given:
 - The new application's status in the planning process and confirmation that all relevant changes to circumstances since the original application will be considered;
 - The roles of the Public Health and Environmental Protection teams in commenting on the public health and environmental impacts of the planning application;
 - The role of the Environment Agency in prescribing ATT plants' maximum emissions and emission monitoring arrangements and the requirement for public and local authority consultation on the award of the permit;
 - The council's plan to locate an Osiris indicative particulate monitor in Westbury following service and calibration.
 11. Notes its thanks to the members of the public for their engagement in the overview and scrutiny process and for putting this matter forward for the committee's consideration.
 12. Notes that Overview and Scrutiny at Wiltshire Council welcomes all public engagement on this matter and any further suggestions of topics for inclusion on its forward work programme.
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Cllr Graham Wright, Chairman of Overview and Scrutiny Management Committee

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Appendices

Appendix 1 Statements made by members of the public at OS Management Committee on 20 March 2018