

**CABINET
19TH NOVEMBER 2020**

PRESENT: The Leader (Councillor Morgan)
The Deputy Leader (Councillor Barkley)
Councillors Bailey, Bokor, Harper-Davies, Mercer,
Poland, Rattray, Rollings and Smidowicz

Councillor Seaton (Items 6 and 7)

Chief Executive
Strategic Director; Environmental and Corporate
Services
Strategic Director; Commercial Development,
Assets and Leisure
Head of Strategic Support
Head of Planning and Regeneration
Team Leader Building Control
Team Leader Regeneration and Economic
Development
Regeneration and Economic Development Officer
Senior Planning Officer (Policy)
Information Development Manager
Democratic Services Manager
Democratic Services Officer (LS)

APOLOGIES: None

The Leader stated that this meeting was being livestreamed as a public meeting and would also be recorded and the recording subsequently made available via the Council's website. He also advised that, under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, other people may film, record, tweet or blog from this meeting, and the use of any such images or sound recordings was not under the Council's control.

48. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

No disclosures were made.

49. LEADER'S ANNOUNCEMENTS

No announcements were made.

50. MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 15th October 2020 were confirmed as a correct record.

51. QUESTIONS UNDER CABINET PROCEDURE 10.7

B. Nunn – 2020 Air Quality Annual Status Report/Monitoring Equipment/Waste Incinerators

“Please would the Cabinet Leader respond to my question in the context of the Air Quality Annual Status Report 2020.

Note:

https://www.charnwood.gov.uk/files/documents/2020_annual_status_report_asr/Charnwood%20ASR%202020.pdf

“One aspect of our monitoring that we need to be mindful of is the ageing life of our monitoring equipment. Unfortunately, we have again experienced issues with our automatic NO2 analysers this period that has meant insufficient data capture for inclusion within this report. The remaining longevity of existing equipment, some of which has been in operation since 2007, is now becoming a significant consideration when planning flexibility to cover future air quality requirements in the borough.”

1. The 2020 Air Quality Annual Status Report published by the Borough Council in fulfilment of Part IV of the Environment Act 1995 Local Air Quality Management states that “we need to be mindful of is the ageing life of our monitoring equipment”. It then refers to difficulties experienced issues with our automatic NO2 analysers and equipment that is over twelve years old. Air quality is of increasing concern to residents and whilst we have nothing but admiration for our professional environmental officers, does the Leader agree that they, and the public, deserve air quality monitoring equipment of standard we can all rely on?
2. Despite the progress made to restrict NO2 emissions to below 30 µgm3 across the Borough, which is appreciated, many people are concerned about emissions from chemical and industrial processes and none more so than from Waste Incinerators like the Newhurst EfW currently under construction in Charnwood as well as others within range of the borough. Could the Leader therefore tell me what instrumentation we are able to dedicate to measuring emissions that are likely to be generated within such plants?
3. In Appendix E (Page 76) the table refers to Particulate Matter (PM10) 50 µg/m3 , not to be exceeded more than 35 times a year 24-hour mean 40 µg/m3 Annual mean. Whilst the owners of incinerators, together with the Environment Agency, are responsible for monitoring emissions within the plant, what emissions are the Borough independently responsible for monitoring in the wider community and do we currently have the adequate equipment and resources to do so?
4. I note that the 2020 Air Quality Report (Page 19 3.2.3) states “Charnwood Borough Council do not undertake any local monitoring of PM2.5 As outlined in section 2.3; consideration will be taken via several available indicative data sources as well as local knowledge for us to identify any localised ‘hot-spots’ that may be, or become, potential areas of concern. As Particulate matter comes in very fine measures, what does the law require the Council to measure and will the council measure outside that range as it appears that the finer the particles the more likely they are to accumulate in the surrounding population?”

5. Noting the significant public concern, and particularly over the long term effects of waste incinerator emissions, will the Borough Council be monitoring the change in air quality before and after the Newhurst EfW plant becomes operational?"

The following response had been published prior to the meeting:

1. *The Council will continue to meet its obligations under Part IV of the Environment Act 1995 for the Review and Assessment of Local Air Quality within the borough of Charnwood. This is undertaken by officer assessments based on national predictions of air quality emissions linked to any significant changes occurring within the borough. Additionally, to support this work, monitoring is undertaken where it is predicted that the national air quality objective limits may be exceeded. In relation to nitrogen dioxide, real time analysers were located at Syston and Loughborough Town Centres. In addition to this there is a network of 53 diffusion tubes at 49 locations across the borough, which have shown a significant decline of emissions over the past 10 years and resulting in no areas across the whole of the borough exceeding the annual average limit of 40µgm-3. The real time nitrogen dioxide monitors have been operating for 12 years and the Council is considering the need to continue to operate these or determine alternatives. For nitrogen dioxide monitoring the diffusion tubes are nationally accepted as a suitable monitoring methodology and this will continue. The Head of Regulatory Services is currently reviewing the air quality monitoring being undertaken, to ensure that the Council can continue to assess air quality levels in line with the statutory requirements.*
2. *In relation to specific industrial sources, the potentially most polluting processes are controlled through the Environmental Permitting Regulations (England and Wales) Regulations 2010. Environmental Permits are issued to relevant processes either by Charnwood Borough Council or the Environment Agency for the larger processes. All the current Permits for the industrial process issued by the Council are detailed on the Council's website. The Permits include any emission limits, checks and monitoring requirements. The most effective way to monitor emissions from the larger processes is from within any chimneys or stacks. This enables the levels to be determined at the final emission point. For emissions from Waste Incinerators, these are controlled by the Environment Agency, who determine the extent and level of the monitoring being undertaken. The current Permit details a very wide range of emission limits that are applied. The Council does not have responsibility to undertake the specific monitoring for such Waste Incineration Processes. The Council has continued to monitor nitrogen dioxide levels close to the Newhurst EfW facility, using the network of diffusion tubes, linked to road traffic emissions. This will continue to determine levels of nitrogen dioxide in the area. The Council will continue to review air quality and if it is felt that additional monitoring is required to further assess levels in locations likely to exceed the national limits, then this will be considered.*
3. *In relation to Particulate Matter PM10 (particles less than 10µm diameter), the Council is currently responsible for reviewing and assessing such levels and determines if there are likely to be any exceedances of the National Air Quality*

Objective Limits as outlined. At the current time the Council only monitors for PM10 in Mountsorrel and for emissions from the Mountsorrel Quarry. At the moment levels are well below the national limits. The Council has not determined any other location across the borough likely to exceed PM10 levels and is, therefore, not required to undertake any further monitoring. These requirements are reviewed and reported to the Government within the Annual Status Report.

4. *In relation to particulate matter, the Council is currently required to review and assess air quality levels for PM10. Monitoring is only then required where officers predict that the national air quality objective limits are likely to be exceeded. The need for this is reviewed by the Government on an annual basis through the Annual Status Report. The Council is aware that the Government is proposing to introduce new requirements for air quality under the Environment Bill, which may include the assessment of PM2.5. Should this become a legal requirement, this will be undertaken by the Council. If monitoring is then deemed necessary, officers will determine what this will require and the locality to ensure it meets the national guidelines.*
5. *As detailed above, the Council does monitor for nitrogen dioxide levels across the borough and also in the locality of the Newhurst EfW facility. This will continue after the development has been completed. The Lead Member for Regulatory Services is aware of such public concern and is reviewing the implications of any additional monitoring with the Head of Regulatory Services.*

52. BUILDING CONTROL ALTERNATIVE SERVICE PROVISION PROJECT

Considered, a report of the Head of Planning and Regeneration seeking approval to accept the request from North West Leicestershire District Council to undertake its Building Control Service under delegated powers (item 6 on the agenda filed with these minutes).

Councillor Seaton, Chair of the Scrutiny Commission, presented a report setting out the Commission's pre-decision scrutiny of the matter and recommendation (copy filed with these minutes).

The Head of Planning and Regeneration and the Team Leader Building Control assisted with consideration of the report.

Officers were thanked for their work in progressing this matter.

RESOLVED

1. that the work which has been done to date on the Building Control Alternative Service Delivery Project with North West Leicestershire District Council be noted;
2. that under Section 101 of the Local Government Act 1972, Sections 19 and 9EA of the Local Government Act 2000 and Regulation 5(2)(a) of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012, the grant of the delegation of authority to Charnwood Borough Council to deliver building control services on behalf of North West Leicestershire District Council

be accepted in accordance with the terms of a Delegation Agreement which is to be agreed by both Authorities;

3. that delegated authority to the Strategic Director of Community, Planning and Housing, to enable the negotiation and finalisation of the terms of Delegation Agreement with North West Leicestershire District Council Borough Council be approved;
4. that it be noted that the Head of Paid Service will, in accordance with powers vested in him in the Constitution and subject to Cabinet approval of the acceptance of the delegation of the function, make a decision to make the consequential changes to the establishment so arising;
5. that the report of the Scrutiny Commission be noted.

Reasons

1. To recognise the very significant amount of work undertaken by staff in both organisations over the last two years to provide a sustainable solution for the provision of Building control services in future.
2. To enable the transfer of service functions from North West Leicestershire District Council to Charnwood Borough Council.
3. To refine the detailed wording of the legal agreement and enable it to be signed.
4. To recognise the bringing together of the two Building Control teams will require a restructure that will add staffing to the establishment.
5. To acknowledge the work undertaken by and the views of the Scrutiny Commission.

53. SHEPSHED TOWN CENTRE PUBLIC REALM IMPROVEMENT PROJECT

Considered, a report of the Head of Planning and Regeneration seeking in principal approval of the scheme design for public realm improvement works in Market Place, Bull Ring, Hall Croft and Field Street in Shepshed town centre (item 7 on the agenda filed with these minutes).

Councillor Seaton, Chair of the Scrutiny Commission, presented a report setting out the Commission's pre-decision scrutiny of the matter and recommendation (copy filed with these minutes).

The Scrutiny Commission was thanked for its useful pre-decision scrutiny work both in respect of this and the previous item.

The Head of Planning and Regeneration and the Regeneration and Economic Development Officer assisted with consideration of the report.

Officers were thanked for their work in progressing this matter. The Leader also wished to thank former Councillor Eric Vardy for the valuable work he had undertaken on the project in its early stages.

In response to a question, it was confirmed that officers would look into how it was proposed to preserve heritage features of the area.

RESOLVED

1. that the draft project scheme design proposals, including the draft redesign option for Market Place, as outlined in Part B and Appendices 1 and 4 of the report of the Head of Planning and Regeneration be approved in principle;
2. that authority be delegated to the Head of Planning and Regeneration in consultation with the Cabinet Lead Member to make necessary modifications to the scheme design and specification in the period leading up to and during the submission of the Section 278 application in response to comments from the County Highway Authority;
3. that the phased approach to implementing the project, detailed in Section 14 Part B of the report of the Head of Planning and Regeneration, be approved;
4. that authority be delegated to the Head of Planning and Regeneration to accept £600k of grant funding for the project from the LLEP Business Rates Pool Fund;
5. that authority be delegated to the Head of Planning and Regeneration to seek out additional funding, as may be necessary, to deliver the whole scheme;
6. that authority be delegated to the Head of Planning and Regeneration to enter into a Section 278 Legal Agreement with Leicestershire County Council, along with any other contracts and legal obligations necessary, to prepare the scheme for implementation;
7. that authority be delegated to the Head of Planning and Regeneration to undertake a procurement process for a contractor and the required professional support services, as set out in Part B of the report of the Head of Planning and Regeneration;
8. that the report of the Scrutiny Commission be noted.

Reasons

1. To ensure that Members are in agreement with the draft detailed scheme design (including the redesign option for Market Place) in principle so that the final scheme drawings and specification can be completed and submitted to the County Highway Authority to secure the necessary approval to carry out works on the public highway and agree any necessary TROs in order that the final construction drawings can be prepared.

2. To enable further minor modifications to the final scheme drawings and specification to be made in response to any technical advice and requirements made by the County Highway Authority leading up to and during the Section 278 and TRO processes.
3. To ensure that a scheme of works can be prioritised and delivered in a phased way, within the available budget.
4. To enable the grant agreement relating to the approval of £600k capital funding from the LLEP Business Rates Pool Fund to be signed and used as match funding for this project.
5. To respond to the provisions of the Constitution that limit the delegated authority of Heads of Service to accept grant funding above £200k without separate Cabinet approval.
6. To obtain agreement with Leicestershire County Council that the proposed works can be undertaken on the public highway and that any other legal agreements and requirements to prepare the final scheme design for implementation can be secured.
7. To obtain the required Cabinet approval for a procurement process exceeding £500,000.
8. To acknowledge the work undertaken by and the views of the Scrutiny Commission.

54. ENTERPRISE ZONE - COVID 19 RECOVERY PROGRAMME

Considered, a report of the Head of Planning and Regeneration regarding the establishment of a Covid 19 Recovery Programme financed by the uplift in business rates from the designated Enterprise Zone sites in Charnwood (item 8 on the agenda filed with these minutes).

The Head of Planning and Regeneration and the Team Leader Regeneration and Economic Development assisted with consideration of the report.

Officers were thanked for their work in progressing this matter.

RESOLVED

1. that the business case for the delivery of the EZ Covid 19 Recovery Programme, as set out in Appendix 1 to the report, be approved;
2. that subject to the approval of the business case by the LLEP Board, Loughborough University is commissioned to deliver the Recovery Programme in accordance with the provisions, outcomes and milestones prescribed in the business case;

3. that delegated authority be given to the Strategic Director; Environmental and Corporate Services to agree the terms of, and enter into, a contract for the delivery of the Programme;
4. that the preference of the Enterprise Zone Implementation Group for the deployment of the balance of the Covid Recovery Fund to off-set the funding and borrowing costs associated with capital investment on Charnwood Campus be endorsed and supported.

Reasons

1. To permit the consideration and approval of the business case by the LLEP Board for the release of the necessary funding.
2. To engage a suitable partner with the appropriate experience, skills, capabilities and capacity to deliver the Programme.
3. To ensure performance targets are achieved, delivering value for money in the allocation of public funding.
4. To enhance the business case for the delivery of the proposed Medicinal and Synthetic Chemistry Research Centre and its capacity to deliver new jobs in the life sciences sector.

55. CHARNWOOD STATEMENT OF COMMUNITY INVOLVEMENT

Considered, a report of the Head of Planning and Regeneration proposing an updated Statement of Community Involvement. The Statement set out how the Council would consult on planning policy documents (including the Local Plan), engage with and support neighbourhood planning, and consult on planning applications (item 9 on the agenda filed with these minutes).

The Head of Planning and Regeneration and the Senior Planning Officer (Policy) assisted with consideration of the report.

Officers were thanked for their work in progressing this matter.

Reference was made to agenda page 176, protected characteristics, item 7 should read "Religion or belief". This would be corrected.

RESOLVED

1. that the Statement of Community Involvement in Appendix A of Part B to the report of the Head of Planning and Regeneration be adopted*;
2. that the fee proposal (detailed at paragraph 2.2 of Appendix A of Part B to the report of the Head of Planning and Regeneration) to charge an administration fee for requests to provide physical copies of consultation documents at a rate of £5 per document plus the printing cost be approved.

**This is a policy that falls within the Council's Budget and Policy Framework and will now be submitted to Full Council on 18th January 2021 for final approval.*

Reasons

1. To meet statutory timescales to update the Statement of Community Involvement every five years and ensure that the Council has modern and engaging approaches to plan-making consultations that are sufficiently flexible to enable plan-making to progress in the context of COVID-19 restrictions. Also, to set out the Council's approach to supporting neighbourhood planning and consult on planning applications.
2. To establish a new discretionary service charge as set out at paragraph 5.3 of the Council's Income and Charging Policy.

NOTES:

1. The decisions in these minutes not in the form of recommendations to Council will come into effect at noon on Friday, 27th November 2020 unless called in under Scrutiny Committee Procedure Rule 11.7. Decisions in the form of recommendations to Council are not subject to call in.
2. No reference may be made to these minutes at the next available Ordinary Council meeting unless notice to that effect is given to the Democratic Services Manager by five members of the Council by noon on Friday, 27th November 2020.
3. These minutes are subject to confirmation as a correct record at the next meeting of the Cabinet.