

STATEMENT TO SUSTAINABLE COMMUNITIES SCRUTINY PANEL 30/04/2019

Nicola Thompson

Hello, thank you for the opportunity to address this meeting.

As you have just heard, residents are fed up with how this council talks about air quality and pollution but fails to act on the real culprits.

Let me focus now on the Part B Environmental Permit which is the subject of this call-in.

The whole process of approving this Permit has been a farce.

Firstly, it was published prematurely, before documents were available online, apparently because of an officer error. I have emails detailing this.

Secondly, I have been told that Permits of this type rarely if ever attract a single objection. There were 36 objections to this application. The Council had no procedure in place to deal with them.

Thirdly, even after this Permit had been signed, reassuring emails were being sent by the head of the SLLP and senior regulatory officers saying it would be dealt with as a Key Decision and listed on the Forward Plan.

They had no idea it had even been signed, despite the fact that approval for this Permit had already been given, apparently in error, some 10 DAYS EARLIER, by a junior officer on whose desk it had landed.

Does this fill me with confidence that it had been properly considered? No.

I have reams of email correspondence on this issue and the dust emission incident of June 2018 which led to submission of this Permit application.

All can be summed up as follows: me and my ward councillors saying 'sorry to bother you but please tell me, what's going on?' Council officers coming up with contradictory answers and myriad explanations and excuses from numerous departments including environmental health, regulatory, the FOI and the SLLP.

As I see it, there are three things that need to happen:

1 a procedure needs to be implemented for consideration of environmental permits. I find it incredible that this is not already in place. What else is Scrutiny for if not checking on procedure and making sure it is robust? Surely, this is your job.

2 this permit needs to be revoked pending proper consideration. I have been provided with the officer notes regarding the application; they are not dated, there is no author, and they contain simple errors.

They fail to address the serious issue of operator competence which is in question following the dust emission incident of last June. They fail to acknowledge omissions in the application form.

The report before you at 3.4 states that *'The Regulations under which the Council issues Environmental Permits only allows consideration of this plant and activities and operations relating or associated with it.'*

This too is incorrect. The Environmental Planning Defra General Guidance Manual states that the operator's management systems, technical competence and history of regulatory compliance must be taken into consideration.

None of these get even a mention in the officer notes. Were these notes written by the same officer who asserts by email to residents in recent months ?Let me quote:

"whilst I consider the applicant's submission, I do not base my decision on other representations made"

and in another email to a resident,

"I have made my representation based on the information provided and own judgement, I do not allow this to be influenced by external groups."

If this officer, who I shall not name but who deliberately chooses to discount external views such as the 36 objections, had any input on approval of this Permit, then it needs to be reconsidered. The Defra guidance is clear: *"4.16 The authority cannot predetermine the outcome and must take account of any new information that emerges from the final consultation."*

3 at the very minimum, this Permit which was signed in error needs revising. Nowhere in the application does it refer to concrete batching, yet the Permit is approved for 'concrete batching activities'. Given that the Council is currently fighting a planning appeal against its correct refusal of concrete batching for a Cappagh subsidiary company on the site next door it beggars belief that one of the council's own officers is giving tacit approval for such activity on this site.

As residents, all we want to know is that proper procedures are in place and are properly followed. It appears in this case they are not. I find this deeply concerning and hope your scrutiny will help rectify what looks like a chaotic situation.