

**Cabinet Meeting: Monday, 04 November 2024**

**Question from: Clive Wilkinson**

**Question to: Cllr Durrans**

Given that Council officers on previous occasions have wrongly supported applications for an incinerator in Sowerby Bridge by Calder Valley Skip Hire, why are Cabinet allowing officers to make this decision again when there is clear precedent that such a decision should be taken by Cabinet.

The precedent is that when a similar EP application for an incinerator at Mearclough was decided, the Cabinet chose to make the decision due to the level of public interest and concern about the application. This level of public concern remains - there were 850 comments in the first round of consultation, plus all the Ryburn and Sowerby Bridge councillors as well as others in Greetland and Stainland, Skircoat etc are against it. Both local MP's are also against it. If this doesn't demonstrate a high level of public interest and concern then what does?"

Incidentally the Cabinet then refused the Mearclough application on the following grounds (among others)

Proximity to the Sowerby Bridge Air Quality Management Area  
NOX levels

Inability to properly regulate as the site would have 2 regulators (Environment Agency and CMBC)

These 3 reasons equally apply to the proposed site at Belmont as well as the fact that a government planning inspector, last July, has already refused an EP for that site due to its potential harm to human health and the environment - isn't that judgement in itself a reason why Cabinet should be involved now?"

## **Response**

The determination decision will be taken by the Assistant Director of Neighbourhoods. This decision will be based on a factual report of technical information submitted by the Environmental Health Team.

It is normal practice for officers to take determination decisions as it is the officers who hold the technical knowledge on the installations and the legislative framework.

Section 5 of Part 3 of the Council's Constitution (Officer Delegation Scheme) states at 5.7 (a) that Chief Officers shall have the power to carry out for their respective service areas the functions allocated to or dealt with within their service areas which are set out at Article 12. With reference to Section 5.7 (a)(i) the control of pollution or the management of aspects of air quality is not specifically reserved to be dealt with by a Council Committee, Council or Cabinet.

Article 12 of the Constitution states on page 2:1 -33 under the Public Services heading that the Chief Officer, Assistant Director Neighbourhoods has within his service area

“Enforcement and Resilience including Environmental Health” and also the area of “Waste Management”. The decision is not a Key Decision.