



minutes

Meeting PLANNING AND LICENSING COMMITTEE

Date Monday 30 September 2013 (commencing at 10.00 am)

membership

Persons absent are marked with `A`

COUNCILLORS

Sybil Fielding (Chairman)
Sue Saddington (Vice-Chairman)

Roy Allan
Andrew Brown
Steve Calvert
Darren Langton
Rachel Madden

Andy Sissons
Keith Walker
Yvonne Woodhead
John Wilmott

OFFICERS IN ATTENDANCE

Nathalie Birkett- Solicitor
David Forster – Democratic Services Officer
Jerry Smith – Team Manager, Development Management
Sally Gill – Group Manager Planning
Mike Hankin – Planning Applications Senior Practitioner
David Marsh – Major Projects Senior Practitioner

MINUTES OF LAST MEETING

The minutes of the meeting held on 16 July 2013, having been circulated to all Members, were taken as read and were confirmed and signed by the Chairman subject to Councillor Allan's name being amended.

MEMBERSHIP

The Clerk reported orally that Councillor John Wilmott had been appointed to the Committee in place of Councillor Jim Creamer for this meeting only.

APOLOGIES FOR ABSENCE

There were no apologies for absence

DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

Councillor Wilmott declared a private interest in agenda item 7 Erection of 420 Place Primary School off Kenbrook Road, Hucknall as he had made his views public regarding this item.

DECLARATIONS OF LOBBYING OF MEMBERS

It was noted that in respect of item 10 all members had received e-mails, letters and other forms of lobby material from the applicant (R.Plevin and Sons Ltd) and those in opposition to the application including Elkesley Against the Incinerator Campaign Group, Elkesley Parish Council and individual residents of Elkesley Village.

APPROVED PREMISES FOR CIVIL CEREMONIES

RESOLVED 2013/030

That the report be noted and that the Planning and Licensing Committee receive an annual update on approved premises

THE IMPORTATION OF ALKALINE/LIME RICH MATERIAL TO SPREAD ON THE EXPOSED COLLIERY DISCARD HARWORTH COLLIERY SPOIL TIP NO2 BLYTH ROAD HARWORTH

Mr J Smith in introducing the report referred to the Financial Comments which were omitted from the report and informed members that there were no financial implications arising from the report.

On a motion by the Chairman and duly seconded by the Vice-Chairman it was

RESOLVED 2013/031

That planning permission be granted, subject to the conditions as set out in the appendix to the report.

ERECTION OF 420 PLACE PRIMARY SCHOOL LAND OFF KENBROOK ROAD, HUCKNALL

Following Councillor Wilmott's declaration at the start of the meeting he left the room whilst discussion and voting took place on this item.

Mr Smith introduced the report and Mr Marsh responded to questions as follows –

- The School travel plans cannot be in place for the opening of the school because it needs to have been in operation for 3 months but the school would be advised to have a draft travel plan in place before the school is brought into use to provide parents with early advice on sustainable travel.

- The design has been the subject of an independent design review. The Panel came to the conclusion that the design and materials to be used have been sensitively chosen so as not to be overly intrusive for the area.

On a motion by the Chairman, seconded by the Vice-Chairman it was:-

RESOLVED 2013/032

That planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992

Councillor Wilmott returned to the meeting.

DEVELOPMENT MANAGEMENT PROGRESS REPORT

RESOLVED 2013/033

That the report be noted.

WORK PROGRAMME

RESOLVED 2013/034

That the work programme be noted.

CONSTRUCTION AND OPERATION OF A BIOMASS FUELLED COMBINED HEAT AND POWER PLANT R. PLEVIN & SONS LIMITED CROOKFORD HILL ELKESLEY RETFORD

Mr Hankin introduced the report and gave a slide presentation highlighting to members the conditions set out in the appendix attached to the report. He also highlighted the A1 improvements which are proposed in the area and also the Government's Energy White Paper which should be considered in conjunction with applications of this nature.

Following the introductory remarks of Mr Hankin there were two special presentations and number of speakers who were given an opportunity to speak and a summary of those speeches are set out below.

Mrs Brenda Ransford the Chair of the Elkesley Against the Incinerator Campaign Group gave a 10 minute special presentation. During her slide presentation she highlighted the following issues:-

- The site of the application has grown over the years from a smallholding into an eyesore on the landscape not in keeping with the natural beauty of the countryside.
- The dangers of the large heavy goods vehicles travelling along the small country roads.

- The noise, dust and odour from the site currently could become worse and therefore local residents would become prisoners in their own homes.
- Recently an application to increase the height of waste wood from 4 to 10 metres was dismissed by a Planning Inspector who commented that a plant of this scale and character would be unlikely to receive planning permission if assessed against current policies for the area and that he would be against any future developments that might exacerbate the harm of the enterprise as a whole.
- The site is within the prospective Sherwood Forest Special Protection Area which has been designed to protect the Nightjar and Woodlark which have been spotted around the area.
- The effect it could have on the tourism around the area as the Robin Hood Way is one of Nottinghamshire's jewels in the crown of countryside beauty and could be affected significantly.
- The potential dangers of a dust fireball causing untold damage to the site and the surrounding area.

In response to questions Mrs Ransford replied as follows

- People have stopped using the lanes through Crookford because of the traffic congestion
- Aware there has been one accident and the lorry drivers are always courteous and pull over if necessary to avoid traffic conflict.
- Aware of breaches in compliance by Plevins.

Mr Paul Clarke Chartered Surveyor and Mr Jamie Plevin, Managing Director representing R. Plevins and Sons Limited gave a 10 minute special presentation.

Mr Paul Clarke spoke first highlighting the following:-

- The United Nations Intergovernmental Panel on Climate Change highlighted the Climate Changes are unequivocal due to activities of mankind. The Government have said that renewable energy is now one of the most important changes the world is facing and it would be wrong not to do anything.
- This application is for renewable energy through this biomass fuel Combined Heat and Power (CHP) Plant.
- This CHP is not solely burning waste but will be producing energy and therefore the operation of this plant will be self sufficient and also return power produced into the national grid.
- This operation will not produce the Carbon Dioxide levels produced by other fossil fuels and would meet the Councils aims and objectives to reduce greenhouse gasses.
- The National Planning Policy Framework has sustainable development at its core and highlights that local authorities should look at planning new developments which reduce greenhouse gases.
- The County Council positively promotes the use of wood pellets in wood fired biomass boilers and Plevins would continue to produce wood pellets for use in these sites.

- The design has been produced to be as sustainable as possible and through ongoing consultations the design has changed to be as site friendly as possible.
- The site will be governed by an Environmental Permit issued by the Environment Agency and therefore there will be a pollution regime in effect which is in line with PPS10.

Mr J Plevin then spoke and highlighted the following

- There has been a wood recycling plant at this site for over 10 years and Plevins operate a fleet of vehicles bringing wood in and taking products away
- The development is for the installation of a Combined Heat and Power Plant to meet the energy needs of a new wood flaking and drying facility.
- The plant will consume between 20,000 and 24,000 tonnes of waste wood per annum with an electrical output of 1.8 Mega Watts and heat output of 9.3 Mega Watts. This is energy enough to power over 4,500 houses.
- The proposed development has been subjected to a detailed Environmental Impact Assessment which has been consulted on for over 3 years. The outcome of those assessments identify there are no significant adverse environmental or amenity impacts associated with the proposal.
- R Plevins and Sons have pledged to hold a liaison Committee with the local community has been offered as an open door policy is operated by the company.
- There are currently 62 employees and this will increase to 78 and the development will allow a £18 million investment in the site.
- The proposed development is based on the use of renewable energy which is in line with Central Government and Local Government objectives.

In response to questions Mr J Plevin responded as follows

- The company would consider changing routes in and out of the site but cost benefits would need to be considered as well as safety issues with a change.
- The benefits to the approval would be adding renewable energy to the grid equivalent to the energy required to power over 4,500 houses.
- It would also benefit more at night as operations would not continue over night so the energy use would pass directly to the grid.
- There are currently 50 employees who work within 10 miles of the site. The further 16 jobs would be subject to employment laws so could not guarantee they would be given to local residents.
- There is an electrical facility on site but this would need to be upgraded to allow excess energy to be passed into the national grid.
- There is no infrastructure to allow a district heating scheme to be established
- The company would ensure there are no more detrimental effects on the surrounding area and these would be policed by the conditions attached to the application.
- The company have not looked for other sites as this site is already up and running as a wood recycling centre.
- Currently the company can operate 24 hours a day and self-limits its operations.

- The Environment Agency has given the site a permit so they have undertaken tests on any dioxins which arise and they conform to safety levels.
- I am not aware of any accidents involving any of the Plevins' drivers although I am aware of there being near misses.

Following the Special presentations there were a number of public speakers and a summary of those speeches are as follows

Mr Mark Crossley a local resident spoke against the application and highlighted the following

- The unsuitable nature of an industrial plant in the countryside.
- The dangers to the public relating to the narrow country roads.
- Family life is upset through the continuous HGV traffic.
- Bassetlaw District Council is currently taking enforcement action regarding the height of the wood stack contravening the permissible height of 4 metres.

There were no questions

Mr John Moor a local resident spoke against the application and highlighted the following

- There is no safeguard against particle emissions into the atmosphere that are coated in dioxins and toxins undertaken on the emission of dust particles emitted
- For the CHP to be viable it will take enormous amounts of material meaning it will have to travel long distances and creating more traffic on the roads.
- Biomass CHP are not the answer to waste management.

There were no questions

Mrs Sally Eames a local resident spoke against the application and highlighted the following

- There is currently enforcement action against the applicant relating to unauthorised development at the site
- The visual impact will be greater than is thought
- The ecological sensitivity of the surroundings regarding habitats and protected species is hugely understated.
- Highway impacts are greater than is considered and the dangers at the junction of the A1 would be drastically worsened.
- There is no guarantee with current spending cuts nationally that the A1 improvements will be carried out.
- The environmental benefits are questionable as waste has to be brought from greater distances.
- The development in its location does not meet the spatial policies agreed by Bassetlaw District Council.
- Protect the environment now and for future generations.

In response to questions Mrs Eames replied that with regard to the ecology there are unknown effects on the Nightjar and Woodlark with the increased noise and dust.

Councillor Neil Oldbury, Elkesley Parish Council spoke against the application and highlighted the following

- The development will have a substantial impact on the sparsely settled and rural character
- There is a huge negative visual impact on the countryside and negative transport issues which would impact on the local area.
- With regard to renewable energy schemes the National Planning Policy Framework offers advice that developments should be refused if there are irresolvable material considerations and the harmful visual and landscape effects are material considerations.

Following a question Councillor Patricia Douglas (Bassetlaw District Council) read out an extract from Policy DM9 of the Bassetlaw Core Strategy and Development Management Policies DP Document.

Councillor Patricia Douglas, Bassetlaw District Council, spoke against the application and highlighted the following

- The buildings are considered to be inappropriate for the area by their proposed height and massing.
- There is a requirement under Policy DM9 that new proposals enhance the landscape character.
- The District Council considers this development to be detrimental to the local residents and the future tourism for the area.
- The District Council also feel that when the proposal is reviewed against the Councils adopted policies and in the spirit of the NPPF 'duty of cooperation' substantial weight should be given to Bassetlaw District Council policies.

There were no questions

Mr John Mann, Member of Parliament for Bassetlaw spoke against the application and highlighted the following

- There are more suitable locations for this type of operation
- The visual impact on the countryside is something that should be considered
- The traffic impact on local residents is already having an effect on their lives
- National Policy Statement for Renewable Energy Infrastructure (EN3) has not been addressed as there needs to be an assessment of transport and that includes suitable access to a site, a requirement which this site obviously does not meet.

There were no questions

Councillor John Ogle, local member, spoke against the application and highlighted the following

- The area has always been a site of natural beauty and a tourist attraction for families and walkers alike.
- The effect on the village with the HGV traffic is detrimental to village life.
- The visual impact if the application was to be agreed would change the character of the countryside.
- Monitoring of the site needs to be undertaken whether the site is granted planning permission or not.
- The idea of a local liaison committee with residents and R Plevins would be welcomed.
- There is already increased traffic around the area with HGV's and this would bring more around the wider area.
- The improvements proposed for the A1 would alleviate the problem but would not solve it.
- The application site is already at capacity both in volume and area
- If the committee are minded to grant planning permission could the issue of passing bays on the narrow country roads used be looked at and could the permission be delayed until the A1 improvements are complete.
- Consideration should also be given to the County Council's Waste Core Strategy regarding waste disposal sites.
- The harm to the local community far outweighs the benefits to the County.

In response to a question Councillor Ogle replied if the proposed development was to move to an industrial site elsewhere the same Environmental Impact Assessments would need to be carried out to ensure any detrimental impact upon residential amenity could be avoided. He also commented that there would not be the same disruption to the character of the environment by the buildings proposed.

Mr Hankin responded to some of the comments made by the public speakers.

- There has been a significant reduction in the proposed height of the building by up to 7 metres.
- The site does not fall within a conservation area and nor are any listed buildings affected. Impacts upon heritage assets are therefore not relevant to the application.

Following all of the speakers members debated the application.

The following issues were raised by members

- Concerns had been shown regarding a previous appeal on this site by the Planning Inspectors who was not happy with the location of this site
- Although this site is well managed and regulated can the conditions already applied to this site be enforced as it has a 24 hour operating licence?
- Highway issues are a concern.
- Could additional conditions be added to alleviate the traffic that travels through the villages in close proximity to the site?
- There is a need to ensure the biodiversity issues have been properly considered.

- The issues around health regarding weather conditions and the amount of dust particles created through operations at the site need to be considered.
- The impact on tourism along the Robin Hood Way.
- Could a single track be introduced for site traffic only?
- The site should be commended for the work it does on waste recycling.
- Is the site in the right place or could it be moved to a less residential area.
- There is a need for additional diversity of renewable energy.
- The visual impact has to be considered but will it adversely impact on the area.
- Waste Management and fact the site will take waste away from landfill sites needs to be considered.
- There is a need for diversity of energy sources to ensure Climate Change issues are addressed.
- The Energy White Paper puts sites like this as positive additions to the long fight against Climate Change.
- Heavy Goods Vehicles and Air Quality issues are worrying.

Following open and frank debate Councillor Madden and seconded by Councillor Saddington put forward the following reasons to turn down the application.

- The site is inappropriately located within a rural environment.
- The energy provision is not proven and it is unclear how the facility would connect to the grid.
- Highway safety grounds due to the increase in HGV traffic that would be created and its environmental impact on residential amenity.
- The adverse visual and landscape impacts on an area of significant beauty.
- Biodiversity issues are not known with regard to the Nightjars, Woodlarks, Bats and Water Voles
- The health impacts on local people living in close proximity to the site are not known.

Mr Hankin responded to committee on the issues raised

- The report sets out the development is considered appropriate development within a rural area because the overall conclusion is that the benefits derived from the scheme outweigh the environmental harm to the countryside. If members took the view that the benefits did not outweigh the harm the overall conclusions would be that the development does not comply with countryside policies.
- Energy provision means the site would connect directly to the National Grid and is not considered grounds for dismissing the application.
- Highway Safety is grounds for concern.
- The visual impact of the site is grounds for concern.
- The biodiversity issue has been considered by Natural England and they do not feel there are significant issues regarding this site and the effect it could have.
- Health issues are dealt with via Government advice and the relevant Health Authorities and agencies. There are no issues around this application as an Environmental Permit has already been issued for the operation of this site.

- Development Plan policies supporting a refusal of planning permission on the compatibility of the development in a rural area, traffic and visual impact were quoted by Mr Hankin.

On a motion by Councillor Rachel Madden, seconded by Councillor Sue Saddington it was

RESOLVED 2013/035

That planning permission be refused for the reasons as set out above

In accordance with the Council's Standing Orders Councillors Steve Calvert and Roy Allan wished their vote against the above resolution to be recorded.

The meeting closed at 2 50 pm.

CHAIRMAN