

Planning and Licensing Committee

Tuesday, 22 April 2014 at 10:30

County Hall, County Hall, West Bridgford, Nottingham NG2 7QP

AGENDA

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|---|--|--------------|
| 1 | Minutes of the meeting held on 25 March 2014 | 5 - 6 |
| 2 | Apologies for Absence | |
| 3 | Declarations of Interests by Members and Officers:- (see note below)
(a) Disclosable Pecuniary Interests
(b) Private Interests (pecuniary and non-pecuniary) | |
| 4 | Declarations of Lobbying | |
| 5 | Erection of two Industrial Buildings - John Brooke (Sawmills) Limited | 7 - 78 |
| 6 | Committee Code of Best Practice | 79 - 110 |
| 7 | Development Management Progress Report | 111 -
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| 8 | Work Programme | 137 -
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NOTES:-

(1) Councillors are advised to contact their Research Officer for details of any Group Meetings which are planned for this meeting.

(2) Members of the public wishing to inspect "Background Papers" referred to in the reports on the agenda or Schedule 12A of the Local Government Act should contact:-

Customer Services Centre 0300 500 80 80

(3) Persons making a declaration of interest should have regard to the Code of Conduct and the Council's Procedure Rules. Those declaring must indicate the nature of their interest and the reasons for the declaration.

Members or Officers requiring clarification on whether to make a declaration of interest are invited to contact Dave Forster (Tel. 0115 9773552) or a colleague in Democratic Services prior to the meeting.

(4) Members are reminded that Committee and Sub-Committee papers, with the exception of those which contain Exempt or Confidential Information, may be recycled.

Notes

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- (4) Councillors are reminded that Committee and Sub-Committee papers, with the exception of those which contain Exempt or Confidential Information, may be recycled.

Meeting **PLANNING AND LICENSING COMMITTEE**

Date **Tuesday 25 March 2014 (commencing at 10.30 am)**

membership

Persons absent are marked with 'A'

COUNCILLORS

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

Roy Allan
Andrew Brown
Steve Calvert
Jim Creamer
Darren Langton

A Rachel Madden
Andy Sissons
Keith Walker
A Yvonne Woodhead

ALSO IN ATTENDANCE

Councillor Bruce Laughton

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

MINUTES OF LAST MEETING HELD ON 25 FEBRUARY 2014

The minutes of the meeting held on 25 February 2014 having been circulated to all Members were taken as read and were confirmed and signed by the Chairman.

APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Yvonne Woodhead due to illness

DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

None

DECLARATIONS OF LOBBYING OF MEMBERS

None

**WELBECK COLLIERY ELKESLEY ROAD MEDEN VALE MANSFIELD –
VARIATION OF CONDITION 28 – REQUIREMENT TO HAVE EXISTING RAIL LINE
IN PLACE AND IN GOOD WORKING ORDER**

Mrs Gill introduced the report and highlighted that the HGV movements in and out of the site are the subject of checks and if any complaints are received from local residents then they are investigated.

On a motion by the Chairman seconded by Vice Chairman and upon a show of hands it was

RESOLVED 2014/013

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

**PROPOSAL TO INTRODUCE A SYSTEM OF CHARGING FEES FOR PRE-
APPLICATION ADVICE**

RESOLVED 2014/014

That the introduction of pre-application charging be endorsed and the holding of a 21 day consultation period be approved with relevant stakeholders, consultees' and public and that a report be presented to a future meeting once the consultation period is concluded.

WORK PROGRAMME

RESOLVED 2014/012

That the Work Programme reported be noted and that the Welbeck Colliery application be added on the grounds that members wish to monitor the progress of the development.

The meeting closed at 11.17 pm.

CHAIRMAN



22 April 2014

Agenda Item:

**REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES**

RUSHCLIFFE DISTRICT REF. NO.: 8/13/02185/CMA

**PROPOSAL: THE ERECTION OF TWO NEW INDUSTRIAL BUILDINGS AND THE
INSTALLATION OF A 7 MEGAWATT (APPROXIMATE) WOOD
FUELLED RENEWABLE ENERGY BIOMASS PLANT, RETAINING THE
EXISTING WOOD RECYCLING AND COMPOSTING OPERATIONS.**

**LOCATION: JOHN BROOKE (SAWMILLS) LIMITED, THE SAWMILL, FOSSE WAY,
WIDMERPOOL**

APPLICANT: STELLAR ENERGY LIMITED

Purpose of Report

1. To consider a planning application for the erection of a seven megawatt wood fuelled biomass plant along with an additional building for wood chipping, shredding and storage and the retention of the existing wood recycling and composting operations at John Brooke Sawmills, Fosse Way, Widmerpool. The key issues relate to the impact on the setting of a listed building, the intensification in the use of the site, emissions to air and overshadowing on adjacent agricultural land.
2. The site lies within an area designated as open countryside in the Rushcliffe Non-Statutory Replacement Local Plan and the proposed development is not of the type identified in Policy EN20 – Protection of Open Countryside as being acceptable in the open countryside. Accordingly the application has been treated as a ‘departure’ from the Development Plan. The recommendation is to grant planning permission subject to the signing of a legal agreement and the conditions set out in Appendix 1 of this report.

The Site and Surroundings

3. John Brooke Sawmills is located directly east of the A46 Fosse Way approximately 15 kilometres south east of the centre of Nottingham; approximately two kilometres east of the village of Widmerpool; and some 600 metres west of Hickling Pastures, in which there are a number of residential properties on the A606 Melton Road, in addition to further isolated properties

on Folly Hall Lane to the south east of the site (see Plan 1). Separating the site from Hickling Pastures are agricultural fields and a railway line (used for testing) running in a northwest – southeast direction. Fairham Brook runs to the east of the sawmills site close to the line of the railway.

4. The nearest residential property to the site is Keeper's Cottage, located immediately adjacent to the south west corner of the site. Other nearby properties include Broughton Grange Farm, which is Grade II listed and approximately 250 metres to the south with Broughton Lodge Farm and The Bungalow approximately 150 metres south of this; Barn Farm which is 350 metres to the west; and Turnpike Farm 400 metres to the north (see Plan 2). Upper Broughton Byway Number 14 commences approximately 330 metres south west of the site and continues south where there are a number of footpaths. Widmerpool Footpath Number 3 commences on the opposite side of the A46 directly opposite to the site entrance (see Plan 2).
5. The site is located within a shallow dip with land rising to the north, south and east with substantial amounts of perimeter vegetation screening the site along all boundaries. Immediately adjacent to the western boundary of the application site are two buildings associated with the sawmills along with associated offices.
6. The application site itself covers an area of around 2.9 hectares and incorporates the sawmills' associated storage yard, in addition to areas of hardstanding further east on which the landowner has in recent years been carrying out waste wood and green waste composting operations under a number of planning permissions granted by the County Council. The topography of the site is relatively flat.

Planning History

7. Planning permission was originally granted by the County Council in 2007 for a green waste composting facility (planning permission 8/06/00086/CMA) which allows for the importation of 10,000 tonnes of green garden waste from local authority collections which is then shredded and composted in windrows. This composting facility has been developed on a parcel of land in the north eastern corner of the application site, onto which a concrete pad has been installed, and includes a site office and weighbridge facility.
8. A further planning permission was granted in 2008 (reference 8/08/00847/CMA) to allow for the importation of a further 10,000 tonnes of waste wood material for shredding and sale to power stations as a wood fuel. In 2010, planning permission (reference 8/09/01871/CMA) was granted for the retrospective extension of the concrete pad to cover an additional 0.4 hectares to the south of the original pad, an increase in stockpile heights, the importation of treated waste wood in addition to clean wood and the removal of restrictions of the amount of green waste on the site at any one time. Most recently, two applications have been submitted (references 8/14/00380/CMA and 8/14/00610/CMA) to extend the concrete storage area yet further to the

east and south on an area of land extending to 1.4 hectares, and to create a flood compensation scheme for this additional area.

9. In addition to the on-going developments on site regarding composting and waste wood processing, there have been two previous applications for biomass plants on the site. The first (reference 8/08/01818/CMA), submitted in 2008, sought to install a three megawatt wood fuelled renewable energy biomass plant using a process called pyrolysis, which involves waste wood being chipped, dried and ground before being heated at a high temperature in a low oxygen atmosphere. This process produces a synthetic gas from the wood fuel which supplies gas engines which burn the gas to produce electricity. The electricity would be transferred to the grid via an alternator, transformer and substation. The proposed development included an industrial building measuring 60 metres by 25 metres and approximately 10 metres in height to the eaves and 12.2 metres to the ridge, in addition to a chimney stack measuring a maximum of 20 metres in height. The application was approved in 2009 but has not been implemented in light of a further application submitted for a similar development.
10. The second application (reference 8/10/00867/CMA) was submitted in 2010 for another three megawatt biomass plant but using a steam turbine biomass boiler rather than a pyrolysis plant. The proposed process would have involved wood chips being burnt at high temperature in an aerobic environment. The resulting steam would be used to drive blades within a steam turbine to create electricity which would again be transferred to the grid. Again, the proposed development included an industrial building measuring the same as that proposed in the previous application detailed in the paragraph above, whilst the chimney stack would have been 25 metres in height. The application was approved in January 2011 but again has not been implemented. Both the above permissions have subsequently lapsed, having not been implemented within three years of their respective issuing.

Proposed Development

11. This application proposes to install a seven megawatt wood fuelled renewable energy biomass plant (see Plan 3). The applicant has indicated that the plant itself would require around 0.8 megawatts of power to operate, resulting in a net generated power of around six megawatts which would be supplied to the national grid. The application site also encompasses the wood and green waste operational areas with the intention of having all operations on site covered by a single planning permission, should permission be granted.
12. The proposed biomass plant requires the installation of two buildings: the biomass building and a wood chipping, shredding and storage building. The combined internal floor space of the two buildings would be 2,400 square metres. The biomass building would be located towards the north west corner of the site to the immediate east of one of the existing sawmills buildings (see Plan 3). It would be 60 metres long and 30 metres wide at its widest point, whilst the majority of the building would have a shallow pitched roof 18.5 metres high to the eaves and 21 metres high to the ridge (see Plan 4). It

would have a chimney stack towards its north west corner which would be 37 metres high with a diameter of 1.6 metres. (As a comparison, the chimney stack at the Eastcroft Incinerator in Nottingham is 91 metres high and 4.6 metres in diameter and Plan 5 shows a comparison between the two.) All external elevations would be clad in plastic coated, insulated box profile cladding in a colour to be agreed with the planning authority with steel pedestrian access and roller shutter doors. A small section of the building, on the southern elevation, would have a mezzanine floor on which there would be a control room. This area would be accessed via an external staircase and first floor gantry.

13. Close to the south west corner of the biomass buildings, and joined to it by a large pipe, would be an air condenser unit which would have a footprint of approximately 21 metres by 13 metres and which would be 17 metres high. The unit would not be within any building but in light of concerns raised during the consultation process in relation to noise, an 8.2 metre high acoustic screen would be erected around the western, southern and eastern elevations of this unit.
14. To the south of the proposed biomass building, it is proposed to erect a wood chipping, shredding and storage building measuring 40 metres by 20 metres (see Plan 6). The building would be of a 'Dutch barn' design with the roof being just over 11 metres at its highest. The building's western elevation would be partially open with the other elevations and the roof again clad in plastic coated, insulated box profile cladding in a colour to be agreed with the planning authority. This building would allow all the present external processing of waste wood to be relocated and would ensure that there is at least three days' fuel storage on site to prevent loss in energy production. The shredding, sorting and composting of green waste would continue to be undertaken outside in line with existing operations. An area to the immediate east of the proposed wood chipping/shredding building has been identified for this activity and the shredding plant would be located with acoustic barriers to the north and south of it (see Plan 3).
15. Close to the northern elevation of the chipping/shredding/storage building would be eight parking spaces, two disabled spaces and a cycle parking area (see Plan 3). The application states that the proposed development would result in the generation of a minimum of eight full-time and two part-time jobs based at the site in addition to jobs at designated back-up fuel suppliers.
16. The Environmental Statement (ES) describes the energy generation process as a biomass fired water tube boiler. Waste wood would be chipped and shredded in the proposed chipping/shredding building and would be loaded onto a moving floor in the biomass building, with the doors closed between deliveries. The moving floor would have a capacity of approximately 200m³ and would deliver fuel to the boiler at a rate of approximately seven tonnes per hour. The combustion of wood fuel would generate heat which would raise steam to turn the turbines to produce electricity and the application anticipates the plant being able to generate up to seven megawatts of electrical output, equivalent to the annual usage of approximately 16,000 homes. Connection to the grid would be via a 33 kilovolt cable which would

be laid alongside the A46 and would connect to the grid approximately 2.5 kilometres to the north.

17. The site would be accessed from the existing entrance off the A46. The site area provides for a circulatory route around one of the existing sawmills buildings (see Plan 3) although details of traffic flows through the site have not been provided. The application states that there would be no increase in HGV numbers over and above what has previously been permitted through the planning permissions for the composting and waste wood processing operations and the previous biomass plants. Condition 16 of planning permission 8/09/01871/CMA allows for 11 HGVs a day to access the site to deposit green waste and waste wood. The permissions for the previous biomass plants provided for an additional four HGVs to enter the site per day. The application proposes to increase the amount of green waste and waste wood to 60,000 tonnes per annum, with 50,000 tonnes of waste wood used in the proposed biomass plant and 10,000 tonnes exported as compost. The application considers that these amounts could be achieved without an increase in HGV numbers based on 15 – 20 tonne payloads (20 tonne payloads would allow for 109,500 tonnes of material to be delivered per annum, whilst 15 tonne payloads would provide for 82,125 tonnes per annum). In addition to these HGVs, there would be a very small number of deliveries of raw materials and reagents required for pollution control along with HGVs taking residual ash off site. The proposed development is anticipated to generate approximately 2,500 tonnes of ash per annum which, based on an HGV load of 20 tonnes, would require 125 HGV loads (250 movements) a year to remove it from site, which equates to less than one HGV per day.
18. The biomass plant would operate 24 hours a day, subject to the availability of a constant fuel supply. However, all other operations associated with the biomass plant, such as the receipt of wood fuel, would take place between 7am and 7pm Monday to Saturday and between 8am and 4pm on Sundays. The existing wood recycling and composting site would operate between 8am and 6pm Monday to Friday and 9am and 5pm on Saturdays, in accordance with the hours of operation presently permitted under planning permission 8/09/01871/CMA. The application states that directional floodlights would be used to light external operating areas after official lighting-up times, with their location to be agreed with the Waste Planning Authority.
19. The application includes a landscape masterplan (see Plan 7) which details the existing vegetation (trees/tall scrub/hedgerows) on site, which would all be retained, in addition to new planting which is proposed. The new planting proposed comprises the gapping up of existing hedgerows and the planting of new hedgerows and hedgerow trees. The existing shelterbelt on the northern boundary of the site would be brought into management.
20. The application has been submitted with an ES which includes the following chapters.

Socio-Economic

21. The ES identifies the borough of Rushcliffe as one with higher employment levels than the East Midlands and Great Britain averages and lower levels of unemployment. The ES considers that the construction phase would be beneficial to the local economy through the creation of temporary jobs and the hire of machinery and the purchase of materials from local and regional businesses. Once operational, the site would generate ten jobs for site workers whilst it is also anticipated that specialist engineering assistance and other contractors would generate additional jobs. It is considered that the proposals would not create any adverse impacts on local businesses, such as direct economic competition.

Landscape and Visual Impact

22. The Landscape and Visual Impact Assessment (LVIA) highlights that the site is presently industrial with a sawmill and recycling operation with large scale buildings. There are therefore significant artificial elements on the landscape. The LVIA considers that the construction phase would result in negligible impacts on the landscape and views whilst during the operation of the proposed biomass plant, landscape and visual impacts are predicted to range from negligible to low adverse. However, after 15 years, no adverse impacts are predicted as screening and planting measures take effect. A landscape masterplan has been submitted detailing existing vegetation to be maintained and managed and new planting to be provided.

Traffic

23. A traffic assessment has been carried out to consider the impact of the construction and operational traffic associated with the proposed development. The assessment states that the average annual daily traffic flow on the A46 is 25,509 vehicles and the negligible increase during the construction phase would result in minimal impacts regarding the risk of accidents, impacts on pedestrians, and driver delay. Once operational, the assessment predicts no additional HGV movements over and above those previously consented for the waste wood operations and previously permitted biomass plants. No mitigation measures are considered necessary over and above the conditioning of the hours when HGVs could access the site.

Ecology

24. A desk-based assessment has been carried out to assess potential ecological impacts during the construction and operation of the proposed development. A number of non-statutory sites have been identified in proximity to the site, the closest of which are the Stanton Railway (Including Stanton Tunnel Top) Site of Importance for Nature Conservation (SINC) (550 metres to the north of the site) and Broughton Wolds Grassland SINC which is a similar distance to the south of the site. The ES considers that there is no need for any ecological surveys given that the application site comprises a compacted hardstanding surface which is not vegetated and so is of negligible ecological value. The ES

considers that the construction of the proposed biomass plant would have a negligible ecological impact. Once operational, there is the potential for impacts from emissions to air but the strict regulatory controls in place would result in negligible ecological impacts.

Geology, Surface Water and Hydrogeology

25. The ES has assessed the existing conditions in relation to geology, surface waters and ground waters and it is considered that, subject to good housekeeping during the construction and operational phases, the impacts from potential leaks and spillages on site would be negligible. Once built, surface and roof water would drain to a soakaway for re-use on site and so potential flood risk is predicted to be negligible.

Air Quality

26. The ES has assessed various air quality impacts that could arise from the proposed development and has identified sensitive receptors for dust, vehicle emissions and emissions from the biomass plant. During the construction phase, there is the potential for dust from excavation and ground works, the storage of material in external stockpiles, the delivery of materials onto the site, and earthworks associated with construction. Good practice dust controls such as the sheeting of vehicles and the dampening of stockpiles and site access roads are proposed, whilst the increase in vehicle numbers would be negligible and so a detailed assessment of vehicle exhaust emissions is not considered necessary. Good housekeeping is proposed to prevent any chemical spillages which could lead to the release of volatile organic compounds.
27. The operation of the proposed biomass plant has the potential to lead to NO₂ nitrogen dioxide and PM₁₀ (particulate matter less than ten micrometres in diameter) emissions from vehicles on site and residual airborne pollutant emissions from the chimney stack, whilst there would be a contribution to a reduction in carbon dioxide emissions. Again, the number of vehicles involved in the operation of the site is considered to be significantly below the relevant thresholds requiring a detailed assessment of vehicle emissions. The impacts of airborne emissions have been modelled to provide a worst case scenario based on the worst case meteorological data from five years of local weather station observations. The ES considers that there would be no exceedences of short and long term air quality limit values and air quality target values at any human receptor locations. Annual mean PM₁₀ and NO₂ levels predict negligible impacts at all identified receptor locations. The plant would include dedicated abatement systems to control residual emissions. The ES also highlights that the waste wood chipping and shredding operations would be relocated from its present outdoor location into a building.
28. The ES considers that the production of approximately seven megawatts of electric power from the burning of fossil fuels would generate between 27.2 and 54.4 kilotonnes of carbon dioxide (CO₂) per annum whilst the same

amount of power from biomass combustion would emit 5.44 kilotonnes of CO₂ per annum. Although the magnitude of this reduction is considered to be only slight when compared to the level of CO₂ production in the UK as a whole, the significance of the reduction is considered to be moderate to major beneficial.

Noise

29. A revised noise assessment has been submitted following the initial consultation process. The noise assessment has considered the various sources of noise that the proposed development would generate and the impacts these would have on four noise sensitive properties: Barn Farm to the west of the site; Keeper's Cottage to the south of the site; Broughton Grange Farm to the south of the site; and a residential property off the A6006 Melton Road to the north east of the site.
30. Noise impacts from the biomass building; the condenser units; vehicle movements; the shovel in the yard; the waste wood chipper/shredder in the building; the impact of opening the doors into the biomass building to allow the delivery of waste wood fuel; the biomass building chimney stack; and the shredder for the green composting waste have all been assessed. The assessment has led to a number of amendments to the application as originally submitted, including the provision of an acoustic screen around the condenser units, acoustic screens around the green waste shredder; and the partial enclosure of the open elevation of the waste wood chipping/shredding building.
31. The overall noise levels from the proposed development at these noise sensitive properties have been calculated for daytime operations, when the site would be fully operational, and during the night when only the biomass plant and the condensers would be running. The assessment predicts that daytime noise levels would remain below background levels except at Keeper's Cottage where there would be a 1dB increase, whilst night-time levels would remain below background levels except at Keeper's Cottage where there would be a 2dB increase. Based on these figures, the ES considers that noise complaints should not result from the proposed development.

Archaeology and Cultural Heritage

32. As a result of concerns raised during the initial consultation process, a detailed assessment of the impact of the proposed development on the setting of the Grade II Listed Broughton Grange Farm has been submitted to form part of the ES. The assessment has evaluated the existing setting of the building, its relationship with the landscape and key viewpoints, an evaluation of how these factors have changed over time, and an evaluation of the potential impacts of the proposed development.
33. The ES considers that the heritage value of the listed building in the wider landscape is negligible with the significant heritage value limited to the farmhouse itself and its immediate grounds. This is due to the wider

landscape being characterised by many small scale isolated settlements along with some denser settlements. In addition to this, the farmhouse has gained a sense of seclusion over time as tree planting in the grounds of the property have taken effect.

34. As a result of the above, the ES considers that any minor changes to the wider landscape are unlikely to have any impact on the heritage value of the listed building and vice versa. The proposed development would have a negligible impact in terms of views from the listed building and also in terms of views from locations that could feature both the proposed development and the listed building. There would be no impacts on the amenity of the listed building from odour, noise and dust emissions. Although no significant impacts on setting are predicted, the applicant would accept a condition for additional tree planting to ensure that views of the proposed development from the listed building are screened.

Cumulative Impact

35. The ES considers that the main potential for cumulative impacts are from noise, dust and air emissions, and visual impacts. The ES is not aware of any other applications for similar plants nearby and no significant adverse impacts have been identified. Therefore, no adverse cumulative impacts are predicted.

Submission of Additional Information

36. As a result of consultation responses received and representations made by the public, additional information has been requested which has been submitted and so forms part of the ES. In addition to the revised noise assessment and the assessment of the impact on the setting of Broughton Grange Farm, as detailed above, further information has been submitted to supplement the landscape and visual impact assessment, including the submission of photomontages on surface water and hydrogeology, planning policy, nature conservation, and the impact of the proposed development in terms of shadowing on adjacent farmland.
37. This last assessment includes shadowing models for different times of the day at different times of the year and takes into account the use of the adjacent field (pasture), local weather conditions, and soil characteristics (a silty, sandy clay loam). The ES states that the proposed biomass building would result in less than 10% additional impact on the shading of the adjacent field if there was continuous sunshine compared to the sunshine averages for the past 30 years. The impact would reduce to below 4% for the months of March to September. It is considered that this would not have a significant impact on the yield of the field and the quality of the grass, soil quality, soil temperature and soil moisture content over the growing season.

Consultations

38. **Rushcliffe Borough Council** considers that the chimney stack height should be 37 metres to ensure that residual emissions are dispersed adequately and do not cause an exceedence of air quality limits or other amenity issues at ground level. Conditions are recommended regarding the processing of waste wood within the chipping/shredding building, along with conditions on previous planning permissions regarding construction, noise, lighting, hours of use and dust.
39. **Upper Broughton Parish Council** objects to the proposed development due to its scale and impact on the landscape which would be considerable and yet another encroachment of industry in a rural area. The area is not industrial and the proposed buildings, in terms of height and volume, are considered a significant over-development of the site. The site already has negative environmental impacts on neighbouring properties from noise and dust and any increase would only add to these issues. There is also concern regarding the lack of monitoring of these issues. The parish council is also concerned about slow moving HGVs and there is an inadequate slip-road off the A46 resulting in HGVs braking on a busy dual carriageway.
40. **Hickling Parish Council** objects to the proposed development given that the site already has a negative environmental impact on neighbouring properties due to noise and dust. Neighbours have told the parish council of constant grinding and machinery noise from the plant and the level of dust is so significant as to result in a layer on neighbouring land. Any increase in the size of operations would only add to these issues.
41. The volume of traffic already entering the site is significant and there is an inadequate slip-road off the A46 resulting in HGVs braking on a very busy dual carriageway. The parish council does not support any proposals that would significantly increase traffic at the site.
42. The scale of the proposed development is considered inappropriate for the site as it is not an industrial area and the buildings in terms of height and volume are considered to be a significant over-development of the site.
43. **Widmerpool Parish Council** has not responded on the application.
44. **NCC (Planning Policy)** considers that the application should be assessed against the National Planning Policy Framework (NPPF), Planning Policy Statement 10 (PPS10) and the Waste Management Plan for England (December 2013)). Contrary to section 4.3 of the applicant's Design and Access Statement, the policies of the East Midlands Regional Plan and the Nottingham and Nottinghamshire Joint Structure Plan are not applicable. In line with paragraphs 215 and 216 of the NPPF, due weight and consideration should also be given to the saved policies in the adopted Nottinghamshire and Nottingham Waste Local Plan (WLP) whilst there is new policy guidance in the Nottinghamshire and Nottingham Replacement Waste Local Plan: Part 1 – Waste Core Strategy (WCS) which is relevant.
45. The national policy context sends a very clear, positive, message with regards to renewable energy (and the role of energy from waste, as this proposal

would be considered, within this). One of the 12 core principles of the NPPF regards supporting “the transition to a low carbon future in a changing climate...for example by the development of renewable energy”. The Waste Management Plan for England “supports efficient energy recovery from residual waste to deliver environmental benefits, reduce carbon impact and provide economic opportunities”. PPS10 introduces the concept of the waste hierarchy, whereby waste management should be planned to move waste as far up the waste hierarchy as possible. Energy from waste is preferable to disposal but sits below prevention, preparing for re-use and recycling.

46. *The main driver of the NPPF is that of sustainable development, whereby proposals that accord with the development plan should be approved without delay or where local policy is absent, silent or out-of-date, permission should be granted subject to the policies of the NPPF and adverse impacts not outweighing the benefits.*
47. *In terms of the WCS, it is first important to establish the size of the facility, as the policy considerations will vary dependant on this. Referring to Table 8 of the WCS (under incineration) and to the proposed size of the facility (capacity of less than 100,000 tonnes per annum), this facility is considered to be ‘small’.*
48. *Policy WCS3 prioritises energy recovery facilities above the provision of disposal facilities, but below recycling facilities. Policy WCS3 supports new energy recovery facilities only where this would divert waste from disposal and where the energy generated is used locally or fed into the national grid. The application states that the electricity produced from the plant would be fed directly into the national grid. It also states that heat could be utilised up to one kilometre from the site but, as it stands, there are no identified uses for this. However, the application does state that the technology does not preclude the utilisation of the heat should a user be identified once the plant is operational.*
49. *It is recognised within the supporting text to WCS3 that the presumption should be in favour of developments that move waste up the waste hierarchy. DEFRA’s Waste Wood as a Biomass Fuel: Market Information Report, April 2008, provides evidence to suggest that, for certain grades of waste wood, recycling has a ‘low level of suitability’, thus often resulting in energy recovery being the optimum management method for this material. On this basis, although the proposal is not delivering recycling provision, there is policy support, both locally and nationally, and a demonstrated need for the facility that the proposal would deliver.*
50. *Policy WCS4 of the WCS indicates that ‘small’ incineration facilities will be supported in all locations where these will help to meet local needs and fit in with the local character and Policy WCS7 supports ‘small’ incineration facilities on employment land or previously developed land. It is considered that the site of the proposed development, although located in the open countryside, can be classed as an existing employment site.*
51. *As stated in the ES, the feedstock for the biomass plant would primarily be from the existing recycling operations on site, supplemented by reclaimed wood from regional recycling operations. It can therefore be concluded that*

the majority of the waste to be managed will be from within Nottinghamshire and Nottingham, but that there will be some level of management of external waste.

52. *Policy WCS12 states that for proposals that are likely to treat waste from outside of Nottingham and Nottinghamshire to be supported they must demonstrate that:*
- (a) The facility would make a significant contribution to the movement of waste up the waste hierarchy; or*
 - (b) There are not facilities or potential sites in more sustainable locations in relation to the anticipated sources of waste; or*
 - (c) There are wider social, economic or environmental sustainability benefits that clearly support the proposal.*
53. *The applicant has presented market evidence from DEFRA (in the ES, section 2.4) that there is a clear need for a facility of this type to divert the specific waste feedstock (waste wood) from landfill, as recycling options are limited by the quality of the waste wood. It is therefore anticipated that the proposal would contribute to the movement of waste wood up the waste hierarchy.*
54. *As the proposed facility would be located directly adjacent to the main source of the proposed waste, the site is considered the most sustainable option in this instance, primarily due to the significant reduction in vehicle movements this will result in (notwithstanding the supplementary waste that will have to be delivered to site). In meeting these two criteria, the proposal is considered to comply with this policy.*
55. *In the consideration of environmental concerns in line with chapter 3 of the WLP, NCC (Planning Policy) considers we would defer to the relevant teams within the County Council and also draw attention to a number of policies in the WCS which are of relevance on a more strategic basis:*
- (a) WCS11 Sustainable Transport*
 - (b) WCS13 Protecting and enhancing our environment*
 - (c) WCS14 Managing Climate Change*
 - (d) WCS15 Design of waste management facilities*
56. *Of particular note due to the changed capacity of the proposed development (as different from the existing permissions), we would stress that the traffic impacts of the proposals be considered from any increase in deliveries to the site, although it is noted that the site does benefit from good access.*
57. *Taking into account these national and local policy considerations, and subject to there being no unacceptable environmental impacts arising from the development, NCC (Planning Policy) considers that there is policy support for the proposal.*

58. **The Environment Agency (EA)** has no objection to the proposed development but highlights that it would require an environmental permit and would be subject to the Industrial Emissions Directive. The permit application would need to include a number of matters, including a human health impact assessment; a best available techniques options appraisal; justification of the techniques being proposed; surface water management; an assessment of energy use and efficiency; waste production and handling; materials input handling; and risk assessment of dust, odour and noise emissions.
59. The EA highlights that the remoteness of the location could impede the ability to recover waste heat which would impact upon the overall efficiency of the plant. The operator should provide genuine and overriding reasons for selecting a site located remotely from potential heat users. Discrepancies regarding the disposal of foul sewage should be addressed.
60. **Public Health England (PHE)** considers that there are unlikely to be significant impacts on air quality arising from installations which employ best available techniques and meet regulatory requirements concerning emissions limits and design parameters. The application is supported by air dispersion modelling and an assessment of potential human health impacts that concludes that the operational, worst case and cumulative effects of the development would not lead to exceedences of relevant air quality standards and thus would have a negligible impact on human health.
61. In addition to any planning consent, the operator would require an environmental permit issued by the EA. This would set out strict operating requirements which must be complied with to protect the environment as a whole, including public health. The permit application would have to demonstrate that the proposed plant would use 'best available techniques' in order to control emissions to air, land and water. The EA is under no obligation to issue a permit unless it is fully satisfied that the installation would be operated appropriately. The EA would consult PHE and the local authority Directors of Public Health as part of that process and PHE would assess the potential public health impact of a proposed installation and make recommendations on a critical review of the information provided for the permit application.
62. **NCC (Reclamation)** notes that the combustion of treated wood would introduce a potential source of contamination to the flue exhaust, a matter which would be addressed within the environmental permitting process. The permit would also address discharges to water and the ground and the application indicates that all effluents would be contained via a sump or discharged to foul sewer. It is also indicated that fuel storage would be internal, although the area for waste wood reception and storage remains external and as such contaminated run-off from the fuel stockpile would not be controlled. The application states that external run-off would be directed to a sustainable water drainage feature but the location of this is unclear. There are two ponds outside the application boundary but no detail is given regarding their status. Similarly, there is a reservoir to the south of the site. Additional information on this matter is required.

63. *The site lies in a discrete industrial area largely surrounded by agricultural land and there is no significant indication of landfilled or made ground which could give rise to contamination. The ground investigations to be carried out to determine foundation requirements could include a brief to confirm the findings of the report relating to contamination with the inclusion of chemical testing of any made ground encountered. The presence of gypsum extraction in the area should also be considered in any foundation assessment.*
64. **The Highways Agency** considers that the proposed development would not result in any additional HGV movements over and above those already consented by previous permissions. The existing consents permit a total of 15 HGVs to visit the site each day for the delivery of waste and the collection of compost which includes 11 for the consented recycling and composting operations and four for the consented biomass energy plant. It is not proposed to increase these numbers with the only increase being during the actual construction stage, to which a 'Construction Traffic Management Plan' should be applied. Previous conditions attached to previous permissions should be carried forward, such as ensuring that all HGVs enter and leave the site by means of a left turn, with no HGVs crossing the central reservation of the A46; and providing signage to this effect and instructing HGV drivers regarding access and egress.
65. *The Highways Agency confirms that the latest collision data shows that there have been no specific changes in the immediate proximity of the access since the previous application. Therefore, it is considered that the proposal would have no future impact upon the A46, although there is likely to be a minimal increase in construction traffic during the construction of the new buildings.*
66. **NCC (Highways)** has no objection and states that the proposed development would be accessed off the A46 trunk road and as such should have minimal impact on the County Council's highway network. The Highways Agency should be consulted on the application.
67. **Network Rail** has no observations to make on the application.
68. **NCC (Heritage)** objects to the application unless it is felt that the public benefits that the proposed scheme offers would outweigh the harm caused to the heritage asset. The site is adjacent to the Fosse Way which is the route of a Roman Road which is now dualled in this location. It is noted that the site comprises land formerly associated with Broughton Grange Farm, a Grade II Listed Building dating to the early 19th Century Broughton Grange. It is architecturally typical of the Georgian period, having a hipped slate roof with four rendered stacks, its rendered symmetrical frontage faces north with a stepped fanlight entrance centrally positioned between three bays of sashes. There are historic buildings farm buildings immediately west of Broughton Grange which should be considered as curtilage to the listed building. Further south there are agricultural buildings identified on the County Historic Environment Record (HER) as being of local heritage interest.
69. *The existing buildings associated with the timber yard are mostly screened from view by a band of tall conifer trees following the line of a field boundary*

visible on the First Edition Ordnance Survey map (1880's). The buildings are a collection of large sheds in varying materials and are typical of modern agricultural buildings.

70. *Given the proximity of the proposed development to Broughton Grange there is potential for impact on the setting of the listed building. The NPPF requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting and local planning authorities need to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. The NPPF further states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be and significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a Grade II listed building, park or garden should be exceptional.*
71. *The applicant states that historically Broughton Grange Farmhouse was one of a number of predominantly isolated settlements in a rural landscape, save for some slightly denser settlements such as Hickling Pastures, the surrounding area dominated by farmland. The document also notes that over time this character has been eroded, notably by the development of the railway line to the east in the late 19th Century and the Sawmill site itself in the latter 20th Century. It considers that the conifer belt, which now screens the building from the sawmill site, has altered the character of the setting of the Farmhouse to give an 'increased sense of intimacy, privacy and seclusion'. When considering setting, in line with English Heritage advice, it is important to keep in mind that setting is not limited to visual links but should be considered from any manner in which the building can be experienced.*
72. *NCC (Heritage) has a different view to the applicant on the level of impact the proposed development would have on this heritage asset. The applicant has provided a photomontage demonstrating the visible impact of the proposed 37 metre high chimney stack from Broughton Grange. In the image the stack is partly obscured by a tree in the foreground and, if taken from a few metres adjacent, it seems reasonable to conclude that the stack's visibility would be increased, albeit over the barrier created by the conifers. The stack's visibility is variable on weather conditions and the image shows it against a grey sky which reduces it. Other photomontages provided shown against blue skies show an increased prominence.*
73. *NCC (Heritage) considers that the belt of conifers forms an incongruous feature within the wider landscape. They differ greatly in the species variety, height and seasonal nature of a traditional planted field boundary. To some degree they have negatively impacted upon the farmhouse by limiting what would previously have been long reaching views to the north. However, the removal of the conifers would likely have greater negative impact by increasing the extent to which the existing sawmill buildings impact on the experience of*

the building. In this regard there is something of a catch 22 situation regarding the conifer belt. All things considered it is probably beneficial to retain them as screening for the existing development but it should be noted that, as mitigation for setting impacts, this offers a poor solution.

74. *NCC (Heritage) is also concerned that the proposed new development would be visible above these trees. The stack in particular would be an incongruous feature in the historic agricultural context of the farmhouse. Whilst no visual assessment has been presented to confirm either way the extent to which the stack may impact from views north, there is concern regarding the evidence presented in Photomontage 5 which shows the relationship the proposed development and the Broughton Grange would have from the public byway to the west. From this point the stack becomes the dominant feature in the landscape, at odds with the historic setting of isolated farmsteads along the Fosse Way.*
75. *There would ordinarily be further concern about potential increased traffic from the development impacting on the ability to appreciate the building through added noise and vibration. Whilst this would not improve on the existing, its impact would be negligible considering the existing impact made by the dual carriageway.*
76. *In conclusion, NCC (Heritage) considers that the development would not enhance the existing setting of the listed building. The supporting evidence demonstrates actual harm to the setting and there is no feasible mitigation considering the type of building required for the development. The harm is also relevant to the non-designated assets identified on the County HER.*
77. *Considering against the NPPF, NCC (Heritage) does not feel that the impact would constitute substantial harm. However, there would be harm and the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*
78. *From a heritage conservation viewpoint the application can only be viewed as damaging to the setting. With no feasible way to either mitigate impact or enhance the significance of the heritage asset within the application, NCC (Heritage) can only object to the proposal. The application should therefore be refused unless it is felt that the public benefits that the proposed scheme offers would outweigh the harm caused to the heritage asset.*
79. *NCC (Heritage) considers that if the public benefits from other planning perspectives are stacked in favour of the application then the introduction of native tree species to the screening may offer some enhancement on the existing setting, though measured against the potential impact NCC (Heritage) would hesitate to regard this as mitigation.*
80. **NCC (Landscape)** *confirms that the most visible feature of the proposed development would be the 37 metre high chimney stack which is 12 metres higher than that previously consented. The application does not include a*

Zone of Theoretical Visibility (ZTV) due to the previously consented scheme with a 25 metre high chimney; the surrounding topography creating 'blind areas'; and the stack being mostly hidden by perimeter vegetation, the setting of the site and the broader landscape.

81. *A number of photo views, along with corresponding montages which show the proposed stack in red, have been provided and the following comments are provided.*
82. *Regarding the view from Melton Road, Hickling Pastures, the conclusions which describes the visual effects and visual significance on completion as 'low adverse' and for the site in 15 years as 'negligible' are accepted. However, this is dependent on successful hedgerow tree establishment and the management of intervening vegetation*
83. *For the view from the A606/A46 roundabout, the visual effects on completion and the visual significance have been assessed as 'negligible' but could be 'low adverse' particularly when there is a flume of steam. The photomontage does show the stack crossing the skyline but it is appreciated that this view would be generally visible for only a short period from a travelling receptor.*
84. *The visual effects and visual significance from Widmerpool Footpath Number 3 to the west of the site during construction have been assessed as 'negligible' but are considered by NCC (Landscape) to be 'low to moderate adverse' given that, for a temporary period, there would be views of the building under construction and associated crane movements. The description for the visual change for the site on completion describes the upper stack as being visible, with the tip just visible above the hills behind. However the photomontage shows the ridgeline of the proposed biomass building at this point and the proposed stack well above the skyline. The visual significance for the site on completion has been assessed as 'very low adverse' but NCC (Landscape) considers that this would be 'low adverse'.*
85. *The Landscape Masterplan has been annotated to show management of the shelter belt work to the north of the site. From this view point these shelter belt works would not have any bearing on this view unless there is proposed work to the planting along the A46. Therefore there would be no filtering of any residual views which are described for the site in 15 years and NCC (Landscape) considers that the visual significance would remain as 'low adverse'.*
86. *The most significant impact would be from the A46 Fosse Way around 400 metres north and 110 metres south of the site. Contrary to the descriptive text, NCC (Landscape) considers that there are a few filtered views into the site through the existing shelter belt (more noticeable in the winter) across adjacent farmland when travelling in a southerly direction on the A46. The roof of the biomass building and the upper part of the stack (around 20 metres) would both be visible above the shelter belt rather than just the tip of the stack as described.*

87. *Whilst NCC (Landscape) do not object to this development, it is considered that the predicted visual effects from Widmerpool Footpath Number 3 to be more negative than the applicant has indicated. The scale and position of the building and stack mean that from close proximity it would not be possible to reduce the predicted visual impacts of this development. Therefore the landscape works to strengthen the shelter belt along the northern edge and to provide new hedgerows/hedgerow trees are more important to meet the wider landscape character and biodiversity objectives for the area. Should planning permission be granted planning conditions should encompass the design and implementation of planting works, with maintenance and a longer term management plan provided by the applicant for the whole site.*
88. **Chamley Associates** have provided the County Council with advice in relation to the impact of shadowing from the biomass building on adjacent agricultural land, given that no consultees have the expertise to provide the necessary response on this matter. Their comments are as follows.
89. *It is understood that the adjoining field is grassland and has not been surveyed in detail to assess its Agricultural Land Classification. The Soils Survey of England and Wales 1:250,000 map (Sheet 3) indicates that the local soils are within the Ragdale soil association. These soils are described as slowly permeable, seasonally waterlogged, clayey and fine loamy over clayey soils. Typical cropping and land use is winter cereals in the Eastern Region with more stock rearing and dairying in the Midlands.*
90. *Natural England's online version of the Provisional Agricultural Land Classification (ALC) (England) map indicates that the land quality is Grade 3. This is considered to be consistent with the soils described above. The Provisional ALC map does not sub-divide Grade 3 into sub-grades 3a and 3b and whilst it should not be used to classify small sites it is considered to be a reasonable guide. Without any detailed soil survey information, the field to the north of the application site is thus assumed to be Grade 3.*
91. *An assessment of the site's grade according to climate, based on the methodology set out in the revised guidelines and criteria for grading the quality of agricultural land (MAFF, 1988), has been carried out. The two parameters used in the assessment are average annual rainfall (AAR) as a measure of overall wetness, and accumulated temperature above zero (AT0) as a measure of the warmth of the locality. AT0 is taken as the accumulated temperature above zero for the period January to June which is the critical growth period for most crops.*
92. *The average annual rainfall (AAR) for the site is 605mm and the accumulated temperature above zero (AT0) is 1,367 degree days. These values give a climatic grade for the land as Grade 1 but other soil conditions, such as wetness or droughtiness, limit the ALC of the site to the assumed Grade 3 with the climatic grade not being a limiting factor.*
93. *The increased shading from the proposed development could have a detrimental effect on the climatic grade through the lowering of the accumulated temperature above zero. To reduce the ALC of the field, the*

AT0 value would have to drop below the threshold values which are 1,107 for the lower limit for Grade 3a and 1,005 as the lower limit for Grade 3b. If the field is Grade 3a, the AT0 value would have to drop by approximately 19% to be below 1,107 and to reduce the ALC to Grade 3b. If the site is Grade 3b, the AT0 value would have to drop by approximately 26% to be below 1,005 and to reduce the ALC to Grade 4.

94. *The shading assessment undertaken by the applicant indicates that the proposed building will have less than 10% impact on the adjoining field in March and September with reduced impacts for the intervening months. A significant factor in the assessment is the existing shading from the hedge which adjoins the site. It is, however, noted that the shading assessment was not undertaken for the winter period from September through to March. Shading from the proposed building may have a greater effect over winter as the hedge will not be in leaf for much of the period. This would allow some dappled light to pass through the hedge.*
95. *It has not been possible to predict a numerical effect that the increased shading will have on AT0 and such an assessment would require specialist agrometeorological advice. However, based on the supplied shading assessment, it is considered that it would not be sufficiently large so as to affect the ALC of the adjoining field.*
96. **Natural England** advises that the proposal is unlikely to affect any statutorily protected sites or landscapes.
97. **NCC (Nature Conservation)** is satisfied that previous concerns raised regarding the hedgerow running through the site have been addressed through an amendment to the Landscape Masterplan to indicate that this hedgerow would be retained in its entirety. Comments should be sought from the Environment Agency regarding any impacts on ecological receptors from emissions. It is considered unlikely the noise from the proposed development would have a significant impact on sensitive ecological receptors. A condition is recommended requiring the submission of further details regarding the landscaping proposed, including species list and proportions, establishment methods, and maintenance regimes. New hedgerows should be hawthorn dominated and all trees and shrubs should be native species, appropriate to the local area, and stock should be of native genetic origin and ideally of local provenance (seed zone 402).
98. **NCC (Noise Engineer)** notes that the proposed biomass building would operate 24 hours a day, seven days a week with other operations occurring externally during daytime hours. A range of noise mitigation measures have been proposed including acoustic screens to the external air-condenser units associated with the biomass building and acoustic screens around the external green waste shredding operations. The proposed waste wood chipping/shredding building would incorporate cladding with a minimum noise reduction index of $R_w=25dB$.
99. An assessment of the cumulative noise impact has been undertaken in accordance with British Standards 4142:1997. Four sensitive receptor

positions have been considered in relation to both daytime and night-time noise impacts using baseline noise levels measured at a position close to Keeper's Cottage, 160 metres south of the application site, as agreed with the County Council. The assessment of daytime noise has concluded that complaints are unlikely at all locations with only predicted noise levels at Keeper's Cottage being above existing background noise levels. At +1dB above this level, this would be of 'marginal significance'. This complies with the County Council's noise limits for this type of development of L90 + 10dB (including a 5dB penalty) for daytime noise.

100. Similarly, night-time operations would be unlikely to result in the generation of complaints with only Keeper's Cottage experiencing an increase in existing background noise levels. The predicted +2dB above existing background noise levels is assessed to be of marginal significance and again complies with County Council noise limits for this type of development. Predicted noise levels as a result of vehicle movements associated with the proposed development would be well below existing noise levels and so are therefore not considered to be significant.
101. The County Council's Noise Engineer considers that noise impacts have been adequately considered and that suitable mitigation measures are proposed to reduce noise levels to acceptable levels. No objection is raised subject to conditions regarding dealing with complaints; noise limits within the biomass plant; operating hours for external activities; the provision of suitable acoustic screening; no roof lights being fitted into the roof of the biomass building; the biomass and waste wood chipping/shredding buildings being designed to achieve the stated minimum noise reduction level; the use of 'white noise' reversing alarms; ensuring that the main doors into the biomass building remain shut at all times except for the delivery of processed waste wood; ensuring that all pedestrian doors into the biomass and waste wood chipping/shredding building remain closed except when in use; and the maintenance of all vehicles, plant and equipment on site in order to minimise noise.
102. **Severn Trent Water Limited** has no objection to the application subject to a condition regarding the disposal of surface water and foul drainage.
103. **Western Power Distribution** states that, subject to network constraints, the likely connection from the site would be to the 33kV network which would require third party consents with a route of at least three kilometres.
104. **National Grid (Gas), National Grid Company PLC, NCC (Archaeology), Nottingham East Midlands Airport, and Alstom Transport** have not responded on the application. Any responses shall be orally reported.

Publicity

105. The application has been publicised by means of a site notice and press notice stating that the application does not accord with the provisions of the development plan and affects the setting of a listed building. Neighbour

notification letters have been sent to 31 properties on Melton Road and the Fosse Way in accordance with the County Council's adopted Statement of Community Involvement.

106. The owner of a neighbouring farm objects to the application as the proposed biomass building is very close to the boundary of the farm. There are concerns that any unforeseen incident could have an adverse effect on the farmland. There are also concerns regarding the views of the building, given its height, and the impacts of overshadowing and the lack of light which would, in turn, affect the growth of grass, resulting in less viable productive land.
107. A resident of Melton Road, Hickling Pastures objects to the application as it would pollute an agricultural area whilst chimney dust and smoke would drift with the prevailing wind to the residential community of Hickling Pastures and surrounding productive agricultural land. Such pollution can already be evidenced by dust deposits from the sawmill adjacent to the application site. In addition to this, the chimney is too big and not in keeping with the agricultural surrounding which is slowly being industrialised. Positioning a chimney in a valley is going to be problematic and fallout is going to be an issue however high the chimney.
108. Another resident on Melton Road has concerns given the existing noise from the site which would be increased by the biomass plant. The prevailing wind would bring emissions and odours and could contaminate land used to grow organic food. Dioxins and other poisonous fumes can result from combustion below 800 degrees and it is questioned whether the plant would meet safety requirements in this respect. The continuous incremental development at the site suggests more development in the future resulting in people living close to an industrial site which would blight the area and make it an ecologically unsafe place to live.
109. A further resident on Melton Road objects to the application as it would add to the existing noisy operations, noise which is carried by the prevailing wind. Further noise comes from the poor road surface on the A46 and helicopters, plus there is the threat of possible wind turbines. The open countryside in the area is being eroded by commerce.
110. Another resident on Folly Hall Lane, Hickling Pastures objects to the application as it would dominate and adversely affect the character of the area and be a prominent feature in the area visible from residential properties. It would also impact the environment in which historic buildings such as Belvoir Castle and St Mary's Church, Bottesford sit in. The enjoyment of the local countryside would be affected and would adversely impact local tourism. Existing activities are already affecting water courses and there would be an impact on local wildlife. There are already other impacts in the area from the noisy A46, the railway test track, East Midlands Airport and a new heliport in Hickling Pastures.
111. **Councillor John Cottee** shares the views of Hickling Parish Council regarding the impact of the proposed development on local residents. He supports recycling as a means of diverting waste from landfill but the proposed

development is completely inappropriate for the site. The site is not an industrial area and the buildings in terms of height and volume are considered a significant over-development of the site. Councillor Cottee confirms that he has supported applications on the site before but has concerns regarding the expansion of the site.

112. The issues raised are considered in the Observations Section of this report.

Observations

Planning Policy Observations

113. Government planning policy relating to energy development is set out within the overarching National Policy Statement for Energy (NPS EN-1), published in July 2011. The overall objective of NPS EN-1 is to achieve carbon emission reductions, energy security and affordability. Key to delivering these objectives is a transition to a low carbon economy to reduce greenhouse gas emissions, and to improve the security, availability and affordability of energy through diversification. The applicant has highlighted the carbon benefits from the proposed development as opposed to the burning of fossil fuels and these are set out in paragraph 29 above.
114. NPS EN-1 outlines the Government's commitment to dramatically increase the amount of renewable energy capacity and identifies the increasingly important role that the combustion of biomass and waste can play in providing this energy. NPS EN-1 states that the UK is committed to sourcing 15% of its total energy from renewable sources by 2020 and projections suggest that about 30% or more of our electricity generation could come from renewable sources by this time, compared to 6.7% in 2009. In order to meet the 15% energy from renewable sources target, NPS EN-1 states that it is necessary to bring forward new renewable electricity generating projects as soon as possible. Clearly the proposed development would make a contribution towards these targets.
115. The 2007 Energy White Paper: Meeting the Energy Challenge confirms the importance that the Government places on the generation of renewable energy generation. It states:

“Renewable energy as a source of low carbon, indigenous electricity generation is central to reducing emissions and maintaining the reliability of our energy supplies at a time when our indigenous reserves of fossil fuels are declining more rapidly than expected. A regulatory environment that enables the development of appropriately sited renewable projects, and allows the UK to realise its extensive renewable resources, is vital if we are to make real progress towards our challenging goals.

New renewable projects may not always appear to convey any particular local benefit, but they provide crucial national

benefits. Individual renewable projects are part of a growing proportion of low carbon generation that provides benefits shared by all communities both through reduced emissions and more diverse supplies of energy, which helps the reliability of our supplies. This factor is a material consideration to which all participants in the planning system should give significant weight when considering renewable proposals. These wider benefits are not always immediately visible to the specific locality in which the project is sited. However, the benefits to society and the wider economy as a whole are significant and this must be reflected in the weight given to these considerations by decision makers in reaching their decisions.”

116. The latest Energy White Paper: Planning our Electric Future: a White Paper for Secure, Affordable and Low-Carbon Electricity was published in July 2011. The White Paper confirms that the Government expects sustainably sourced biomass to make a significant contribution towards achieving the UK’s renewable energy targets. It is therefore clear that there is significant Government policy support for renewable energy generation such as that proposed in this application and that significant weight needs to be applied to the benefits that such energy production brings when considering planning applications.

117. The National Planning Policy Framework (NPPF) acknowledges the need to meet the challenge of climate change and the role planning has in this function. One of the core planning principles in the NPPF is to:

“Support the transition to a low carbon future in a changing climate and encourage the use of renewable resources (for example, by the development of renewable energy).”

118. The NPPF identifies the need to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is considered to be central to the economic, social and environmental dimensions of sustainable development. Again, it is considered that there is broad support for the proposed development against these principles. However, the NPPF does state that, when determining application for renewable and low carbon energy, local planning authorities should only approve the application if its impacts are (or can be made) acceptable.

119. The NPPF does not provide specific guidance and policies regarding waste development. However, it does identify that the economic benefits derived from development in general are material planning considerations. The NPPF sets out the Government’s commitment to securing economic growth in order to create jobs and prosperity to meet the twin challenges of global competition and a low carbon future and, in paragraph 19, states:

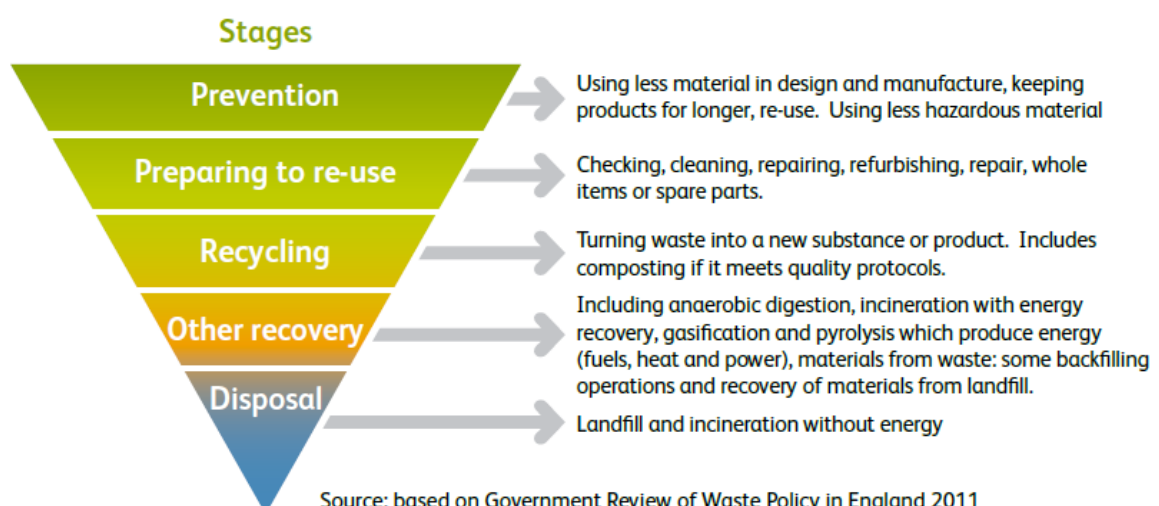
“The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.”

120. The proposed development would support the sustainable expansion of the existing business providing a facility to recover energy from waste timber which is currently processed at the site. The development would assist with the growth of the existing business utilising a renewable technology and increasing local employment opportunities. The development is therefore supported by the economic growth objectives of the NPPF.
121. National planning guidance on waste continues to be provided through Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10), whilst the recently published Waste Management Plan for England (2013) (WMPE) provides an overview of how the management of waste in this country has progressed in recent years. PPS10 has a number of key planning objectives including driving waste management up the waste hierarchy by addressing waste as a resource and looking to disposal as the last option; implementing the national waste strategy; securing the recovery or disposal of waste without endangering human health and harming the environment; reflecting the concerns and interest of local communities, the needs of waste collection/disposal authorities and business; protecting Green Belts whilst recognising the particular locational needs of waste management facilities; and ensuring the design and layout of new development supports sustainable waste management. PPS10 also states that planning applications should be determined in the knowledge that pollution control regimes shall be in place and should not be duplicated in the planning process.
122. The WMPE does not contain any specific policies but sets out the progress that has been made so far regarding the management of waste; the types and quantities of waste produced in England; the arrangements that are presently in place for the collection of waste, including any special arrangements for hazardous waste etc; an assessment of the need for additional infrastructure in the future, taking into account the closure of existing installations; and general waste management policies, including planned waste management technologies and methods.
123. Regarding the benefits that can be derived from generating energy from biomass, the DEFRA publication ‘Waste Wood as a Biomass Fuel’ published in 2008 states that:

“Biomass energy generation will have an important role to play in meeting the UK share of the 20% European Union (EU) renewable energy target. It has been estimated that recovering energy from 2 million tonnes of waste wood could generate 2600GWh electricity and save 1.15 million tonnes of

carbon dioxide equivalent emissions, with greater benefits available by recovering heat as well as power.”

124. This DEFRA publication also makes reference to the predecessor to the WMPE, the Waste Strategy for England (WSE) which was published in 2007. Although it has been replaced by the WMPE, it does contain useful data regarding the management of waste wood which is worth highlighting in the context of this application.
125. The WSE highlights research published in 2007 which states that of the estimated 7.5 million tonnes of waste wood arisings in the UK annually at that time,, six million tonnes (80%) was landfilled, 1.2 million tonnes (16%) re-used and recycled and only 0.3 million tonnes (4%) used in energy recovery. Given that there is little energy consumed in the extraction of wood and also the fact that it does have a high calorific value, using waste wood as a fuel generally has greater greenhouse gas benefits compared to re-using or recycling it.
126. The ‘Waste Wood as a Biomass Fuel’ document confirms this but acknowledges that due to the majority of waste wood arisings being contaminated, the key to realising its potential in generating electricity is greater Waste Incineration Directive (WID) compliant combustion facilities, such as that proposed in this application. It is therefore considered that the development of biomass plant such as the one proposed here has general Government support in terms of reducing greenhouse gases and reducing the amount of waste sent to landfill.
127. The waste hierarchy referred to above is one of the key principles in the recently adopted Nottinghamshire and Nottingham Replacement Waste Local Plan Waste Core Strategy (WCS) and is set out in the diagram below.



When considering the application and its implications for the management of waste, as defined by the waste hierarchy, it is important to clarify where the existing management of waste wood on the site sits within the hierarchy, and whether the proposed biomass plant would move the management of this waste wood up or down the hierarchy. At the present time, the 20,000 tonnes of waste wood brought onto the site, or sourced from the adjacent sawmills,

has largely been separated at source into clean and contaminated wood. Further separation takes place on site. The site operator has confirmed that the clean wood is chipped and shredded and taken off site to a company in Sheffield which uses it in the production of poultry bedding. The management of this waste stream is therefore considered to be 'recycling' under the waste hierarchy. The site operator has also confirmed that the contaminated wood is chipped and shredded and taken off site to other biomass plants for burning. The management of this waste stream is therefore considered to fall under the category of 'other recovery' under the waste hierarchy.

128. Under the proposed development, all the waste wood (50,000 tonnes per annum) brought into the site or sourced from the sawmills would be fed into the biomass plant, therefore placing the management of all the waste wood into the 'other recovery' category of the waste hierarchy. (The composting of the 10,000 tonnes of green waste would remain the same under the proposed development and is therefore considered to be 'recycling' under the waste hierarchy except for oversized composting material which is again sent to a biomass plant).
129. The proposed development would therefore appear to be moving the management of the clean waste wood presently being used for the production of poultry bedding down the waste hierarchy from 'recycling' to 'other recovery'. Regarding the contaminated wood, although it would remain in the 'other recovery' category in the waste hierarchy, it would not have to be transported off site to a power station to be utilised, therefore improving the sustainability credentials of this aspect of the proposed development.
130. However, there would be an additional 40,000 tonnes of material being imported into the site, most of which would be waste wood and which, according to the Government data detailed above, would most likely be destined for landfill if it was not to be diverted to the proposed biomass plant. It is therefore considered that the management of much of the additional material that would be coming into the site would move up the waste hierarchy from 'disposal' to 'other recovery'. The proposed development is therefore considered to accord with the broad principles of PPS 10 insofar as it would drive the management of a significant amount of waste wood up the waste hierarchy, would address this material as a resource, and remove the need to dispose of a significant amount of waste wood to landfill.
131. There are a number of policies in the recently adopted WCS which are relevant to this application. Policy WCS3 – Future Waste Management Provision seeks to achieve a recycling or composting rate in the county of 70% by 2025. As detailed above, the proposed biomass plant would be classed as an energy recovery facility (incineration) and so would not help to achieve this recycling or composting target, although the anticipated 10,000 tonnes per annum of garden waste which would be composted on site would count towards this target.
132. Policy WCS3 states that "new or extended energy recovery facilities will be permitted only where it can be shown that this would divert waste that would otherwise need to be disposed of and the heat and/or power generated can be

used locally or fed into the national grid". As the Government figures confirm, significant amounts of waste wood continue to be sent to landfill and so it is considered that the continuation of the waste wood recycling business, in conjunction with the proposed biomass plant which would require additional waste wood to be brought onto site, conforms to the policy in this respect.

133. Regarding the utilisation of the heat and power generated by the proposed biomass plant, the power (seven megawatts) would be transferred to the national grid. However, given what the applicant deems to be the relatively remote location of the application site, there are no opportunities at the present time to utilise the heat that the plant would generate. However, as Policy WCS3 only requires the "heat and/or power generated" to be utilised, it is considered that the requirements of the policy are also met in this respect. Of course, proposals could always come forward in the future for development which could utilise the heat from the proposed plant.
134. Policy WCS4 – Broad Locations for Waste Treatment Facilities sets out the suitability of different sized waste treatment facilities in different locations. The proposed biomass plant is considered to be an incineration energy recovery facility and, having a capacity of less than 100,000 tonnes per annum, is classified as 'small' in the WCS. Policy WCS4 allows for small-scale facilities in all locations where these help meet local needs and fit in with the local character. Although the biomass plant would not deal with waste wood arisings from the local population as such, the existing permitted sawmills and waste wood operations on site do provide a local source of waste wood and therefore can be argued to provide a need for a biomass plant, although this need has to be considered against how the waste wood is treated at the present time, a matter considered above. Regarding whether the facility fits in with the local character, this is considered in detail in the landscape and visual impact observations.
135. Policy WCS4 further states that the:

"Development of facilities within the open countryside will be supported only where such locations are justified by a clear local need, particularly where this would provide enhanced employment opportunities and/or would enable the re-use of existing buildings."
136. The application site is located on land identified as open countryside in the Rushcliffe Borough Non-Statutory Replacement Local Plan and Policy EN20 of that plan states that planning permission will not normally be granted in the open countryside except for certain activities including rural activities including agriculture and forestry; outdoor recreation and other uses appropriate to the countryside; cemeteries; exceptional local housing needs; uses essential to the operational requirements of a public service or statutory undertaker; or the appropriate alteration, extension or replacement of an existing dwelling.
137. However, the two previous planning applications for the pyrolysis and smaller biomass plants were both considered to be in an area of industrial use, despite being on land identified as open countryside. The development of the sawmills

has resulted in the erection of two large buildings to house the sawmills operations, in addition to the site offices. Subsequent to this, a number of permissions have been granted for the composting and then waste wood operations and the proposed biomass building and wood shredding/chipping building would be located between these two developed areas on land that is used for the storage of timber products from the sawmills.

138. The application site is therefore considered to be an existing employment site despite being within the open countryside and so this criterion of Policy WCS4 in the WCS, in addition to Policy EN20 of the Rushcliffe Non-Statutory Replacement Local Plan are not considered relevant in this respect. Instead, Policy EMP2(a) (Employment Uses in the Countryside) of the Rushcliffe Borough Non-Statutory Replacement Local Plan is relevant and this policy allows for the expansion of existing employment uses provided that this would not lead to an over-intensification of the use of the site or an increase in any adverse effects of the existing use on neighbouring occupiers or the surrounding area. The supporting text to this policy states that the purpose of the policy is to restrict new buildings in order to protect the character and visual amenities of the landscape.
139. Regarding any over-intensification of the use of the site, it is not considered appropriate to consider this issue against the previously permitted pyrolysis and biomass plants as both permissions have now lapsed. Therefore, over and above what is on the site at the present time, there would be two additional buildings constructed with a combined internal floor space of 2,400 square metres, with the biomass building being the highest at 21 metres to the ridge. To put this into perspective, the two main existing buildings on the sawmills site have a combined floor space of approximately 1,650 square metres with the southernmost building being 6.6 metres high to the ridge. The proposed development would therefore increase built floor space by around 150% whilst the biomass building would be approximately 14.5 metres higher than the highest sawmills building presently on site.
140. In addition to this, there would be an increase in the amount of waste wood and composting material entering the site compared to existing permitted levels which are capped at 20,000 tonnes per annum under planning permission 8/09/01871/CMA. The proposed development seeks to import 60,000 tonnes of material in total: 50,000 tonnes of waste wood and 10,000 tonnes of composting material, an increase of 40,000 tonnes per annum. Despite this, it should be highlighted that this increased amount of material would all be chipped and shredded in the proposed chipping/shredding building, operations which presently take place on the concrete pad on the eastern side of the site and which have led to the majority of complaints on site due to the deposit of dust onto adjacent land during wood chipping operations. Under the proposed development, the concrete pad would only be used for the storage of incoming biomass waste, the storage of chipped and shredded waste awaiting transfer to the biomass building, and the composting windrows. The increase in the amount of waste wood and composting material imported into the site would also result in an increase in HGV movements into the site, with the presently permitted level of 11 HGVs per day under planning permission 8/09/01871/CMA increasing to 15 per day under this application.

141. Taking all the above into account, it is considered that there would be an intensification in the use of the site but the consideration of other issues, such as landscape and visual impacts and the impacts on amenity, which are considered below, will determine whether this is an over-intensification or not, as required by the policy, and would also address the remaining requirements of the policy.
142. Policy WCS7 – General Site Criteria details the general locations where various waste management facilities will be supported. For incineration plants which recover energy, Policy WCS7 considers that small, medium and large facilities would be suitable on employment land (areas which are already used for, or allocated for employment uses such as industrial estates, business or technology parks etc) or derelict/other previously developed land (land that is no longer needed or has been abandoned). Given that the application site is considered to be an existing employment site, the proposed development accords with this policy and it should be highlighted that the proposed biomass plant is only considered to be ‘small’, based on the criteria in the WCS, yet a large facility would be acceptable in this location, albeit subject to other policies in the plan, especially Policy WCS4.
143. Policy WCS8 – Extensions to Existing Waste Management Facilities supports the extension, redevelopment or improvement of existing waste management facilities where they increase capacity or improve existing waste management methods, and/or reduce existing environmental impacts. The proposed development would increase the amount of waste wood that would be managed on site and, although it can be argued that the clean wood would move down the waste hierarchy, there would be benefits at the site in terms of the need not to take chipped and shredded clean wood off site, whilst there would be improved management of the additional 40,000 tonnes of waste to be brought into the site which would otherwise likely be landfilled. There are also likely to be improvements in terms of amenity resulting from the chipping and shredding operations taking place inside a building. It is therefore considered that the proposed development broadly accords with this policy.
144. Policy WCS11 – Sustainable Transport seeks to maximise the use of alternatives to road transport and also to minimise the distances travelled in undertaking waste management. Whilst the waste wood and composting material coming into the site would arrive by road, the proposed development would not require the continued export of some processed materials off site by road, with the only material leaving the site being residual ash from the biomass process. It is therefore considered that the proposed development is partly in accordance with this policy.
145. Policy WCS12 – Managing Non-Local Waste allows for the treatment of waste from outside the county where it can be demonstrated that it makes a significant contribution to the movement of waste up the waste hierarchy; or there are no facilities or potential sites in more sustainable locations in relation to the source of the identified waste stream; or there are wider social, economic or environmental sustainability benefits that clearly support the proposal. There is some uncertainty regarding the sources of the waste wood coming into the site at present and the additional material that would be

required should planning permission be granted. The ES makes reference to the biomass plant being “fuelled by timber from existing recycling operations on site and supplemented by reclaimed wood from regional recycling operations”. Given this statement and the site’s location adjacent to the A46, it is highly likely that material coming into the site would in part be from outside the county, most likely Leicestershire, so consideration against this policy is necessary. The applicant has provided documentation of the existing contract the landowner (John Brooke) has with Leicestershire County Council to take around 3,500 tonnes of waste wood and green waste per annum, in addition to other offers of interest to supply waste wood and green waste in the future should the biomass plant be granted planning permission, including from Wastecycle in Colwick.

146. As previously highlighted, whilst some of the existing permitted levels of waste wood coming into the site would be managed further down the waste hierarchy, it is likely that the majority of the additional 40,000 tonnes of waste wood coming into the site for use in the biomass plant would otherwise have been sent to landfill, given the figures in the WSE which indicate that 80% of waste wood is presently landfilled. It is therefore considered that the proposed development would lead to a significant contribution to the movement of waste up the waste hierarchy.
147. Regarding other facilities in more sustainable locations, the ES provides details of five existing biomass plants in the East Midlands region and these are detailed in the table below, although the distances from the application site have been checked and amended where necessary.

Site	Distance from application site	Capacity (per annum)
Derby Alternative Energy Plant, Sinfen, Derby	43km	Approx. 26,280 tonnes
Larner Pallets, Wellingborough, Northamptonshire	80km	49,000 tonnes
GBM, Bolingbroke Road, Louth, Lincolnshire	103km	24,000 tonnes
Purepower, Theddingworth, Northamptonshire	65km	40,000 tonnes

148. Members will also be aware of their recent decision to refuse planning permission for a similar biomass plant at the ‘Plevin’s’ site near Elkesley, which is 60 kilometres from the application site.

149. It can be seen that there are no other operational biomass plants in the local area, or any proposed, and it is considered that the application site has sustainability credentials given the existing permitted waste wood operations which would supply a significant amount of waste wood to the proposed plant. It is also worth highlighting that biomass plants such as the one proposed are a relatively new technology in this country and it is likely that other similar proposals shall come forward in the county in the future, although this would be a decision based on the availability of waste wood and market demands. However, should further plants come forward, this would likely reduce the distance that the waste wood would need to travel, thereby making this policy less relevant for these types of proposals.
150. Regarding the final criterion in the policy, the proposal would bring economic benefits through the creation of jobs and there are also considered to be economic benefits to be derived from the creation of electricity from an indigenous supply of fuel when so much electricity in this country is produced using imported coal and gas. This matter also brings environmental sustainability benefits as required by the policy. It is therefore considered that the proposed development accords with the policy, irrespective of the fact that only one of the three criteria needs to be met.
151. Policy WCS13 – Protecting and Enhancing our Environment supports facilities which would have no unacceptable impact on environmental quality or the quality of life of those living and working nearby and where there would be no unacceptable cumulative impacts. Opportunities to enhance the local environment should be sought. The assessment of the proposed development against this policy, and a similar requirement in PPS10, is considered in the rest of the observations in this report on matters such as landscape and visual impact.

Landscape and Visual Impact

152. Concerns have been raised by members of the public, parish councils and Councillor Cottee regarding the scale of the proposed development in what is a predominately rural setting. The proposed biomass building would be significantly larger than the existing sawmills buildings and the biomass buildings previously permitted on the site, while there would also be a further building in which the waste wood would be chipped/shredded prior to being fed into the biomass plant. The chimney stack would be 37 metres high and Plan 5 gives an indication of the scale of this in comparison to the chimney stack at the Eastcroft Incinerator.
153. Despite the above, no objection has been raised by the County Council's Landscape Officer based on a number of photomontages provided in the ES which show the proposed development from a number of locations. However, it should be highlighted that the Landscape Officer does not agree entirely with the findings of the ES in terms of impact, although no significant adverse impacts are predicted.

154. The lack of objection from the Landscape Officer is subject to the implementation of the proposed planting detailed in the landscape masterplan (see Plan 7) submitted with the application, in addition to further landscaping works which are detailed in the 'impact on heritage assets' observations below as they would also bring about benefits to the setting of a listed building. The Landscape Officer has emphasised the need to strengthen the shelter belt on the northern boundary of the site and provide new hedgerows and hedgerow trees in order to meet wider landscape character and biodiversity objectives.
155. The landscape masterplan submitted with the application details existing trees and hedgerows that would be retained in addition to further planting that would be provided and thereafter maintained to reduce the visual impact of the proposed development to acceptable levels. Some of the existing and proposed planting is outside the application area but on land in the ownership of the site owner. Therefore, it is recommended that a condition is attached to any planning permission granted, in addition to clauses in a legal agreement to cover planting outside the application site and the long-term management of all existing and new planting, matters which cannot be covered by condition.
156. Details would need to be provided of the species to be used in the new planting and conditions/legal agreement clauses would require planting to be of native genetic origin and preferably of local provenance. The County Council's Nature Conservation Officer has recommended that the new hedgerow planting is hawthorn dominant. Given the importance placed on the landscaping by the Landscape Officer in raising no objection to the application, it is considered important that the proposed landscape management continues in perpetuity, or for however long the biomass plant is operational. This would ensure compliance with Policy W3.4 (Visual Impact – Screening and Landscaping Measures) of the WLP.
157. The ES has not clarified the colours that the proposed buildings would be clad but the Landscape Officer considers that the buildings should be clad in either dark grey or green, with the chimney stack in light grey. Such colours would reduce the visual impact of the buildings further in accordance with Policy W3.3 (Visual Impact of Plant, Building and Stockpiles) and details of the exact colours to be used could be secured by a suitably worded condition.

Impact on Heritage Assets

158. The County Council's Historic Buildings and Conservation Officer has significant concerns regarding the application and considers that the proposed biomass building and chimney stack would not enhance the existing setting of the Grade II Listed Broughton Grange Farm which is located approximately 250 metres south of the site, or Broughton Lodge Farm which is a non-designated heritage asset of local interest approximately 150 metres further south. The degree of harm is not considered to be substantial and this is partly due to harm to the setting of the listed building from existing built development such as the sawmills buildings, a railway test track and the A46 Fosse Way, a busy road which passes only 50 metres from the listed building and is surfaced in concrete, making it extremely noisy. Further existing harm is also caused by

significant conifer planting on land to the north of the listed building which, in addition to being an uncharacteristic tree species in the area, limits views of the wider, predominately agricultural landscape, from this farmhouse building. All these matters already have a negative impact on the setting of the listed building.

159. Regarding the conifer trees, the Historic Buildings and Conservation Officer accepts that the removal of these now would have a greater negative impact on the setting of the listed building as it would not only open up views of a predominately agricultural landscape but also the sawmills and the existing waste wood operations. It is therefore considered that the impact of the proposed development on the listed building would actually be mitigated by the retention of these trees, although they are not considered to be an appropriate means of mitigation as they are not species characteristic of the area.
160. The applicant was given the opportunity to provide photomontages to confirm the impact of the proposed development, and the chimney stack in particular, on views from the listed building and whilst such a photomontage has been provided, it was taken from such a position in front of the listed building that it resulted in the chimney stack being largely obscured by a relatively immature tree close to the listed building. Had the photomontage been taken from another nearby location in front of the listed building, the full impact of the chimney stack would have been identified and would have been easier to assess. Despite this, the Historic Buildings and Conservation Officer considers that the chimney stack would become the dominant feature in the landscape which would be at odds with the historic setting of isolated farmsteads along the Fosse Way.
161. The Historic Buildings and Conservation Officer considers that whilst the impact of the proposed development on the listed building would constitute less than substantial harm, the proposed development would result in a degree of harm and, in terms of policy consideration, paragraph 134 of the NPPF is relevant and states:
- “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.”*
162. Also of some relevance is Policy W3.28 of the WLP which states that:
- “Proposals for waste management development which would harm the character, appearance, condition or setting of conservation areas, listed building, and historic parks and gardens will not be permitted.”*
163. However, given that the WLP was adopted in 2002 and the NPPF states that policies in plans adopted prior to 2004 should only be given due weight according to their degree of consistency with the NPPF, it is considered that this matter should be primarily assessed against the NPPF. Of greater relevance is Policy WCS13 of the WCS which seeks to protect elements of

environmental quality from unacceptable impact. The supporting text to this policy states that development should be located away from areas of important heritage value but, where this is unavoidable, appropriate mitigation will be required.

164. It is therefore considered that the proposed development needs to demonstrate public benefits in order to outweigh the degree of harm identified by the Historic Buildings and Conservation Officer. Local public benefits are considered to be restricted to the creation of eight full-time and two part-time jobs on site and the reduction in dust emissions from the site through the construction and use of the waste wood chipping/shredding building. Another potential local benefit – to utilise the heat generated by the biomass plant for the benefit of local housing or businesses – is not proposed in this application.
165. Instead, the public benefits would largely centre on the wider benefits of diverting significant amounts of waste wood from landfill; generating electricity equivalent to the annual usage of approximately 16,000 homes from a renewable, sustainable source; and reducing greenhouse gas emissions by reducing the need for fossil fuel consumption and sending waste to landfill. As detailed in the planning policy observations above, the NPPF identifies the need to secure radical reductions in greenhouse gases and deliver renewable and low carbon energy, which the proposed development would deliver. In addition to this, the Energy White Paper highlights that the benefits of new renewable projects might not be at the local level but the wider benefits of low carbon energy generation and the resulting reduced emissions and diversity of supply are material considerations which should be given strong weight when determining planning applications.
166. In order to provide further benefits at a local level, discussions have taken place with the County Council's Historic Buildings and Conservation Officer, Landscape Officer, and the Planning Officer dealing with other applications at the site. As a result of these discussions, revisions to the landscape masterplan have been suggested to improve the existing setting of the listed building (thereby improving its future viability, a matter which the NPPF places importance on), in addition to bringing landscape and biodiversity benefits. It is therefore considered that a revised landscape strategy should be submitted which informs the landscape masterplan which should be extended to include Broughton Grange Farm and its immediate setting, along with roadside vegetation which runs alongside the A46 in this area. The revised landscape strategy and masterplan should provide for:
- The provision of the planting provided in the Landscape Masterplan as presently submitted;
 - Additional planting which provides for the reinstatement of historic planting as shown on the First Edition Ordnance Survey Map which dates from around 1884 (see Plan 8). This shows tree planting in front of Broughton Grange Farm and three lines of tree shelter belts in the approximate location of the line of conifer trees. As detailed above, the Historic Buildings and Conservation Officer does not consider the conifer trees to be an appropriate form of mitigation but a shelter belt of

tree species which are appropriate to the local landscape could allow for the gradual removal of these conifers. It should also be noted that one of the characteristics of the Widmerpool Clay Wolds policy zone, in which the application site is located is 'woodland comprising a mix of small linear belts, geometric copses and coverts on high ground and around large farmsteads and halls on village fringes';

- Additional infill planting in key locations, such as along the northern boundary of the site and along the western boundary adjacent to the A46, as identified through the landscape strategy;
 - Any landscaping likely to be required as part of the other planning application to extend the waste wood storage area (which could closely follow a historic field boundary);
 - The phased removal of conifer trees once this planting has matured, in particular the recommended tree shelter belts.
167. The above matters would continue to provide screening of the entire site in the long term but, over time, the screening would be provided through native tree species rather than the significant amounts of non-native species which are there at present. This would ensure that the impact of the proposed development on the setting of the listed building remains 'non-significant' but would also improve the setting of the listed building by reintroducing native species and key characteristics of the local landscape. The NPPF highlights "the desirability of sustaining and enhancing the significance of heritage assets" and it is considered that these matters would be beneficial in this respect. The landscape strategy and masterplan need to be seen as bringing benefits over the long-term but are considered appropriate given that the proposed biomass plant would be a permanent development. The landscape strategy and masterplan would be secured by appropriate conditions and through a legal agreement and the applicant has indicated that the provision of the above improvements is acceptable.
168. Finally, and again to help enhance the significance of the heritage asset, the County Council's Historic Buildings and Conservation Officer has identified some historic bow-top railing which is to the immediate north of the farmhouse and which is considered to be a well detailed example of its type and likely to form part of the building's listing. Remedial works to preserve this railing would again enhance the significance of the heritage asset and would help mitigate the impacts of the proposed development. These works would be secured through the legal agreement.

Shadowing Impact of the Proposed Biomass Building

169. An objection has been raised by a neighbouring farmer arguing that the proposed biomass building in particular would lead to shadowing on one of his fields, shadowing which would have a detrimental impact on the agricultural viability of the land. To this end, the applicant has been asked to provide

additional information, including shadow studies, in order to assess the impact in this respect.

170. The additional information requested has been submitted and the County Council has sought advice from a specialist land management consultant given that none of the usual consultees used by the County Council on planning applications had the expertise to provide advice on this subject. This consultant also advised the County Council on the scope of the additional information that was sought.
171. The northern boundary of the application site abuts the southern boundary of the field in question, with the two separated by a mature hedge including a number of mature trees. These already shade part of the field to varying degrees depending on the time of day and year, although this is dappled shade, particularly in winter when the hedgerow and most of the trees are out of leaf. Having spoken to the neighbouring farmer, he is particularly concerned that any additional shading could result in a shortened growing season, reducing the time during which cattle could be put to pasture on the field. The field covers an area of just over two hectares with the southern boundary being around 200 metres in length.
172. There is no specific planning policy guidance on this matter although Policy WCS13 of the WCS requires new or extended waste treatment or disposal facilities to demonstrate that there would be no unacceptable impact on any element of environmental quality or the quality of life of those living or working nearby. It is considered that any significant shadowing of the field, over and above what is already experienced as a result of the hedgerow and hedgerow trees, could be considered to be contrary to this policy.
173. The applicant has provided the shadow studies requested which show the impact of the proposed biomass building towards the beginning and end of the grass growing season, in March and September, and also in June. Given the location of the field to the north of the proposed biomass building, the impact of shadowing would be greatest towards the middle of the day when the sun is in the southern sky. In March and September, only the south western corner of the field would be shaded by the building at 7am, although existing trees, including some conifer trees, already shade this part of the field. By 10.30am, with the sun higher in the sky, only small sections of the field would be subject to additional shading from the building, although the thin chimney stack would cast more shadow, given its height. However, the shadow from the chimney stack would cover a relatively small area at any one time and would be constantly moving as the sun moves across the sky so would not affect any particular part of the field for prolonged periods of time. At 2pm, only the stack would cast any additional shadow on the field whilst at 5pm, with the sun in the western sky, neither the building nor the hedgerow and hedgerow trees would cast any shadow on this field.
174. In June, with the sun higher in the sky at all times compared to similar times in either March or September, the impact of the building would be negligible with only the chimney stack, which would be only 1.6 metres in diameter, providing any additional shading in the morning.

175. The consultant engaged by the County Council on this matter does not consider that the additional shading would be sufficient to alter the agricultural land classification of the field, which is Grade 3. This is largely as a result of the existing hedgerow and hedgerow trees which already cast shadows across the same part of the field that would be largely affected by the proposed biomass building. The consultant did raise the issue regarding the lack of a shadow study for mid-winter, although the same consultant did advise the County Council as to the extent of the additional information that was requested. At that time, it was not deemed necessary to ask for a shadow study at that time of the year as this would not be in the grass growing season.
176. Officers have visited the site during December and the adjacent hedgerow and hedgerow trees do cast significant shadow over the field in the morning. It is likely that the proposed biomass building would exacerbate this and potentially increase the amount of temperature loss that these shaded parts of the field already suffer from. This temperature loss has the result of delaying the time when the grass starts growing in the spring and so reduces the time when the land can be grazed.
177. Given the response from the consultant engaged by the County Council, it is considered that whilst the proposed biomass building would increase shadowing on the field, this would not be significant, particularly during the grass growing season and so it is not considered that the proposed development is contrary to Policy WCS13 in this respect.

Highways

178. Access onto the site would be via the A46 Fosse Way which is a trunk road and therefore advice from the Highways Agency is relevant as opposed to the Highways Authority. The Highways Agency has stated that the existing permitted total of 15 HGVs entering and leaving the site per day is acceptable although it should be noted that this total is derived from two separate permissions. Planning permission 8/09/01871/CMA for the waste recycling and composting operations allows 11 HGVs to enter the site per day and this permission remains valid. The last permission granted for a biomass plant (reference 8/10/00867/CMA) allows for the other four HGVs but, since the application was submitted, this permission has lapsed as it was not implemented within three years of being issued. Despite permission for four of the 15 HGVs having now lapsed, the Highways Agency has clearly assessed the site in the past against this total figure and has no objection to the application subject to this total being carried forward.

Other conditions recommended to be carried forward include ensuring that all HGVs enter and leave the site via a left hand turn. The Highways Agency has recommended that signage is provided at the site entrance to remind HGV drivers of the need to turn left out of the site and it is hoped that all HGVs using this entrance, including those only associated with the sawmills, would observe this request. Officers have witnessed HGVs leaving the site via a right turn across the central reservation, a manoeuvre which is not considered to be particularly safe. A condition requiring all HGV drivers to be issued with

instructions regarding this matter is also considered appropriate. These conditions would ensure that the necessary highway safety is provided in accordance with Policies W3.14 and W3.15 of the WLP. This matter would also need to be included in a legal agreement to cover those HGVs approaching the site from outside the site.

179. During the construction period, the Highways Agency recommends that a 'Construction Traffic Management Plan' be in place due to the likely increase in HGVs during this period. The plan would need to provide details of the management and routing of HGVs during this period, measures to prevent the deposit of mud on the highway, and ensuring that construction drivers are aware of any site-specific arrangements in place. Again, this is considered acceptable and would ensure that highway safety is maintained in accordance with the above policies. Again, given that some of these requirements affect HGVs when they are outside the site boundary, this matter would also need to be covered by the legal agreement.

Noise

180. A revised noise assessment has been requested by the County Council's Noise Engineer and has subsequently been submitted. It considers the impacts of the proposed development both during the daytime, when all activities on site would be operational, and during night-time when the biomass plant would continue to operate. The application site is well located in terms of noise impacts given its relatively isolated location with only a small number of individual properties being in close proximity. The site also benefits in terms of potential noise impacts from the adjacent A46 Fosse Way which, in the section that passes the site, is surfaced in concrete sections leading to relatively high background noise levels.
181. The County Council's Noise Engineer is satisfied that all potential noise impacts have been assessed and does not raise an objection to the application subject to a number of matters being secured by condition. These include a maximum noise level within the biomass building and the construction of this building and the waste wood chipping/shredding building in such a manner as to achieve specified noise reductions. Acoustic screens are proposed around the external air-condenser units and where the green waste shredder is to be located and details of these would need to be submitted for approval. A condition is also recommended to ensure that no roof lights are fitted into the roof of the biomass building, as these could reduce the acoustic effectiveness of the building, whilst all doors on the biomass building would be required to be kept shut at all times unless in use.
182. Further conditions recommended include the fitting of 'white noise' reversing alarms on all vehicles under the control of the operator, the maintenance of all vehicles, plant and equipment, and the control of operating hours for the various activities on site. With these measures in place, it is considered that the proposed development would accord with Policy W3.9 of the WLP and noise impacts would be kept to acceptable levels.

Air Quality

183. Concerns have been raised by local residents regarding the emissions from the chimney stack and their potential impact on residential amenity and also on agricultural land. It is accepted that the proposed development is south west of properties in Hickling Pastures and so the predominant wind direction would blow any emissions towards those properties. The height of the chimney stack (37 metres) has been determined through a stack height assessment which has assessed the minimum height of the stack required to ensure the adequate dispersion of pollutants. Whilst an even higher stack might provide even greater dispersion, this would of course increase the visual impact of the chimney and its impact on the setting of a listed building. There is therefore an element of compromise although the key issue is to ensure that the required dispersion is achieved.
184. Rushcliffe Borough Council has raised no objection to the application subject to the chimney stack being at this height and this matter could be suitably conditioned. What needs to be made clear is that emissions from the biomass plant is a matter for the EA to deal with in the environmental permit process. PPS10 makes it clear that the planning and pollution control processes should not duplicate each other so, apart from conditioning the height of the chimney stack, no other conditions relating to this matter are considered appropriate or necessary. It should also be noted that Public Health England has raised no objection to the application and has highlighted their role in the environmental permitting process.
185. Dust has been a regular issue at the waste wood and composting site in the past with dust being primarily generated by the wood chipping/shredding operations, leading to the deposit of dust particularly on neighbouring agricultural land. This matter has again been raised by objectors and Rushcliffe Borough Council has recommended a condition regarding dust. Given these concerns, the proposed wood chipping/shredding building would bring significant improvements to the site in this respect with all of the waste wood being processed inside a building. However, the shredding and chipping of green waste would continue to take place outside, albeit approximately 90 metres from the northern boundary of the site which abuts the agricultural field which has been most impacted by dust emissions in the past. With some chipping/shredding operations continuing to take place outside, in addition to the storage of processed and unprocessed material which can also generate dust, a condition requiring a dust management plan to be submitted for approval and thereafter implemented is recommended to ensure the proposed development accords with Policy W3.10 (Dust) of the WLP. This condition would require dust levels to be monitored given the issues at the site in the past. A condition is also recommended requiring the outside chipping/shredding of green waste to be carried out in the location identified on the submitted plans in order to retain the distance between this activity and the agricultural field.

Other matters

186. The ES states that floodlights would be installed at the site but no further details have been provided. A condition is recommended requiring details to be submitted and these would ensure that all floodlights would point downwards and be shielded to reduce the amount of glare to a minimum. Any floodlights required in the storage area would be required to be turned off outside normal operating hours.
187. Severn Trent Water has recommended a condition requiring the submission of details relating to the disposal of surface water and foul sewage. This is considered acceptable and would be attached to any permission granted.
188. The County Council's Reclamation Officer has recommended a condition to cover what is considered a minor risk of contamination during the construction of the proposed development, when footings would be required for both the buildings proposed. This is considered acceptable as a precautionary matter.

Legal Agreement

189. A legal agreement would be required to ensure that the developer provides for and finances a number of matters which cannot be secured by planning conditions. These are those aspects of the recommended extended landscape strategy and masterplan which are outside the application area, and to also secure the measures within them over the whole life of the development. The remedial works to the historic bow-top fencing in front of Broughton Grange Farm would also need to be secured through a legal agreement. In addition to this, the agreement would need to secure the highways safety matters recommended by the Highways Agency both during the construction and operational phases of the proposed development. Should Members resolve to grant planning permission, no permission would be issued until a legal agreement covering these matters had been agreed by the Corporate Director.

Other Options Considered

190. The report relates to the determination of a planning application and the County Council is under a duty to consider the planning application as submitted. However, given that the application was submitted with an Environmental Statement, the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 require such applications to consider alternatives. The ES has considered the pyrolysis/gasification technology which was one of the previous applications submitted but states that the biomass technology is more reliable which is likely to lead to the plant being operational for more hours, requires less maintenance, and is a proven technology for energy generation.
191. Composting (anaerobic digestion) has also been considered but the ES states that such an operation on this scale would require a number of storage tanks to store the effluent produced which would have to be disposed of at a treatment plant if it is contaminated. In addition to this, the waste wood would

need to be supplemented with other more biodegradable material in order for the process to work efficiently.

192. Regarding recycling, the ES states that the UK faces an over-supply of waste wood for recycling resulting in large volumes continuing to be sent to landfill, particularly contaminated wood as recent restrictions mean that treated wood can no longer be used in animal bedding and composting, for example. Finally, the ES has considered the 'do nothing' scenario but states a number of benefits of the proposals over this including a reduction in the disposal of wood to landfill, an additional outlet for recycled wood over and above the fluctuating chipboard and animal bedding markets, the contribution to targets for renewable energy production, a reduction in carbon dioxide emissions, and a reduction in dust impacts from the site through the relocation of wood chipping/shredding operations into a new building.

Departure from the development plan

193. The application was advertised as a departure from the development plan as the application site is washed over in the Rushcliffe Local Plan as open countryside. However, it is accepted that the site is an established industrial site and so no further consideration on this matter is required.

Statutory and Policy Implications

194. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment, and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Crime and Disorder Implications

195. The ES states that the biomass plant would be operational 24 hours a day and so would be manned at all times, therefore providing the necessary security on site.

Human Rights Implications

196. Relevant issues arising out of consideration of the Human Rights Act have been assessed. Rights under Article 8 (Right to Respect for Private and Family Life) and Article 1 of the First Protocol (Protection of Property) are those to be considered. In this case, however, there are no impacts of any substance on individuals which have not been addressed through the consideration of the planning application and therefore no interference with rights safeguarded under these articles.

Implications for Sustainability and the Environment

197. These are considered in the Observations section above.
198. There are no service user, financial, equalities, human resource, or safeguarding of children implications.

Conclusions

199. Despite there being a significant number of issues which have required consideration as part of the assessment of this application, the question of whether to recommend approval or refusal requires a balance to be made between the significant advantages that the proposed development would bring in terms of diverting waste wood from landfill and generating energy from a sustainable renewable source, against the impact of the proposed development on the setting of Broughton Grange Farm, a Grade II listed building.
200. The County Council's Historic Buildings and Conservation Officer considers that the proposed development would have an adverse impact on the setting of the listed building, although he considers that the level of harm would be 'less than substantial'. The NPPF requires the impacts from applications for renewable and low carbon energy to be acceptable (or be made acceptable) whilst it also states that 'less than substantial harm' to a listed building needs to be weighed against the public benefits of the proposals.
201. It is considered that local public benefits derived from the proposed development would be limited to the creation of eight full-time and two part-time jobs and the reduction in dust emissions from the site and it should be noted that no use has yet been identified for the heat that would be generated by the biomass plant, a matter which could have brought further local benefits. However, the Government acknowledges that the benefits of such schemes might not be at a local level and the 2007 Energy White Paper: Meeting the Energy Challenge states that while renewable energy projects might not convey any particular local benefits, they provide crucial national benefits in terms of providing low carbon energy generation, reduced emissions, and a more diverse energy supply. These are material considerations which should be given significant weight when considering these types of proposals. One of the NPPF's core planning principles is to "support the transition to a low carbon future encourage the reuse of existing resources and encourage the use of renewable resources (for example, by the development of renewable energy)".
202. Given the above, it is considered that the benefits that would derive from the proposed scheme would outweigh the impacts it would have on the setting of the listed building, subject to the extended landscape strategy and masterplan recommended by landscape and heritage officers being secured and implemented. It is considered that this landscape strategy and masterplan is critical in this respect and securing this for the entire life of the development

through a legal agreement is an important consideration. The applicant has indicated that this is acceptable.

203. All other matters relevant to this application, such as noise, dust, traffic and shadowing impacts have been assessed and it is considered that there would be no unacceptable impacts subject to conditions. It is therefore recommended that, subject to the signing of a legal agreement and the conditions set out in Appendix 1 of this report, planning permission be granted for the proposed development.

Statement of Positive and Proactive Engagement

204. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by entering into pre-application discussions and the scoping of the application. The proposals and the content of the Environmental Statement have been assessed against relevant Development Plan policies in the Nottinghamshire and Nottingham Waste Core Strategy, saved policies in the Nottinghamshire and Nottingham Waste Local Plan, and the Rushcliffe Non-Statutory Replacement Local Plan; the National Planning Policy Framework, the National Policy Statement for Energy, the Waste Management Plan for England, and Planning Policy Statement 10: Planning for Sustainable Waste Management. The Waste Planning Authority has identified all material considerations; forwarded consultation responses that may have been received in a timely manner; considered any valid representations received; liaised with consultees to resolve issues and progressed towards a timely determination of the application. Issues of concern have been raised with the applicant, such as the impact on the setting of a listed building, noise impacts, and the impacts of shadowing from the proposed biomass plant on adjacent agricultural land, and these have been addressed through negotiation and acceptable amendments to the proposals, as requested through a Regulation 22 submission. The applicant has been given advance sight of the draft planning conditions and the Waste Planning Authority has also engaged positively in outlining matters that would need to be included in a legal agreement. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

205. It is RECOMMENDED that the Corporate Director for Policy, Planning and Corporate Services be instructed to enter into a legal agreement under section 106 of the Town and Country Planning Act 1990 to secure the remedial works to the bow top fencing in front of Broughton Grange Farm, the implementation of the landscape masterplan, and also to ensure that highway safety is maintained throughout the construction and operation of the biomass plant.
206. It is FURTHER RECOMMENDED that subject to the completion of the legal agreement the Corporate Director for Policy, Planning and Corporate Services be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 of this report. Members need to

consider the issues, including the Human Rights Act issues set out in the report and resolve accordingly.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

Constitutional Comments

“Committee have power to decide the recommendations.”

SHB 07.04.14

Comments of the Service Director – Finance

“The financial implications are set out in the report.”

SEM 09.04.14

Background Papers Available for Inspection

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

Electoral Division and Member Affected

Councillor John Cottee

Keyworth

Report Author/Case Officer

Jonathan Smith

0115 9696502

For any enquiries about this report, please contact the report author.

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RECOMMENDED PLANNING CONDITIONS

Commencement

1. The development hereby permitted shall be begun within 3 years from the date of this permission.

Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The Waste Planning Authority (WPA) shall be notified in writing at least 7 days but not more than 14 days prior to the commencement of:

- (a) The construction of the development hereby permitted;
- (b) The generation of energy from the biomass plant.

Reason: To enable the WPA to monitor compliance with the conditions of this planning permission.

3. From the commencement of the development, a copy of this permission including all plans and documents hereby approved and any plans or documents subsequently approved in accordance with the permission shall always be available at the site for inspection by the WPA during normal working hours.

Reason: To ensure that the development is carried out in accordance with the approved plans and documents.

Approved details

4. Unless otherwise agreed in writing by the WPA, or where amendments are made pursuant to the other conditions attached to the permission, the development hereby permitted shall be carried out in accordance with the following plans and documents:

- (a) Planning application forms and Environmental Statement received by the WPA on 23 August 2013;
- (b) Response to Information Request Made Under Regulation 22 of EIA Regulations Version 1.3 received by the WPA on 18 February 2014;
- (c) Drawing Number 2474-1376-02 Revision B – Site Location Plan received by the WPA on 23 August 2013;

- (d) Drawing Number 2474-1376-03 Revision E – Proposed Site Layout Plan received by the WPA on 18 February 2014;
- (e) Drawing Number 2474-1376-04 Revision B – Proposed Biomass Building Elevations received by the WPA on 18 February 2014;
- (f) Drawing Number 2474-1376-05 Revision A – Proposed Storage Building Elevations received by the WPA on 18 February 2014;
- (g) Drawing Number LL95.02 Revision A – Landscape Masterplan received by the WPA on 18 February 2014.

Reason: For the avoidance of doubt.

5. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or subsequent amending legislation, no fixed plant or machinery, buildings, structures or private ways, shall be erected, extended, installed or replaced at the site, other than those expressly authorised by this permission, without the prior written approval of the WPA.

Reason: In the interests of visual amenity.

Construction of the biomass plant

6. No development shall commence until details of the contractors' access and site working arrangements have been submitted to, and approved in writing by, the WPA. The details shall specify the following:
 - (a) The size and location of the works compound(s);
 - (b) The number, size (including height) and location of all contractors' temporary buildings;
 - (c) The location(s) and means of access to the site;
 - (d) Arrangements for the use/disposal of surplus soil materials including any temporary soil storage arrangements;
 - (e) Provision for contractors' parking;
 - (f) The means of moving, storing and stacking all building materials, plant and equipment around and adjacent to the site;
 - (g) The arrangements for parking of contractors' vehicles and contractors' personal vehicles;
 - (h) Measures to minimise disturbance from noise which may include but not necessarily be restricted to the following:
 - (i) Cladding, insulation and operation of plant and machinery in accordance with manufacturers' recommendations;

- (ii) Erection of noise attenuation bunds and fencing;
- (iii) Additional restrictions on hours of working to those specified in Condition 18 below.

The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual and highways amenity and to ensure that the development is in compliance with Policy W3.3 and Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

7. No development shall commence until a routeing plan for construction traffic to and from the site has been submitted to, and approved in writing by, the WPA. The plan shall identify the arrangements for:
 - (a) Identifying steps and procedures to be implemented to minimise the impact of construction traffic including the management and routeing of HGVs to the site;
 - (b) Eliminating the deposition of debris, mud or dust upon the public highway resulting from the use of any vehicles leaving the development site;
 - (c) Ensuring that all construction drivers under the control of the applicant are made aware of the approved arrangements;

The routeing plan shall be implemented throughout the duration of the construction period.

Reason: To ensure the appropriate controls are in place to monitor and manage the site generated construction traffic and to ensure the safe operation of the A46 trunk road.

8. If, during the construction of the development hereby permitted, contamination not previously identified through the Groundsure Geology and Ground Stability Report submitted with the application and received by the WPA on 23 August 2013, is found to be present at the site, then no further development shall be carried out until a method statement has been submitted to and been approved in writing by the WPA. The method statement shall detail any investigations and remediation requirements to deal with the unsuspected contamination, including measures to minimise the impact on ground and surface waters and on the proposed land use, using the information obtained from the agreed site investigations. The method statement shall be implemented in accordance with the approved details as part of the continued construction of the development hereby permitted or in accordance with any other such timescale as may first be agreed in writing with the WPA.

Reason: To ensure that the construction of the development hereby permitted does not pose a risk to public health or the wider environment by ensuring that the site is made suitable for its intended use, in accordance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.

9. The chimney stack on the biomass building shall be 37 metres high, as per the details on Drawing Number 2474-1376-04 Revision B – Proposed Biomass Building Elevations received by the WPA on 18 February 2014.

Reason: To provide the necessary dispersion of emissions from the chimney stack.

Operational details

10. Only waste wood and any oversized green waste shall be accepted at the site. No other waste types shall be imported into the site.

Reason: In the interest of amenity and aviation safety in order to prevent the importation of putrescible waste which may attract birds.

11. Only green waste shall be composted at the site. Green waste is defined as grass, tree and hedge clippings and other types of organic plant matter originating from private gardens, local authority parks and commercial landscape works, or collected from kerbside collections or household waste recycling centres. The waste shall not include food products and food wastes.

Reason: To ensure satisfactory operation of the site in accordance with Policy W3.7 of the Nottinghamshire and Nottingham Waste Local Plan.

12. Any non-green or non-waste wood waste identified when material is tipped onto the site shall be removed prior to that waste stream being chipped and shredded. All non-green and non-waste wood waste shall be removed from the site at the earliest opportunity.

Reason: To ensure satisfactory operation of the site in accordance with Policy W3.7 of the Nottinghamshire and Nottingham Waste Local Plan.

13. The total combined amount of green waste and waste wood imported into the site shall not exceed 20,000 tonnes per annum until the wood chipping/shredding building, as detailed on Drawing Number 2474-1376-05 Revision A – Proposed Storage Building Elevations received by the WPA on 18 February 2014 has been constructed and is available for use, notification of which shall be made in writing to the WPA within one week of its construction. Thereafter, the total combined amount of green waste and waste wood imported into the site shall not exceed 60,000 tonnes per annum. A written record of the tonnages of waste materials being imported into the site shall be maintained by the developer and/or wood processor. Records of the tonnages recorded shall be made available to the WPA in writing within two weeks of a written request from the WPA.

Reason: To safeguard the amenity of users of nearby land and the nearest residential occupiers.

14. Upon the completion of the construction of the wood chipping/shredding building, as detailed on Drawing Number 2474-1376-05 Revision A – Proposed Storage Building Elevations received by the WPA on 18 February 2014 and as notified under Condition 13 above, waste wood shall only be chipped and shredded inside this wood chipping/shredding and storage building as identified on Drawing Number 2474-1376-03 Revision E – Proposed Site Layout Plan received by the WPA on 18 February 2014.

Reason: In the interests of amenity and to ensure the development is in compliance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.

15. Green waste shall only be chipped and shredded in the 'green waste shredding' location detailed on Drawing Number 2474-1376-03 Revision E – Proposed Site Layout Plan received by the WPA on 18 February 2014.

Reason: In the interests of amenity and to ensure the development is in compliance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.

16. No materials may be burned on the site except in the biomass plant. Any fire occurring shall be regarded as an emergency and immediate action taken to extinguish it.

Reason: In the interests of amenity.

17. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, of the combined capacity of the interconnected tanks, plus 10%. All filling points, vents, gauges, and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land, or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment in accordance with Policy W3.6 of the Nottinghamshire and Nottingham Waste Local Plan.

Noise

18. Except in the case of an emergency when life, limb or property are in danger (with such instances being notified in writing to the WPA within 48 hours of their occurrence), or with the prior written approval of the WPA, the following shall not take place except within the hours specified below:

	Mondays to Fridays	Saturdays	Sundays Bank/ Public Holidays
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Site development works including construction of the biomass plant and wood chipping/shredding/storage building	7am to 7pm	7am to 12pm	Not at all
Operation of the biomass plant	24 hours a day	24 hours a day	24 hours a day
Receipt of wood fuel into the biomass plant	7am to 7pm	7am to 7pm	8am to 4pm
Operation of plant and machinery associated with wood recycling and composting activities	8am to 6pm	9am to 5pm	Not at all

Reason: To safeguard the amenity of nearby occupiers and in compliance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

19. All plant, machinery and vehicles operating within the site shall incorporate noise abatement measures and be fitted with silencers and 'white noise' reversing warning devices maintained in accordance with the manufacturers' recommendations and specifications at all times to minimise any disturbance to the satisfaction of the WPA.

Reason: To minimise the risk of noise pollution in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

20. Internal noise levels within the biomass plant building hereby permitted and detailed on Drawing Number 2474-1376-04 Revision B – Proposed Biomass Building Elevations received by the WPA on 18 February 2014 shall not exceed 90dB(A).

Reason: To minimise the risk of noise pollution in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

21. No roof lights shall be fitted into the roof of the biomass plant building hereby permitted and detailed on Drawing Number 2474-1376-04 Revision B – Proposed Biomass Building Elevations received by the WPA on 18 February 2014.

Reason: To minimise the risk of noise pollution in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

22. The main doors on the biomass plant building hereby permitted and detailed on Drawing Number 2474-1376-04 Revision B – Proposed Biomass Building Elevations received by the WPA on 18 February 2014 shall be kept fully shut at all times with the exception of deliveries of processed waste wood into the building and the removal of ash from the building.

Reason: To minimise the risk of noise pollution in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

23. All pedestrian doors on the biomass plant building hereby permitted and detailed on Drawing Number 2474-1376-04 Revision B – Proposed Biomass Building Elevations received by the WPA on 18 February 2014 shall be kept fully shut at all times except when in use.

Reason: To minimise the risk of noise pollution in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

24. No development shall commence until details of all the acoustic screening, both around the air condenser unit and around the green waste shredding area and as detailed on Drawing Number 2474-1376-03 Revision E – Proposed Site Layout Plan received by the WPA on 18 February 2014, have been submitted to the WPA for its approval in writing, including a timetable for the installation of the screens. The acoustic screening shall be erected in accordance with the approved details prior to the generation of energy from the site and shall thereafter be maintained in order to provide the required noise attenuation.

Reason: To minimise the risk of noise pollution in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

25. No development shall commence until details of the external materials, including colour(s), to be used on the biomass plant building, the chimney stack and the waste wood chipping/shredding building have been submitted to the WPA for its approval in writing. The external materials and any other details required in the construction of the biomass building and the waste wood chipping/shredding building shall achieve a noise reduction index of at least 25dB(A) Rw. The biomass building, chimney stack and waste wood chipping/shredding building shall be constructed in accordance with the approved details and shall thereafter be maintained in order to provide the required noise attenuation.

Reason: To minimise the risk of noise pollution in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

26. In the event that a complaint is received regarding noise from the site, the operator shall, within one month of a written request from the WPA, undertake and submit to the WPA for its written approval a BS4142:1997 noise survey to assess whether noise from the development exceeds the daytime criterion of 10dB(A) above the existing background noise level or night time criterion of 5dB(A) above the background noise level, after the addition of the 5dB(A) penalty to reflect tonal, discrete or impact noise as advised in BS4142:1997. The noise assessment position and methodology in light of 24hr operations shall be agreed in advance with the WPA.

In the event of either criterion being exceeded, the report shall include additional measures to mitigate the noise impact so as to ensure compliance with the noise criterion, including a timetable for their implementation. The additional mitigation measures shall be implemented in accordance with the approved details and an additional noise survey undertaken in accordance with BS4142:1997 within one month to ensure compliance with the noise criterion. The results of this

additional noise survey shall be submitted to the WPA within one month of the additional noise survey having been carried out.

Reason: To minimise the risk of noise pollution in accordance with Policy W3.9 of the Nottinghamshire and Nottingham Waste Local Plan.

Dust

27. No development shall commence until a dust management plan has been submitted to, and been approved in writing by, the WPA. The dust management plan shall set out measures to minimise the generation of dust and reduce its impact on nearby dust sensitive receptors, including adjacent agricultural land, to acceptable levels, both during the construction and operation of the development hereby permitted, provide for dust monitoring, and provide a scheme for dealing with complaints. The dust management plan shall include, but not necessarily be limited to, any or all of the following steps as appropriate:

- (a) The use of water bowzers, sprays and vapour masts to dampen haul roads and other operational areas of the site;
- (b) The sweeping of access and haul roads, where necessary;
- (c) The minimisation of drop heights during loading and unloading of unprocessed and processed waste wood and green waste;
- (d) Limiting on-site vehicle speeds;
- (e) Provisions for the temporary suspension of operations, including vehicle movements, during periods of unfavourably dry or windy weather conditions;
- (f) Details of the mechanisms to be employed to monitor dust and airborne particles including the monitoring locations and the mechanism to record the dust monitoring data, including its submission to the WPA;
- (g) Details of the measures to be undertaken should the monitoring results indicate that operations on site are likely to lead to justifiable complaints;
- (h) Details of the mechanism for dealing with any complaints received either directly from members of the public or via the WPA.

The dust management plan shall be implemented in accordance with the approved details.

Reason: To minimise the risk of dust and air pollution in accordance with Policy W3.10 of the Nottinghamshire and Nottingham Waste Local Plan.

Lighting

28. Within one month of the date of commencement of the planning permission, as notified under Condition 2(a) above, details of all floodlighting to be used at the site shall be submitted to the WPA for its approval in writing. The details shall ensure that the floodlighting shall be angled downwards and suitably shielded to ensure that it does not result in glare or dazzle to surrounding land, property and other users. The details shall also set out the hours during which individual floodlighting fixtures shall be in use depending on their location and the hours of operation detailed in Condition 18 above. Outside these hours, individual floodlights shall be individually operated through a movement sensor switch with a maximum lighting cycle not exceeding 5 minutes.

The floodlighting shall be implemented and maintained for the life of the development in accordance with the approved details.

Drainage

29. No development shall commence until drainage plans for the disposal of surface water and foul sewage have been submitted to, and approved in writing by, the WPA. The scheme shall be implemented in accordance with the approved details before the development hereby permitted is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage in addition to reducing the risk of creating or exacerbating a flooding problem and to minimise the risk of flooding in accordance with Policy W3.5 of the Nottinghamshire and Nottingham Waste Local Plan.

Highways and access

30. All HGVs entering and leaving the site shall only do so by means of a left turn into and out of the site. No HGVs shall cross the central reservation of the A46 when entering and leaving the site.

Reason: In the interests of highway safety in accordance with Policy W3.15 of the Nottinghamshire and Nottingham Waste Local Plan.

31. No development, including the construction of the biomass plant, shall commence until details of the signs to be erected at the site entrance directing HGV drivers to enter and leave the site by means of a left turn manoeuvre only have been submitted to, and approved in writing by, the WPA. The signs shall be erected in accordance with the approved details and shall thereafter be maintained in good condition throughout the life of the development hereby permitted.

Reason: In the interests of highway safety in accordance with Policy W3.15 of the Nottinghamshire and Nottingham Waste Local Plan.

32. No development, including the construction of the biomass plant, shall commence until details of the instructions to be issued to all HGV drivers instructing them to enter and leave the site by means of a left turn manoeuvre

only have been submitted to, and approved in writing by, the WPA. All HGV drivers accessing the development hereby permitted shall be issued with the instructions as approved throughout the life of the development.

Reason: In the interests of highway safety in accordance with Policy W3.15 of the Nottinghamshire and Nottingham Waste Local Plan.

33. The number of HGVs accessing the site to deposit wood waste and green waste shall not exceed 15 per day.

Reason: In the interests of highways safety in accordance with Policy W3.15 of the Nottinghamshire and Nottingham Waste Local Plan.

34. Measures shall be employed to prevent the deposit of mud, clay and other deleterious materials on the surrounding public highway during the operation of the site. Such measures may include the provision of wheel washing facilities, regular sweeping and cleaning of the access and vehicular circulation routes. In the event that such measures prove inadequate, then within two weeks of a written request from the WPA, a scheme including revised and additional steps or measures to be taken in order to prevent the deposit of materials upon the public highway shall be submitted to the WPA for its approval in writing. The approved steps for the protection of the surrounding roads shall be implemented within the timeframes specified in the scheme and thereafter maintained at all times.

Reason: In the interests of highways safety in accordance with Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.

Landscaping

35. Prior to the commencement of the development hereby permitted as notified under Condition 2(a) above, a scheme for landscape strategy shall be submitted to the WPA for its approval in writing. The strategy shall include the following details:

- (a) The identification of all trees, hedges and shrubs to be retained and the measures for their protection during the construction of the development hereby permitted and thereafter, and details of any trees, shrubs and hedges to be removed;
- (b) A landscape strategy for the site and its surroundings, including Broughton Grange Farm and its setting, which details how the landscaping proposals have been designed to benefit the landscape character of the area, the setting of Broughton Grange Farm (drawing from the First Edition Ordnance Survey Map), and the biodiversity of the area;
- (c) A revised Landscape Masterplan based on Drawing Number LL95.02 Revision A – Landscape Masterplan received by the WPA on 18 February 2014 but extended to include Broughton Grange Farm and its setting,

including the A46 and existing roadside planting, and designed based on the landscape strategy submitted under Criteria (b) above;

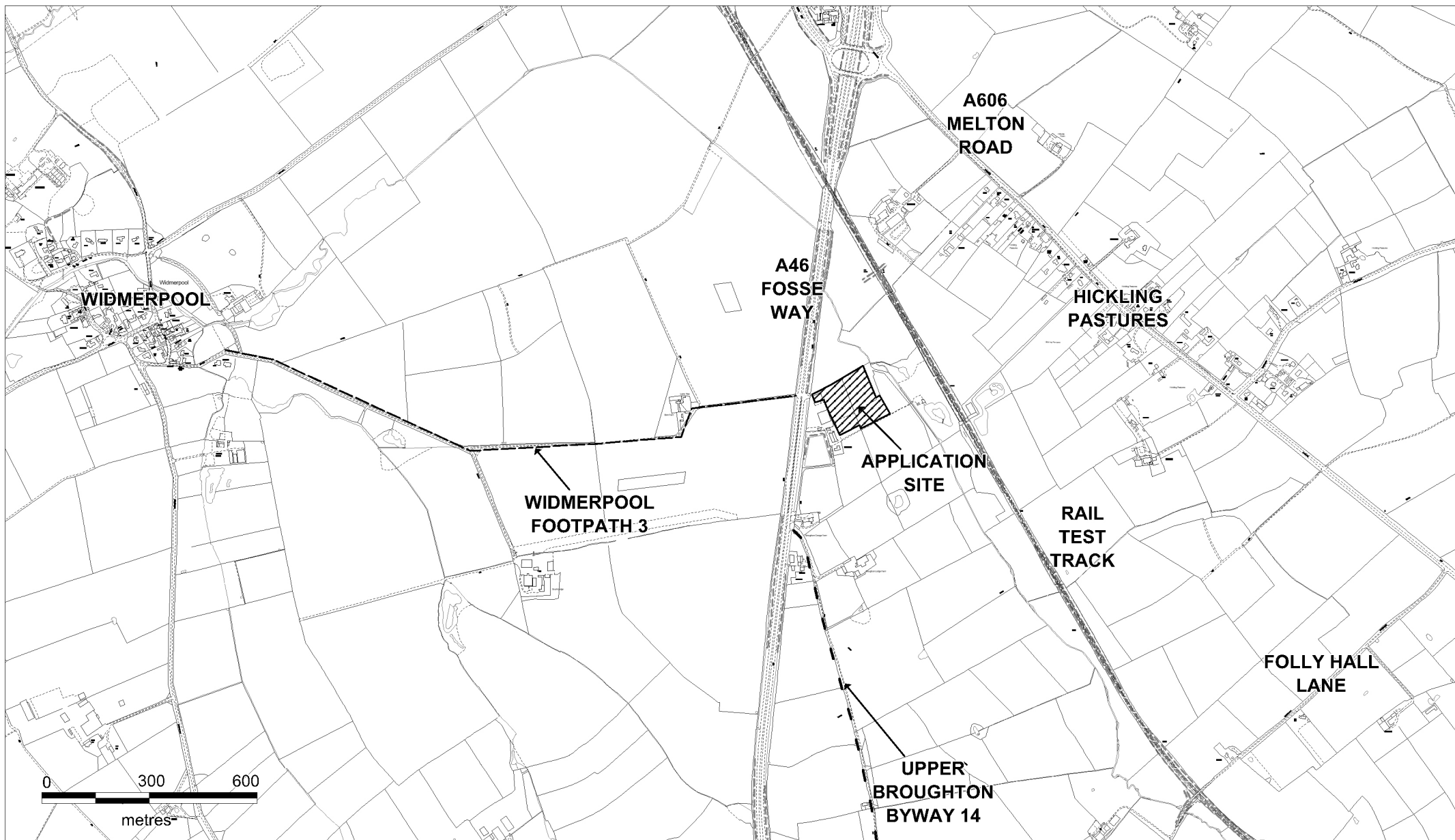
- (d) Planting proposals showing numbers; species (which shall be native species, appropriate to the local area, of native genetic origin and ideally of local provenance (seed zone 402)); proportions (with hedgerows being hawthorn dominant); density; positions; and sizes of all trees, shrubs and hedgerows; and the sowing of wildflower areas, to provide for the revised Landscape Masterplan submitted under Criterion (c) above;
- (e) A landscape management plan and schedule of maintenance for a period of 5 years;
- (f) Timetable for implementation of hard and soft landscape works.

All landscaping planting and protection shall be carried out in accordance with the approved details.

Reason: In the interest of amenity and to benefit landscape character and the setting of a listed building in accordance with Policy W3.4 and Policy W3.28 of the Nottinghamshire and Nottingham Waste Local Plan.

Informatives/notes to applicants

1. Your attention is drawn to the Standing Advice from The Coal Authority dated 1 January 2013 set out below.



**Nottinghamshire
County Council**

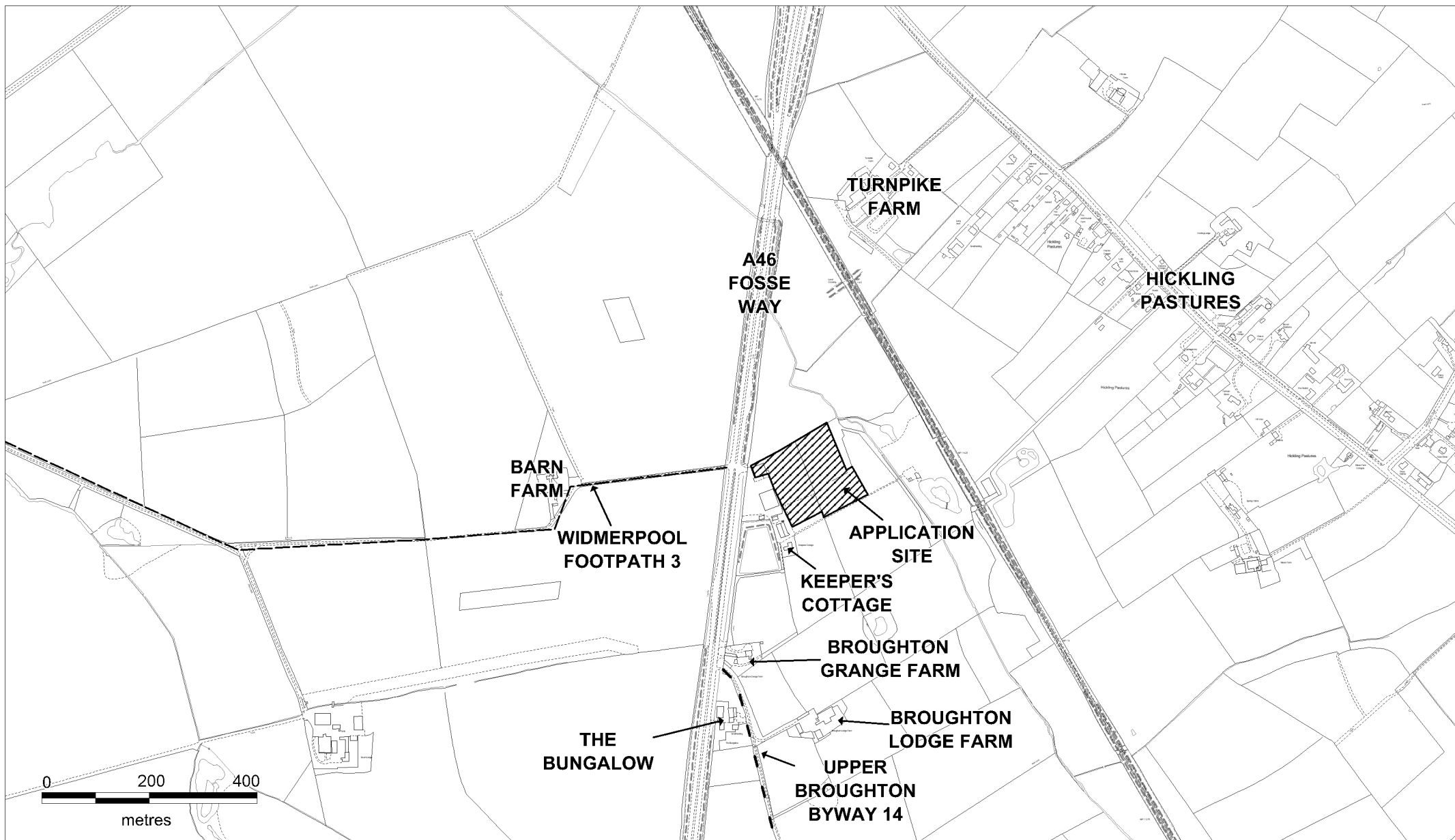
The Erection of 2 New Industrial Buildings and Installation of 7MW (approximate) Wood Fuelled Renewable Energy Biomass Plant, retaining existing wood recycling and composting operations.
John Brooke (Sawmills) Limited, The Sawmill, Fosse Way, Widmerpool
Planning Application No. 8/13/02185/CMA

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Date: APRIL 2014

PLAN 1



**Nottinghamshire
County Council**

The Erection of 2 New Industrial Buildings and Installation of 7MW (approximate) Wood Fuelled Renewable Energy Biomass Plant, retaining existing wood recycling and composting operations.
John Brooke (Sawmills) Limited, The Sawmill, Fosse Way, Widmerpool
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PLAN 2

PLAN 4

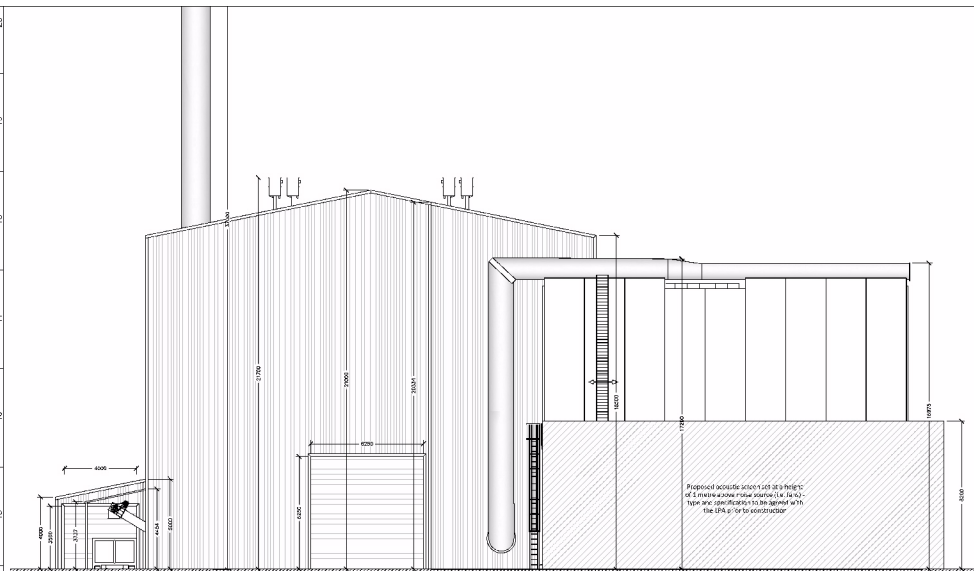


Figure 1: Elevation facing West-South-West (WSW)

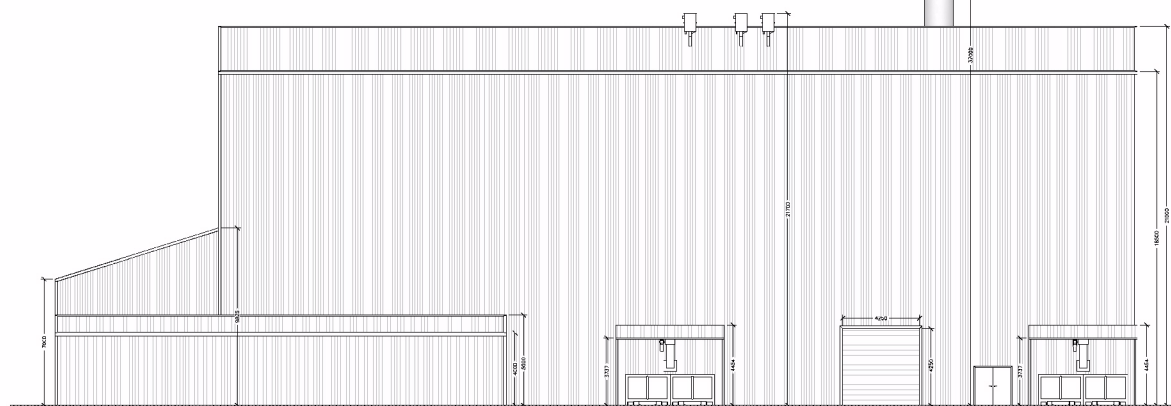


Figure 2: Elevation facing North-North-West (NNW)

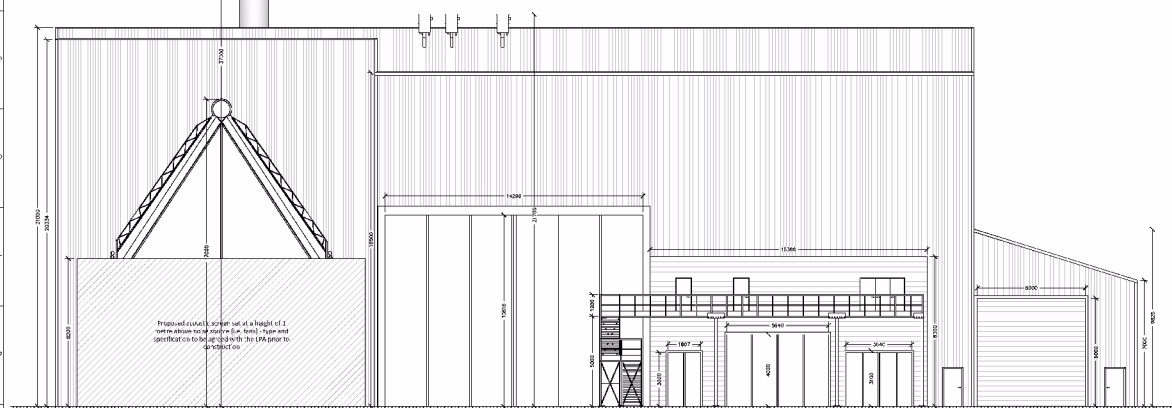


Figure 3: Elevation facing South-South-East (SSE)

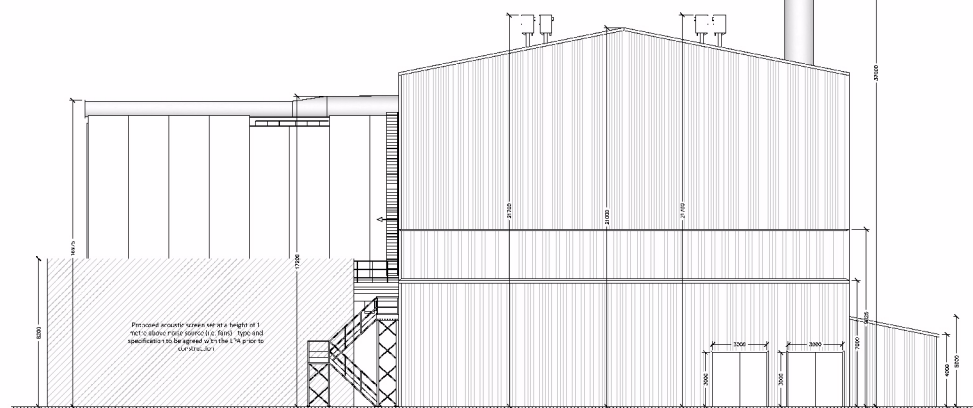
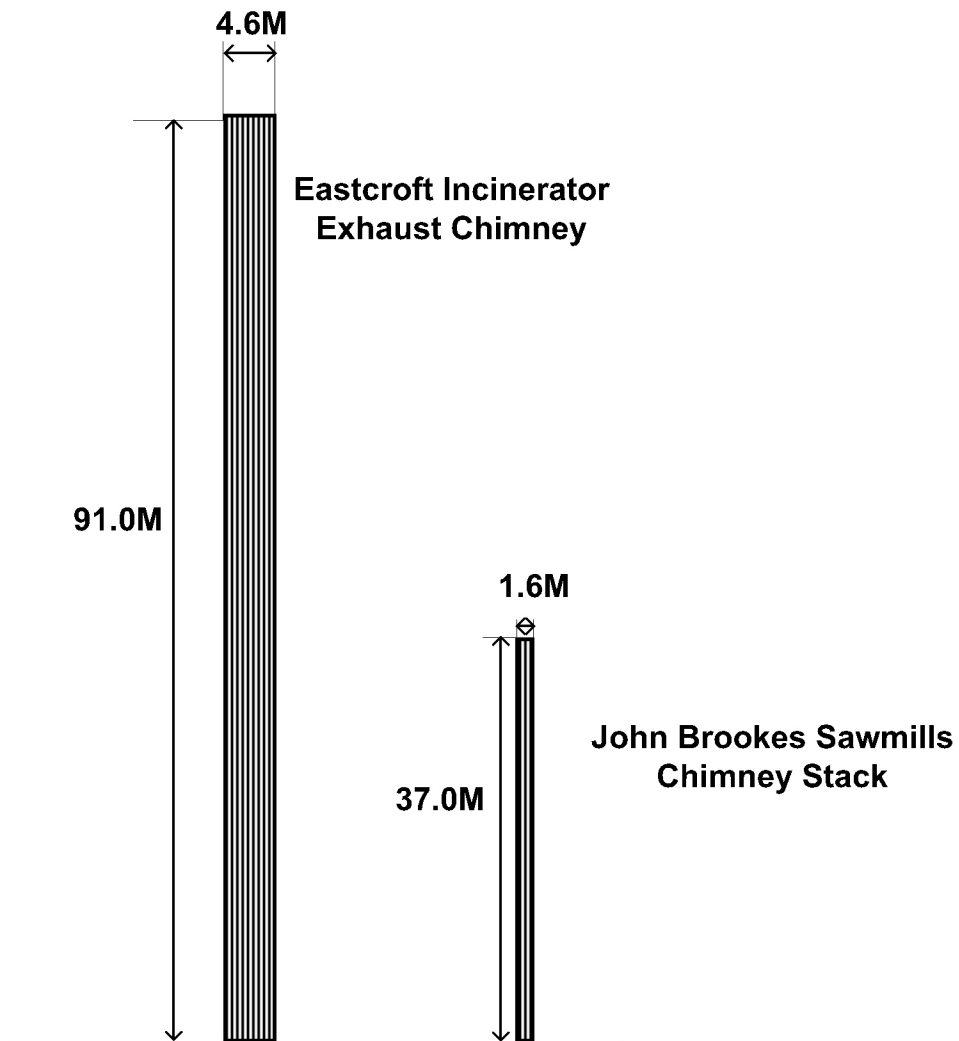


Figure 4: Elevation facing East-North-East (ENE)



**Nottinghamshire
County Council**

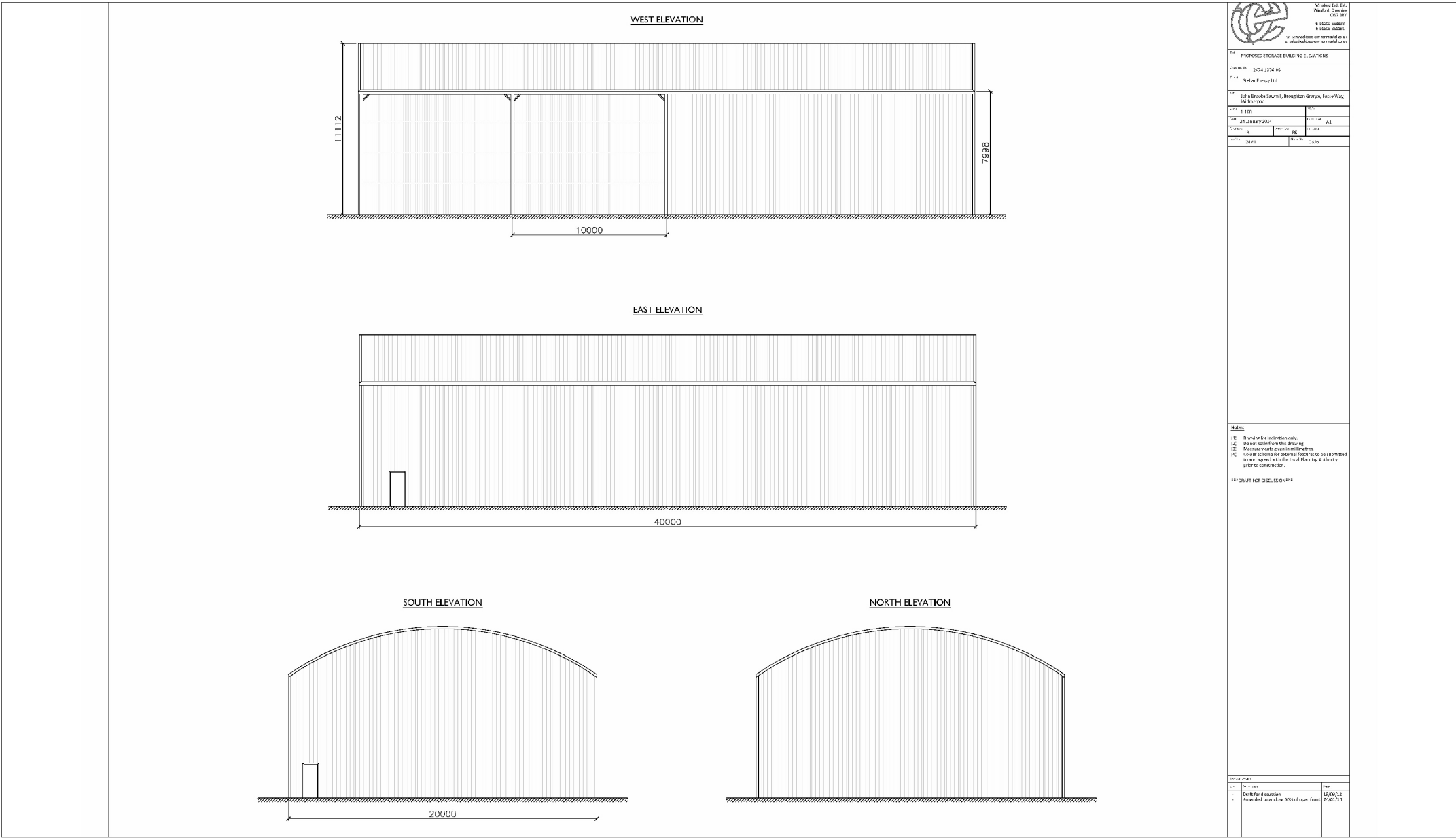
The Erection of 2 New Industrial Buildings and Installation of 7MW (approximate) Wood Fuelled Renewable Energy Biomass Plant, retaining existing wood recycling and composting operations.
John Brooke (Sawmills) Limited, The Sawmill, Fosse Way, Widmerpool
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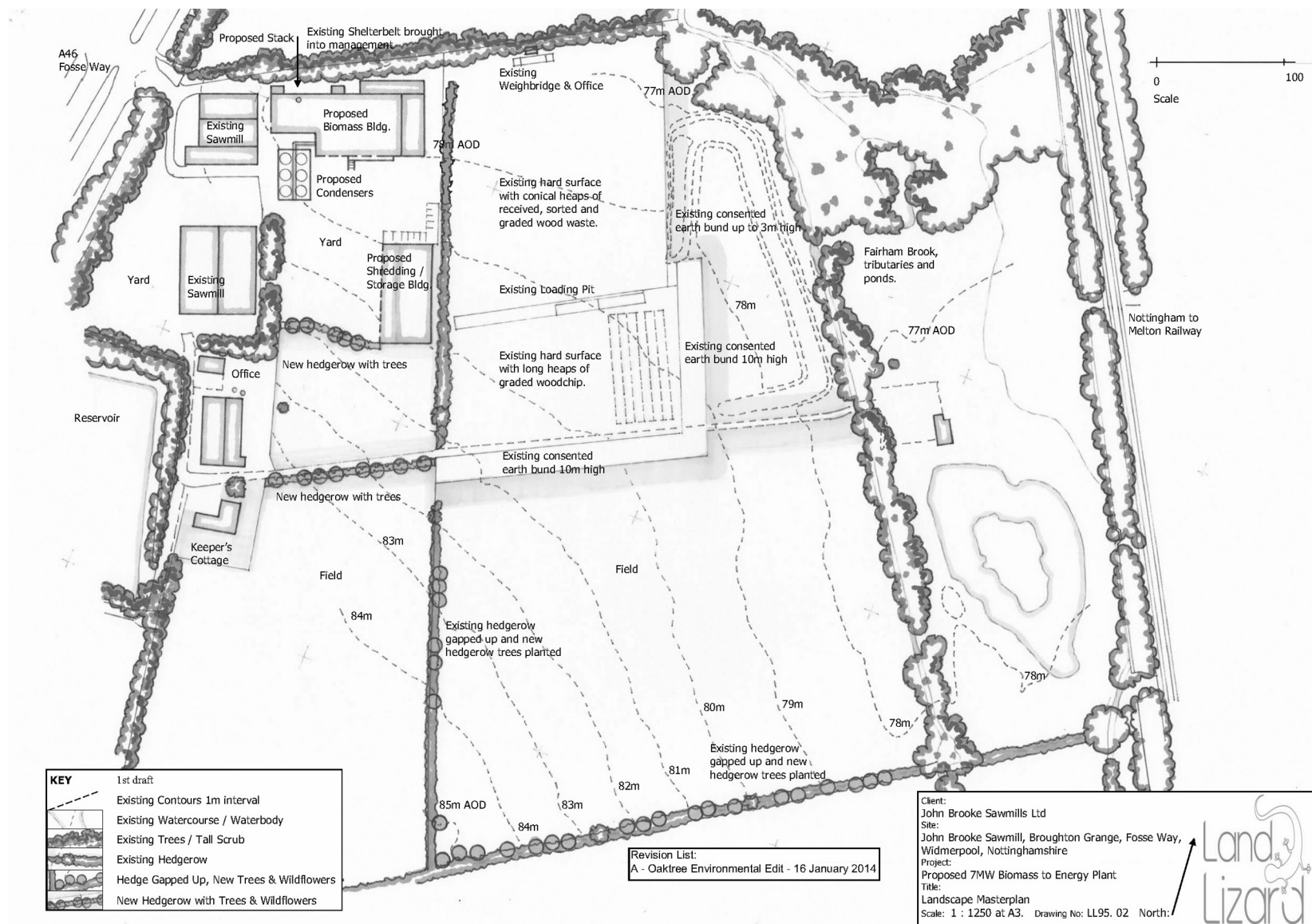
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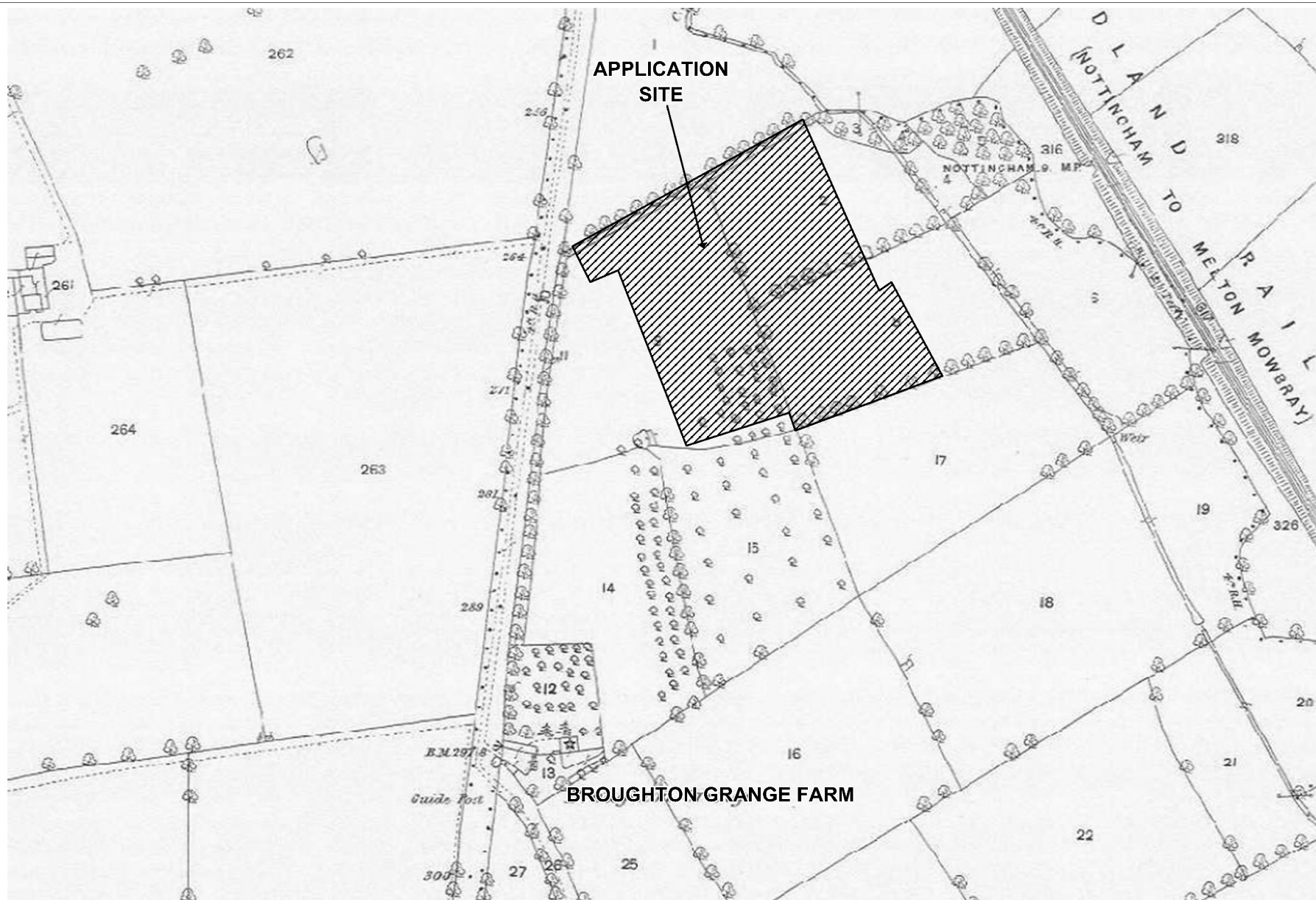


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Date: APRIL 2014

PLAN 5







**Nottinghamshire
County Council**

The Erection of 2 New Industrial Buildings and Installation of 7MW (approximate) Wood Fuelled Renewable Energy Biomass Plant, retaining existing wood recycling and composting operations.
John Brooke (Sawmills) Limited, The Sawmill, Fosse Way, Widmerpool
Planning Application No. 8/13/02185/CMA

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PLAN 8

22 April, 2014**Agenda Item:6****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES****CHANGES TO THE COMMITTEE'S CODE OF BEST PRACTICE****Purpose of the Report**

1. To consider changes to update the Codes of Best Practice for the Planning and Licensing and Rights of Way Committees, to be approved separately by each respective Committee.

Information and Advice

2. The current Codes of Conduct and Best Practice for the Planning and Licensing and Rights of Way Committees were approved by those committees in January 2010, with some subsequent changes to the Protocol for Public Speaking and arrangements for reporting instances of lobbying approved in February 2011. The Codes provide that they will be kept under review and a report brought before the Committee/s to advise of any suggested changes.
3. Officers have identified that some changes to the Codes of Best Practice would be helpful as a consequence of changes to the Authority's Constitution and to the Code of Conduct for Councillors. Officers have also therefore taken the opportunity to revisit the current Codes to identify areas of the Code which would benefit from increased clarity by amendments to the layout and wording, to shorten and to streamline the document and to make the core provisions consistent between both committees. Officers have also sought to address areas where procedures and practices can be revised so that the committee can be more efficiently supported by officers as well as to make the Codes of Best Practice (and the incorporated Public Speaking Protocol) clearer and more accessible to members of the public.
4. This has resulted in a substantial rewrite of the Codes, and a revised version is attached as Appendix 1 to this report. Where the changes are in the interests of clarity and accessibility only, and do not substantively change procedures, this report does not list each change. Where significant changes are recommended to the Code or Protocol, these are detailed below.
5. The Codes are essentially the same for both committees subject to some individual variations tailored to each committee. Both are quasi-judicial

committees and both already permit public speaking. As such, both therefore have a Public Speaking Protocol which sets out the relevant arrangements. This Protocol has historically been separate to the Code, but one of the suggested changes is to bring the revised and updated Protocol (as attached) within the Code and it is now attached as Appendix A to the Code.

6. Revised wording has been inserted into Section 2.3 of the Code in order to make clearer what matters will come before the committee for decision and when, as well as (in paragraph 3.4 of the Code) making plainer that the moving and seconding of officer Recommendations for discussion is simply a procedural requirement, often undertaken by the Chairman and Vice-Chairman, and does not indicate that a view on the matter has already been formed.
7. The Public Speaking Protocol has been revised in order to make it much more user-friendly to members of the public, and a number of changes are recommended as follows.
8. A key aim has been to increase clarity in relation to when an interest in speaking on an item must be registered (paragraph A2.1 of the Protocol). Members of the public will now, in response to making a written submission on a matter to the Authority, be invited to confirm whether they may wish to speak at the relevant Committee meeting. If they do, they will be contacted nearer the time and invited to register then. This significantly streamlines the process for registering for public speaking and helps to ensure that those parties who are most interested in speaking are given the opportunity to register.
9. While the order of public speakers is set out within the Public Speaking Protocol, an omission was noted in relation to an opportunity for a Member of Parliament to speak on a matter before the Committee, and it is recommended that, where they indicate their wish to speak, they be given a 3-minute slot (as with all other public speakers) towards the end of the public speaking session, before the local Member's opportunity to speak (paragraph A4.3 of the Protocol). Further, in order to correspond with the provisions within the Council's Procedure Rules, the Public Speaking Protocol now refers (at paragraph A6.3 of the Protocol) to the local Member having 20 minutes public speaking time.
10. It is usual for the Committee Chairman, at the close of public speaking, to ask the officer introducing the report to clarify any points arising from the public speaking. It is acknowledged however that, in some circumstances, it may be helpful to the committee for the officer to provide clarification in relation to an individual speaker before public speaking is resumed. The capability for the Committee Chairman to do this is now set out within the Protocol at Paragraph A8.1.
11. The Public Speaking Protocol has always stated that there would be no opportunity for public speaking where a matter was before the committee for information / noting rather than to make a decision (paragraph A1.3 of the Protocol).
12. Additional procedural guidance has been inserted into Paragraphs 5.1-5.5 of the Code in relation to decision-making where committee are minded to decide

contrary to officer recommendation, in order that all interested parties are better able to understand this in context. This also ensures that, where this occurs, Councillors have access to a more detailed framework of officer support and advice, and officers are better able to efficiently assist the committee in taking the committee's decision forward procedurally.

13. The opportunity has also been taken to formally update guidance for Councillors involved in pre-application discussions following clarification brought about by the Localism Act 2011. This is inserted at Appendix C of the Code.
14. As quasi-judicial Committees of the Council the decisions of both Committees can not only be highly controversial, but can also be highly technical. The attached proposed revised Code and Protocol, by being clearer, should help Councillors, Officers and the public alike with decision-making in this area.

Other Options Considered

15. Committee may wish to consider leaving the Code of Best Practice and the Public Speaking Protocol unchanged but revision has been proposed for the reasons set out below.

Reason/s for Recommendation/s

16. Revision of the Codes of Best Practice and the Public Speaking Protocol aids accessibility by the general public and improves the efficient transacting of business by the Committee, reducing opportunities for misunderstanding / ambiguity, and reducing the potential for challenges and complaints.

Statutory and Policy Implications

17. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they have been brought out above. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

- 1) It is RECOMMENDED that Committee approves the revised Code of Best Practice (incorporating a revised Public Speaking Protocol) as attached to this report with immediate effect.

JAYNE FRANCIS-WARD

Corporate Director Policy, Planning and Corporate Services

For any enquiries about this report please contact:

Jerry Smith Team Manager Development Management

Tel.: (0115) 969 6509

Constitutional Comments (SHB 09.04.14)

18. Committee have power to decide the Recommendation.

Comments of the Service Director –Finance (SEM 09/04/14)

19. There are no specific financial implications arising directly from this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- Planning & Licensing Committee Reports on “Code of Best Practice” of 19 January 2010 and ‘Changes to the Code of Best Practice’ February 2011 (Published).

Electoral Division(s) and Member(s) Affected

- All.

Planning and Licensing Committee

Code of Best Practice

(incorporating Public Speaking Protocol)

Introduction

- 1.1 This Code of Best Practice is designed to set out how the Council deals with those matters which come within the remit of the Planning and Licensing Committee. It sets out the role of the Committee, how Committee operates and the respective responsibilities of Councillors and officers.
- 1.2 This Code generally applies to both the Planning and Licensing Committee and the Rights of Way Committee and will be reviewed by both Committees on a regular basis. While each Committee's Code has bespoke amendments where necessary for each Committee, it is intended that each Committee's Code (and the corresponding Public Speaking Protocol) will remain essentially 'in step' with that of the other Committee.
- 1.3 This Code should be read in conjunction with the County Council's Constitution (incorporating the Codes of Conduct for Councillors and Officers, the Code on Councillor and Officer Relationships and the Council's Procedure Rules for meetings). This Code was last revised on ##### taking into account the Localism Act 2011, changes to the Council's Codes and Rules, and taking into account "Openness and Transparency on Personal Interests" (Department for Communities and Local Government, 2012). This Code has also been prepared taking into account a variety of published material, particularly the "Third Report of the Committee on Standards in Public Life: Local Government in England and Wales" (the Nolan Report, 1997), and "Probity in Planning for Councillors and officers" (Local Government Association & Planning Advisory Service, 2013).
- 1.4 The Council is committed to the highest standards of ethical behaviour and probity by its Councillors. As such, this Code applies to members of the Committee at all times in relation to the planning process and includes both decision-making meetings of the Committee as well as less formal occasions, such as meetings with the public, officers, or consultative meetings.
- 1.5 If Councillors do not abide by this Code of Best Practice, they *may* put the Council at risk of proceedings on the legality or administration of a decision; and may put themselves at risk of complaint. Following the Code should reduce the risk of successful challenge to the legality of decisions and of complaints.

- 1.6 Part 4(A) of the County Council's Constitution sets out the current terms of reference of the Committee which has responsibility for the regulatory powers of the County Council relating to development management, as well as dealing with some of the Council's licensing and registration functions. The work of the Committee revolves mainly around determining planning applications concerned with mineral extraction and processing, waste disposal and waste management (County Matters) and also applications on behalf of the County Council itself (County Council Development). More general development proposals are determined by the relevant District / Borough Council. The preparation, approval and adoption of Development Plans is the responsibility of Environment and Sustainability Committee and Full Council. Providing observations on behalf of the County Council in its capacity as County Planning Authority, on plans and proposals within other authorities is also within the remit of Environment and Sustainability Committee. Full Council and Policy Committee are responsible for determining policy in relation to the Committee's functions.
- 1.7 The exercise of these functions can be very contentious so it is important that decision-making in these areas is seen to be open and impartial, consisting of sound judgments made for justifiable reasons.
- 1.8 This Code covers the following areas:
2. The Work of the Committee
 3. Committee Administrative Procedures
 4. Taking the Decision
 5. Decisions against Officer Advice
 6. Appeals, Challenges & Complaints
 7. The Role of Committee Members
 8. Acting as the Local Member
 9. Dual Membership of Local Authorities
 10. Predetermination and Predisposition
 11. Contact with the Media
 12. Lobbying
 13. Councillors' Interests
 14. Councillor Conduct – Disclosure and Hospitality
 15. Discussions with Applicants
 16. The Role of Councillors not on Committee
 17. The Role of Officers
 18. Public Speaking Arrangements
 19. Site Inspections
 20. Councillor Training
 21. Annual Inspection
 22. Review of this Code of Best Practice

The Work of the Committee

- 2.1 The relevant legislation is complex and supplemented by Government Circulars, guidance, case law and advice issued by the Planning Inspectorate.

Good decision-making relies upon ensuring that Councillors and officers act in a way which is both within the legal framework, and is clearly seen to be fair, open and impartial.

- 2.2 A brief overview of each of the types of work with which the Committee is concerned can be found below. The Statement of Community Involvement sets out the County Council's approach to public consultation in the determination of planning applications and involvement in the preparation of Minerals and Waste plans. Following a review, including a period of consultation, Policy Committee approved (on 17th April 2013) the adoption of the **Statement of Community Involvement – Review**. This replaces the original Statement of Community Involvement as County Council policy.
- 2.2.1 The County Council also has a monitoring and enforcement role, and this Code of Best Practice applies equally to that role, although a separate Monitoring and Enforcement Policy and Protocol is in operation, adopted in February, 2009 (a copy of which can be found at: <http://www.nottinghamshire.gov.uk/thecouncil/democracy/planning/monitoringandenforcement/>).
- 2.3 All of the functions of the Committee are set out in Part 4 of the Constitution with many of the functions delegated to officers as operational decisions. The exercise of the Committee's functions will operate as set out below.
- 2.3.1 A full report will be taken to Committee where the application:
- (a) relates to development involving a site area greater than 15 hectares or extraction/input in excess of 30,000 tonnes per annum or new development with a floor space in excess of 10,000sqm;
 - (b) involves a departure from the Development Plan;
 - (c) is accompanied by an Environmental Impact Assessment;
 - (d) has financial implications for the County, such as those which have an accompanying Planning obligation (also known as a Section 106 Agreement)
 - (e) where the Chairman of the Committee requests that an officer not exercise their delegated power in any particular case (in which case a report will be brought to the next available meeting of the Committee for consideration);
 - (f) has received objections from the District or Parish Council or local Member;
 - (g) has been referred to the Committee by a local Member;
 - (h) is recommended for refusal (unless the refusal is on the grounds of insufficient information);
 - (i) is submitted by Policy, Planning and Corporate Services;
 - (j) raises issues of regional or national importance;
 - (k) involves the determination of new conditions for minerals sites;
 - (l) involves the making and serving of orders for revocation, etc where compensation is likely to become payable; and

- (m) has received significant* objections, within the statutory consultation period or other such period as agreed with the County Planning Authority, from consultees or neighbouring occupiers.

* *for clarification, 'significant' objections must:*

- i) raise a material planning consideration;*
- ii) be irresolvable by amendment to the scheme or imposition of planning conditions; and,*
- iii) involve more than three objections from separate properties.*

- 2.3.2 The report to Committee will include all relevant material including the officer's recommendation(s). Additionally, Committee members will need to take into account any relevant comments made by supporters of, or objectors to, any application, should that application be the subject of public speaking at committee (as set out in paragraph 18 below). Councillors need to be aware that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan will set out a series of policies, against which each proposal is tested. The Development Plan comprises planning policy documents prepared by both the County Council (with regards to minerals and waste) and the District / Borough Councils (all other planning matters). The report will give a brief summary of the issues raised by the proposal in respect of these policies, but the full policy and its accompanying text will not necessarily be set out in the report. All individual policies can be viewed online or made available upon request.
- 2.3.3 It is impossible to give a precise list of what is or is not "a material consideration", and such matters are often influenced by case law. The starting point is always the Development Plan, and all relevant policies will be examined in relation to the application before Committee. There would need to be very compelling reasons why a development should not go ahead if it was consistent with those relevant policies in the Development Plan.
- 2.3.4 Not every planning application or related matter will come before the Committee as the majority of planning applications and all operational decisions within the remit of the Planning and Licensing Committee are also delegated to the relevant Corporate Director, enabling the system to deal with straightforward applications as expeditiously as possible. The Scheme of Delegation to Officers is set out in Part 4(B) of the Constitution. Committee will receive regular updates on these operational decisions.
- 2.3.5 Any Councillor may request that an item be considered at Planning and Licensing Committee rather than by officers. Such a request shall be made to the Chairman of the Committee, who, if in agreement with that request, will notify the Group Manager (Planning). The matter will then be brought to the next practicable meeting, giving those who have made valid representations the opportunity to speak under the arrangements for public speaking.

- 2.3.6 Reports coming forward for a decision will recommend either approval or refusal. It would be unusual for an 'open recommendation' to be put forward, where the views of Committee are sought without guidance from officers.
- 2.3.7 Recommendations for approval will normally mean a series of conditions need to be imposed, and these will be set out in an appendix to the report. Occasionally, the Committee will be asked to give officers authority to conclude the exact wording. The report will explain the reasoning for the decision, and, where refusal is being put forward, this will always be accompanied by planning-related reasons.
- 2.3.8 Periodical progress reports on operational matters and on matters following a decision of the Committee will be reported to Committee regularly.

Departures from the Development Plan

- 2.3.9 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:
"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".
- 2.3.10 Where an application is considered to be a departure from the Development Plan and requires referral to the Secretary of State (even if there are no objections) this will be brought before the Planning and Licensing Committee, so that the Council's formal views can be made known to the Government. If the recommendation is to support the proposal, Committee will be asked to authorise the relevant officer to approve the application, should it not be "called in" for determination by the Secretary of State.

Applications accompanied by an Environmental Impact Assessment

- 2.3.11 Those applications accompanied by an Environmental Impact Assessment will always be reported to Committee. Special consideration must be given to such applications, so each issue addressed in the Environmental Impact Assessment will be highlighted in the report.

Applications accompanied by / requiring a Planning Obligation

- 2.3.12 A Planning Obligation, either in the form of a unilateral undertaking or a legal agreement (usually under Section 106 of the Town and Country Planning Act 1990), is a way of securing some additional benefit or means of control which cannot be dealt with through the permission itself or by conditions imposed. Because of their complexity and legal implications they will generally be brought before Committee. Normally the main provisions will be set out in an appendix to the report. In such cases, Committee will be asked to resolve their support for the application, with authority being given to officers to issue

the decision notice, once the Agreement or unilateral undertaking is signed and sealed.

Committee Administrative Procedures

- 3.1 Very late representations cannot properly be considered. Any material information received after the written report has been published but more than 24 hours before the start of the Committee meeting will be presented orally by officers. Information received within 24 hours of the start of the meeting will only be presented if it is brief and can be readily conveyed to the Committee. If highly significant **relevant** new information comes to light within the above timescale, the Chairman may, after consultation with the appropriate officer, defer the item to a later meeting.
- 3.2 Generally, those items where public speaking is involved will be dealt with first and the order of the agenda may be altered to facilitate this.
- 3.3 Officers will introduce each report, noting any relevant late information that is not in the papers. This will be followed by any permitted public speaking on that item, followed by any officer clarification; after which the matter is open to debate by Committee members.
- 3.4. Officer Recommendations will be moved and seconded for discussion before they can be debated. This is a procedural requirement to enable debate and does not imply that the mover or seconder of any such Recommendation has formed a particular opinion.
- 3.5. Having debated the item, the Chairman will ask Councillors to vote in the normal way. The decision taken will be minuted, and the draft Minutes will normally be presented to the next available meeting for approval as a true record.

Taking the Decision

- 4.1 Matters deliberated by the Committee should be determined in an open and fair manner, in which Councillors taking the decision will take account of all the evidence presented to them before arriving at a decision. It is important for Councillors to demonstrate that they have not committed themselves one way or another before hearing all the arguments.
- 4.2 It is essential to bear in mind that complaints and challenges can be made not just about the decision itself, but also about the way a decision has been reached.

Decisions against Officer Advice

- 5.1 Councillors may be minded to make a decision contrary to the recommendation in the Committee report. In those circumstances, it is essential that steps are taken to ensure that decisions are legally sound and robust enough to withstand legal challenge.
- 5.2 It may sometimes be prudent for the meeting to be adjourned for a short time for Councillors to receive legal or other advice before they make a decision contrary to the recommendation. At the discretion of the Committee Chairman, the public may be excluded from the meeting room while this takes place.
- 5.3 Should the recommendation be to refuse an application, and Councillors are minded to approve the application, that approval will need to be accompanied by relevant conditions. If officers have prepared the case on the basis of a refusal, such conditions will not be available for the Committee meeting. In such circumstances, Committee may wish to defer the final decision on the matter to receive additional specific information, or may resolve to approve the application, authorising officers to implement the decision subject to officers preparing such conditions as officers consider appropriate, so as to control the development and ensure adequate protection of the environment and local people. This can be done solely by officers, or, should Committee so resolve, in agreement with the Chairman, and Vice-Chairman.
- 5.5 Where the officer recommendation is to approve an application, and Councillors decide to refuse it, reasons for refusal must be given. It will be for Councillors to specify what their planning reasons are and these need to be translated into the Decision Notice. Again, such wording will not have been prepared in advance, and so it is recommended that the minutes reflect in general terms the reasons for refusal, and that after the meeting officers finalise the detailed reasons which will appear on the Decision Notice. If necessary this can be agreed with the Chairman and Vice-Chairman before the Notice is issued.

Appeals, Challenges & Complaints

- 6.1 Confirmation that the decision has been issued in accordance with the Committee resolution can be reported back at the earliest opportunity. If the application is a departure from the Development Plan, and has been advertised as such, any decision to approve rather than refuse may require the application to be referred to central Government before any permission can be issued.
- 6.2 Any decision to refuse a County Matter planning application is challengeable on appeal, so reasons for refusal must be clear and robust and based on solid planning or policy criteria.

- 6.3 Any decision that is made is also open to challenge through the courts, although any such challenge would have to be on a point of law ('Judicial Review'). The Council can be liable for the costs of proceedings if the Council is found to have acted unreasonably. Unreasonable behaviour might be a failure to follow various procedural or legal steps, or to either fail to take into account relevant policy statements or to give them inappropriate weight. This might, for example, be the case where an application has been refused for reasons that are not related to policy, but for other reasons.
- 6.4 This is not to say that any decision against officer advice will always be open to challenge. In making decisions, Councillors can come to whatever decision they feel is appropriate provided that their decision is based solely on sound planning considerations.

Probity in Planning – The Role of Councillors in dealing with Planning Applications, Declarations of Interest, Lobbying, and Relationships with Officers

The Role of Committee Members

- 7.1 Members of the Committee, in making decisions on items reported to them, must:
- Act fairly and openly
 - Approach each item with an open mind and on its own merits
 - Carefully consider the grounds for a decision
 - Carefully weigh up all the material considerations
 - Ensure that reasons for decisions are clearly stated.
- 7.2 Committee members also have a role on behalf of their electoral division to represent local views, but Councillors must make it clear when they are acting in that 'local Member' role. The decision-making role and its impartiality must not be prejudiced by any such action.

Acting as the Local Member¹

- 8.1 Committee Members need to recognise that they can only wear one hat at a time, be that as a member of the Committee or as the local elected representative, as follows:
- 8.2 If a member of the Committee wishes to take part in decision making regarding a matter in their electoral division, they can advise those members of the public who seek their support that they have been appointed to the

¹ 'local Member': a County Councillor whose electoral division is affected by the item under consideration

Committee for the purposes of determining matters as a member of the County Council, and not solely to voice the concerns of their electorate. Councillors on the Committee can, of course, advise those members of the public to put their views in writing and send those to the relevant case officer.

- 8.3 Alternatively, if a Councillor wishes to put the concerns of their electorate forward as the local elected representative, they may do so, but may choose not to take part in the decision making process. Councillors may wish to make it clear at the beginning of the meeting that they will be acting in their role on behalf of their electoral division, representing local views.

Dual Membership of Local Authorities

- 9.1 Councillors may be elected to both the County Council and to a District / Borough Council, and indeed may be members of the regulatory planning committee for both authorities. Councillors may also serve on a Parish Council. Councillors can, therefore 'wear more than one hat', but they may only wear one hat at a time!
- 9.2 Matters to be decided by the County Council may well be discussed in other forums such as at a district / borough / parish council, even though it is the County Council's Committee which is the decision making authority. There is no reason why such 'dual membership' Councillors should not be a party to the decision at County level, or involved in the debate leading up to the decision, provided that they retain an open mind when considering the application at County level.
- 9.3 It is the individual Councillor's responsibility to consider whether their involvement with a particular matter, or their past conduct leading up to the decision making stage is such that it could give rise to a public perception that the Councillor might not have an open mind. **If in any doubt, early advice should be sought as far in advance of the meeting as possible.** A useful test to determine whether a position or view could be considered to be biased is to think about whether a fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility of bias: not only must Councillors attend committee with an open mind, but must be aware of the need to demonstrate this when coming to their individual decision in committee.

Predetermination and Predisposition

- 10.1 It is almost inevitable that Councillors, whether lobbied or not, may form some kind of prior view about the merits of a particular proposal. Committee members may be *predisposed* towards a view one way or the other, but the law draws a clear distinction between a Councillor having expressed an intention to vote in a particular way before the meeting ('predetermination') and merely having a predisposition to an initial view. Where the Councillor demonstrates that they will listen to all the material considerations presented

at the Committee before deciding on how to exercise their vote, this is acceptable. 'Predetermination', however, is not acceptable and would leave the decision open to challenge.

- 10.2 If a Committee member does express their views for a particular outcome prior to the meeting, by campaigning for or lending support to a particular cause, or by speaking for or against it in another forum, they must be very clear that in order to take part in decision making at County level they must have regard only to those considerations which are material to the County Council's decision-making role, and must have an open mind. Ultimately, the decision as to whether to vote or partake in the debate has to be made by the individual Councillor concerned. There may be some situations where involvement in a campaign is so strong that the Councillor should consider whether it would be preferable to speak openly at the meeting in favour of, or against the proposal (perhaps as the local Member) rather than taking part as a member of the Committee.
- 10.3 Bearing in mind the advice that Councillors should come to Committee "with an open mind", it is plain that it would be contrary to that principle if Councillors acting as a particular political affiliation had met in advance to decide how to vote. Political Whips / Business Managers must, therefore, not be used to influence the outcome of a matter before the Rights of Way and Planning & Licensing Committees.

Contact with the Media

- 11.1 Committee members may be approached by the media for a comment about a particular proposal. The general advice as to predetermination and predisposition above holds for such approaches.

Lobbying

- 12.1 Once a proposal is in the public domain, interested parties may seek to persuade Committee members, to either approve or refuse an application. Lobbying is a normal and perfectly proper part of the political process. As stated in the Nolan Report, "It is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way that this can be done is through the elected representatives, the councillors themselves". However, unless care and common sense is exercised by all parties, lobbying can lead to the impartiality and integrity of a Committee member being called into question.
- 12.2 If approached about a particular matter, Committee members must take great care to avoid giving the impression that they have already made up their mind before they have been informed of all the relevant information in the committee report, in written or oral information given to them after the committee papers have been published (including clarification and arguments raised in debate during the relevant Committee meeting). Committee

members should restrict themselves to giving factual advice about procedure, and should try to avoid expressing any opinion on the merits of a proposal. They should advise those members of the public who seek to lobby or persuade them to put their views in writing and send those to the relevant case officer.

- 12.3 In the event that applicants or other interested parties wish to discuss matters with Councillors at any stage, meetings may involve those Councillors acting in their role as the local elected representative. Where a Councillor is a Committee member great care should be taken to avoid compromising their position before they have received all the relevant information, evidence and arguments about a matter.
- 12.4 Therefore, where Committee members do choose to meet relevant parties, or are approached by them directly, either in writing or verbally, they should:
- Not express an opinion which could be taken as firm support or opposition to a proposal
 - Not organise support or opposition for a proposal or lobby other Councillors
 - Inform lobbyists or objectors of the importance of their views being submitted in writing to the Council
 - Advise the Committee Chairman or the Monitoring Officer if any party appears to be trying to apply undue or unreasonable pressure on them or other County Councillors.
- 12.5 Where Committee members have held discussions or meetings with applicants or interested parties, this should be declared at the relevant Committee meeting.
- 12.6 It is for Committee members to decide whether they have been lobbied. A general discussion about a particular matter, during which the relative merits or disadvantages of a particular proposal are **not** raised, would not constitute lobbying. However, if the merits or otherwise of a scheme are raised with a Councillor, then this could be declared as lobbying. Lobbying may also include any approaches from Councillors who are not members of the Committee.
- 12.7 At the start of each committee meeting, Committee members are asked to declare whether they have been lobbied about any item on the Agenda, and this will then be recorded in the Minutes of the meeting.
- 12.8 In some circumstances, developers may request an opportunity for a special presentation before a planning application is submitted. This would raise the issue of fairness as, at that stage, it is possible that local residents may not be aware of the proposal. It is recommended that if a special presentation is requested by the applicant before an application has been made, it should only be held if the proposal has been made known to local residents. Such a presentation will be for the purposes of information only and Councillors must not debate the merits or otherwise of the proposal(s) at that stage or express

an opinion, but must reserve comment until the appropriate committee meeting at which the decision is to be made.

Councillors' Interests

- 13.1 Councillors must not use their powers improperly to secure either a personal advantage or an advantage for some other person. This could be relevant to committee matters in a number of ways, such as through personal business interests, or by using their position to discuss an item which may affect their property personally when other members of the public would not have the opportunity to do so. Likewise, Councillors must not use their position to seek preferential treatment for friends or relatives, or for any business or organisation with which they are connected. Should a Councillor have an interest in respect of an item brought before Committee, they must abide by the provisions of the Code of Conduct for Councillors and co-opted Members and the Council's Procedure Rules for meetings.
- 13.2 Each Councillor is personally responsible for deciding whether s/he has an interest that should be declared, although initial advice should be sought **in advance** from the Monitoring Officer, or from the relevant Legal or Democratic Services Officers. **Councillors are reminded that the meeting should not be delayed while a Councillor is advised.**

Councillor Conduct – Disclosure and Hospitality

- 14.1 The Council's Code of Conduct for Councillors sets out the standards that are required from Councillors, which financial interests they need to formally register, which interests they need to declare in meetings and how this will affect their participation in meetings. Whilst there is no specific reference to hospitality, thought should be given to the public's perception of Councillors' actions in relation to any particular matter if some form of hospitality is accepted.

Discussions with Applicants

- 15.1 Planning applications, particularly if involving complex proposals, may take some months to pass through the planning system. Indeed, there is often much pre-application activity before the actual submission is formally lodged with the Authority. Dialogue and meetings with applicants at various stages is essential, but will normally only involve officers, and occasionally the local Councillor(s). Recent guidance recognises the role of Councillors as champions of their local communities, and as such there may be greater involvement of Councillors in pre-application discussions in the future. All discussions should take place within clear guidelines as set out in **Appendix C**. For major applications, pre-application discussion is formalised through the Environmental Impact Assessment Regulations 2011, which require the Authority to comment on the scope of an Environmental Assessment, or make

a judgement as to whether such an Assessment is required. Councillors will not normally be involved in such discussions due to their technical nature.

- 15.2 Members of the Committee may wish to ensure that they are accompanied by the case officer if they are to meet with applicants / interested parties.
- 15.3 Where meetings take place at a preliminary stage it must be made clear that:
- Only officers' initial and provisional views can be given, based upon the provisions of the legislation;
 - No decisions can be made which would bind or otherwise compromise the final decision of the Council.
- 15.4 Notes of the discussions at all meetings will be taken and will be placed on the case file. Any follow-up correspondence will also be placed on the file. Should Committee members be approached directly by applicants (or potential applicants) they should, in all cases, alert the relevant case officer who, can arrange a meeting if appropriate (with the relevant case officer(s) present so that a formal written note of the discussion can be made.
- 15.5 Case files will be available for public inspection subject to the provisions of access to information legislation such as the Data Protection Act 1998, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

The Role of Councillors not on Committee

- 16.1 The role of Councillors as locally elected representatives is an important part of the process. Subject to the Councillors' Code of Conduct, local Members will be given the opportunity in respect of matters falling within the remit of the Committee to fulfil that role within their electoral division by:
- Responding in writing to officers on the merits of a matter;
 - Attending any Committee site meetings for matters within their electoral division; and
 - Making representations to the Committee.
- 16.2 Councillors can expect officers to give them all due help and assistance in answering questions relating to matters falling within the remit of the Committee, though they should not give instructions to officers, nor should they place pressure on officers in order to secure a particular outcome to a matter.

The Role of Officers

- 17.1 In respect of matters to be determined by the Committee, Officers will:
- Provide professional and impartial advice

- Ensure that all information necessary for a decision to be made is given, including the views of those consulted and the substance of any objections
- Set the matter in the context of any other considerations
- Provide a clear and accurate written analysis of the issues
- Be responsible for carrying out the decisions of the Committee

17.2 Whereas Officers must comply with the Council's own Code of Conduct for Officers, they are also guided by their own professional Codes of Conduct. Most of the planning officers will be chartered members of the Royal Town Planning Institute (RTPI). Under the terms of the RTPI's Code of Professional Conduct, members of the RTPI must, amongst other things, act with complete competence, honesty and integrity, and fearlessly and impartially exercise their independent professional judgement to the best of their skills and understanding. Members of the RTPI must not make or subscribe to any statements or reports which are contrary to their own *bona fide* professional opinions and shall not knowingly enter into any contract or agreement which requires them to do so. Furthermore, members of the RTPI working in local government must take all reasonable steps to ensure that all town planning matters in the Council are conducted in accordance with that code, whoever undertakes the work.

Public Speaking Arrangements

- 18.1 The Council considers that there are benefits in allowing public speaking in appropriate matters at Planning and Licensing Committee meetings. This gives an opportunity for applicants and objectors, and other interested parties, such as parish councils, to make presentations to the Committee. The current Protocol is set out in **Appendix A** to this Code.
- 18.2 In order that both Councillors and those who wish to speak gain the most benefit from allowing public speaking at Committee, there has to be a clear and well publicised system, easily understood by all who wish to partake of this service. Information on the public speaking arrangements is available to all those who make representations. Details of how the system operates are set out in **Appendix A** to this Code. Equal opportunity will be given to objectors and supporters of a proposal. For an application from the County Council itself this could be a Chief Officer from the relevant department or their representative.

Site Inspections

- 19.1 All sites are inspected by officers as part of their preparations and investigations, and meetings involving officers, applicants and consultees may be held on site as part of the consultation and negotiation process prior to the matter coming before the Committee for a decision.
- 19.2 If it may be helpful for Committee members to have a site visit, the procedure is laid out in **Appendix B**.

Councillor Training

- 20.1 Planning and Licensing Committee will deal with a wide range of complex legislative issues, and Committee members need to understand what issues they should or should not consider, before coming to a decision.
- 20.2 **Committee members must undergo training sessions before they can speak and vote on the Committee.** Sessions will cover the relevant legislation, and what factors Committee members may or must consider when making decisions.
- 20.3 Occasionally information reports will be brought to Committee advising of new legislation, policy guidance, and best practice or procedural matters and presentations may be made on particular aspects of general interest. Site inspections for training purposes may also be arranged.
- 20.4 General information is also available on the Council's website, including information about the progress of various planning applications in the system.

Annual Inspection

- 21.1 Committee members may wish to visit sites to view the consequences of the decisions being made, or to see where improvements have been successfully implemented.
- 21.2 If requested by Committee, an annual tour will be arranged to view certain key sites. These will either reflect decisions taken previously by Committee, or give an opportunity for Committee members to see some particular aspect of the Committee's work in practice.
- 21.3 The arrangements for such an event will be agreed with the Chairman and reported to Committee in advance together with a request to seek any necessary approvals in relation to expenditure etc.

Review of the Code of Best Practice

- 22.1 This Code of Best Practice will be reviewed periodically, and a report brought to Committee to advise of any suggested changes, and to report on the operation of particular arrangements, such as those for public speaking or site visits.

PROTOCOL FOR PUBLIC SPEAKING AT PLANNING AND LICENSING COMMITTEE

Introduction

This Public Speaking Protocol operates in respect of both the Planning and Licensing Committee and the Rights of Way Committee and will be reviewed by both Committees on a regular basis. The protocol is published on the Council's website and updated as necessary. While each Committee's Public Speaking Protocol has bespoke amendments where necessary for each Committee, it is intended that each Committee's Protocol will remain essentially 'in step' with that of the other Committee.

What happens if there is a dispute?

In the event of any dispute regarding the procedures or this protocol, the Committee Chairman's decision shall be final.

Part A – General public speaking arrangements

Who may speak?

- A1.1 Speakers may be either in favour of the proposal, or in opposition to it, and a maximum of three speakers will be entitled to speak in opposition to a proposal, and three in support.
- A1.2 Anyone who has made a valid written submission in connection with an item to be discussed at Committee (including by e-mail) will receive an acknowledgement giving an opportunity to register an interest in speaking at the relevant committee meeting, and an invitation to apply for a slot will subsequently be sent to persons who have registered such an interest when notifying them of the date of the relevant meeting. Please note that any written submission **must** have been received by the time the papers for the meeting are prepared – being no later than ten clear working days in advance of the meeting.
- A1.3 Public speaking is only allowed where the matter is being referred to Committee for a decision, (eg. to grant or refuse permission). No public speaking is allowed in respect of other reports.

How a request to speak must be made

- A2.1 Anyone who has made a valid written submission and wishes to speak at a particular Committee must, having received their invitation to register under A1.2 above, first register their wish to speak with the relevant officer. Such registration must take place no later than two clear working days before Committee – for example if Committee were to meet on a Tuesday, the registration to speak must be with the relevant officer by 4:00pm on the preceding Thursday.
- A2.2 Currently, such registration may be made on the official form supplied by the County Council, by telephone or by e-mail. Details of how to register a request are also posted on the Council's web site:
<http://www.nottinghamshire.gov.uk/home/environment/planningmatters/guidancespeak.htm>
- A2.3 Anyone wishing to speak will be chosen strictly on a "first come, first served" basis (see paragraph A2.1 above) so early registration is encouraged. Those registering to speak will be asked to supply contact details in case they need to be advised of any changes to arrangements.
- A2.4 Where a group of representatives wish to speak, they should nominate a spokesperson to address the Committee on their behalf and that person should register their wish to speak as soon as possible.

How does the scheme operate on the day?

- A3.1 Should a speaker not be able to attend in person, or is unable to speak for themselves for whatever reason, they can nominate, in writing, someone to speak on their behalf.
- A3.2 If a registered speaker does not attend the meeting, Committee will continue to consider the matter on the basis of any written submission made by that person.
- A3.3 Although it is not necessary for local residents to employ specialists or lawyers to speak on their behalf, they are permitted to do so. Similarly other groups may choose to employ someone to speak on their behalf if they so wish.
- A3.4 Those persons who are confirmed as speakers must make themselves known to the relevant officer at the relevant building's Reception 30 minutes before the start of the Committee, so that they can be given instructions on procedure. Prior to the start of the meeting, all public speakers should hand to the relevant officer a written summary or transcript of the points they will be making, solely to assist in the production of the Committee Minutes. These summaries **will not** be circulated to members of the Committee at the meeting.

- A3.5 Those allowed to speak may not make additional written submissions to the Committee, nor will they be allowed to hand out any further documentation such as photographs or plans either before or during the meeting. **All** information or representations should have been made to the Council sufficiently in advance. The use of overhead projectors, slide projectors or PowerPoint displays by public speakers is not allowed.
- A3.6 In accordance with the Council's Procedure Rules, other than any official recording carried out by approved Council staff, the use of cameras, tape recorders or any other types of recording equipment shall only be permitted where sufficient notice has been given to, and prior permission given by, the Chairman. Where permission has been given, the Chairman will notify the Committee at the start of the meeting and in the event of objection by Committee Members, a vote will be taken.

What happens in the meeting?

- A4.1 The Chairman will introduce the item, and ask the relevant Officer to present the item, who will highlight any key points and add any further information relevant to the report.
- A4.2 Each speaker listed under A4.3 below, whether speaking as an individual or on behalf of a group, will have a maximum of **three minutes**. Before speakers begin their address to Committee, they will be asked to say who they are, where they live and who they represent.
- A4.3 The Chairman will invite public speakers to address the Committee in this order:
- a) Those speakers who have been properly registered to speak in opposition to the matter under debate (up to a maximum of 3 speakers);
 - b) Those speakers who have been properly registered to speak in favour of the matter, including applicants and/or their agents (up to a maximum of 3 speakers);
 - c) A representative from directly affected or adjoining Parish Councils;
 - d) A representative from directly affected or adjoining District / Borough Councils;
 - e) A representative from a County or Unitary authority which adjoins the area within which the item under discussion is located;
 - f) The Member of Parliament for the constituency within which the item under discussion is located.

If a 'local Member' (i.e. the County Councillor whose electoral division is affected by the item under consideration) wishes to speak on the matter under debate, they will, with the consent of the Committee Chairman, be given an opportunity to speak at this point. (Subject to A6.3 below)

- A4.4 If a speaker from a Parish, Borough, District, or other County Council or Unitary authority is speaking on their own behalf as a private individual or on behalf of a group of local residents and is not speaking as a formal representative of an authority mentioned above, they should register to speak in the normal way as a private individual (A4.3 a) and A4.3 b) above) having first made a valid written submission.
- A4.5 Members of the Committee may request the speaker to clarify any particular point, although it is emphasised that Councillors must not enter into debate with the speakers on the merits or otherwise of the proposals at that point of the proceedings

How long may speakers take?

- A5.1 Each speaker, whether speaking as an individual or as part of a group (or deputation), will have a maximum of three minutes.
- A5.2 Speakers will be advised when the final minute of their allotted time has been reached, so that they may conclude their presentation ensuring all relevant points are made to Committee. They will be asked to end their speech once the three minute period has been completed.

County Councillors

- A6.1 Where the local Member (i.e. the County Councillor in whose electoral division the item under consideration is located) is not on the Committee but considers that the item may have a relevant impact on their Division, they may address Committee in line with the Council's Procedure Rules which allow Councillors to speak with the consent of the Committee.
- A6.2 Where the local Member is a member of the Committee, but wishes to speak on behalf of their electoral division, they may do so, and the procedures for this are set out in the Committee's current Code of Practice. The local Member may choose to leave the meeting room at the conclusion of the public speaking. Similarly, they may consider that it would not be appropriate to take part in the decision-making process for that item.
- A6.3 Where the local Member speaks as the local Member representing local views they will be permitted, with the consent of the Chairman, to speak for a maximum of 20 minutes. Councillors should advise the Chairman or Democratic Services Officer well in advance of the meeting of their wish to speak as the local Member.

What can and cannot be said

- A7.1 Speakers must address only issues relevant to the matter in hand and its determination by the Committee.
- A7.2 For planning matters, this will include the effects of the proposal on the environment and impact on them as local residents. Speakers must not refer to non-material issues such as property rights, any covenants relating to land, competition, moral or personal issues, loss of view or property value.
- A7.3 Speakers are not allowed to ask questions of Councillors, officers or other speakers.
- A7.4 If any speaker behaves inappropriately or in any way behaves so as to disrupt or delay the work of Committee, the Chairman has discretion to curtail the speaking opportunity and may ask one or more speakers to leave the room, or, in extreme circumstances may adjourn the meeting for any period considered necessary.

What happens next?

- A8.1 Following the public speaking and speeches by non-Committee members, the Chairman may ask the relevant officer to comment on any other matters of fact arising from what has been said. At the sole discretion of the Chairman, the relevant officer may, where the Chairman considers it would be helpful, ask the relevant officer to comment / clarify following individual speakers rather than at the conclusion of the public speaking.
- A8.2 Members of the Committee will then debate the matter, and will reach a decision without any further public involvement.
- A8.3 Speakers may remain in the room, but are not allowed to join in with the debate, unless specifically requested by the Chairman to clarify a matter that has arisen during debate, and which cannot be dealt with by officers.
- A8.4 Once the decision is made, speakers may remain in the room but usually choose to leave before the next item on the agenda.
- A8.5 In any event, the Committee's decision will be published on the County Council's website and anyone who has made a valid written representation will be notified of the decision where they have previously so requested.

What happens if the matter is deferred or postponed?

- A9.1 Should the matter be deferred for a site visit or for any other reason following debate at the meeting, no further opportunity for public speaking will be

allowed unless a period of six months or more has elapsed since such deferral.

- A9.2 Only in exceptional circumstances will additional public speaking outside of the above arrangements be allowed, and that shall only be with the agreement of the Chairman. This may be when new evidence or information has come to light, or where substantial changes have been made to a proposal, which renders it significantly different from what had been previously considered. The test will be whether further public speaking will assist members of Committee to come to a more well-informed decision.
- A9.3 Should the item have been deferred before the public speaking period had commenced (or had been withdrawn from the agenda entirely, i.e. 'postponed'), those registered to speak will be notified of the date when the Committee will consider the matter and given the same opportunity to speak at the later meeting.

Part B - Special Presentations for major planning applications

- B1 In exceptional circumstances, and with the approval of Committee or at the discretion of the Chairman, a 'special presentation' may be given to Committee members. This may be where the matter is of such a complex technical or legal nature and where there are significant policy implications, or where the nature of public interest is so high as to warrant such an approach.
- B2 Normally a request for a special presentation will come from a group or organisation either in support of, or in opposition to, a particular proposal. Where approval is given for a special presentation, the group or organisation who has requested such an opportunity will be notified in writing that their request has been granted, and opportunity will be given for other organisations and groups to give a presentation within an equal time frame.
- B3 The scheduling of the presentation will be decided by Committee or by the Chairman but it would normally be at the same meeting at which the planning application to which it relates is to be determined, as an additional part of the normal public speaking arrangements. The local Member(s) in whose area the proposal is situated will be invited to attend for the presentation.
- B4 No more than three organisations or groups in opposition to the proposal will be allowed to give a special presentation to Committee, and no more than three organisations or groups in favour of the proposal will be allowed to give a special presentation. Anyone wishing to speak will be chosen strictly on a "first come, first served" basis so early registration is encouraged. Those registering to speak will be asked to supply contact details in case they need to be advised of any changes to arrangements.
- B5 The maximum time allowed for each presentation shall be ten minutes.

- B6 The content of each presentation must be related to the application, and must only contain material pertinent to the consideration of the planning merits of the proposal.
- B7 A written transcript of the presentation must be given to the relevant officer at least three clear working days before the date of the special presentation.
- B8 Any handouts or photographic material that is intended to be distributed to Councillors must also be given to the relevant officer at least three working days before the presentation. A minimum of 15 copies of each document must be provided.
- B9 Should it be intended to use a computer based presentation with PowerPoint or similar systems, a copy of that presentation must be given to the relevant officer at least three working days before the date of the presentation. The presentation may be on either CD or memory-stick. Responsibility for the proper working of the CD or memory stick rests with the person giving the presentation and in the event of any technical problems which prevents the presentation using electronic media then no delay to the Committee meeting or special presentation shall be permitted. In these circumstances the person giving the presentation will rely on printed hand-out material and any verbal presentation.
- B10 Unless these instructions are complied with, the Committee Chairman reserves the right to refuse the use of such support material, and to direct that the presentation continues without their use so as not to delay consideration of the matter.
- B11 Once the public speaking has been opened, those giving special presentations will be called forward in the order of objectors first, with supporters to follow.
- B12 The presentation may be given by more than one speaker. Speakers will be advised when there is only one minute remaining so that they may conclude their presentation. When the maximum ten minutes have elapsed, speakers will be required to end the presentation irrespective of whether the speaker has reached the end of the presentation.
- B13 Through the Chairman, Committee members may ask speakers for clarification on any point raised during a presentation but there shall be no debate on the merits or otherwise of the proposal at that point in proceedings.
- B14 At the completion of the special presentations, the normal public speaking arrangements will resume as set out in paragraphs A4.2 and A4.3 above.
- B15 Officers may be requested to clarify or comment on any points raised in the presentation or normal public speaking session, and thereafter the Committee will continue to debate the item in the normal way.

SITE INSPECTIONS

Informal Site Inspections

1. Individual Councillors can visit a site themselves in advance of the Committee meeting, though Committee members wishing to inspect sites on their own should seek advice from officers. If the site cannot be seen from existing public highway or other public land and involves going on to private land, Councillors should first contact the relevant case officer who can liaise with the applicant or landowner.
2. Ideally, Councillors should always be accompanied by the case officer, even on informal site inspections. If Councillors wish to visit a County Council property (e.g. school, elderly persons' home, library etc.) they should always report first to its reception.
3. Any information obtained from a site inspection should be reported back to Committee by the Councillor involved so other Councillors have the same information. Any discussions or lobbying that may occur during a site inspection should be reported in accordance with the procedures described earlier in this Code.

Formal Site Inspections

4. Formal site inspections will be held only when they provide a material benefit, for example, to understand local conditions and the physical characteristics of the site.
5. Where Committee members consider that there is substantial benefit to be gained from a site inspection, a formal site inspection can be proposed by Committee members at a committee meeting in advance of the relevant application coming before the Committee for a decision. The reasons for the request must be clear and minuted and whether a formal site inspection will be undertaken will be at the sole discretion of the Chairman. The need for site inspections should be considered by Committee members when reviewing the Committee's Work Programme. Similarly, where officers consider it appropriate, a short factual report will be brought to an earlier committee recommending a site inspection.
6. Once the decision to undertake a site inspection has been confirmed, Democratic Services will liaise with the relevant officers, Chairman, Vice-Chairman and political groups' Business Managers to make arrangements. Transport arrangements will depend on the circumstances.
7. All members of the Committee will normally attend formal site inspections, together with the appropriate local Member. If the proposal may have a

significant impact on adjoining areas, the invitation will be extended to Councillors representing adjoining electoral divisions.

8. Appropriate officer/s of the Council will accompany the Committee to advise Committee members as to the proposal and to point out salient features and highlight key issues. Councillors are advised to wear stout footwear and be prepared for adverse weather conditions, though relevant Personal Protective Equipment (PPE) will be provided where it is necessary for the site.
9. The purpose of a formal site inspection is fact finding and no discussion of the merits of the matter should take place. Councillors are advised not to enter into discussion with anyone other than officers or other Committee members, except for the purposes of clarification from site operators. Site managers or applicants and their agents may be present on site. They will be advised by letter that they should not lobby Councillors, but are able to accompany the party for health and safety reasons and to answer any factual questions put to them. During site visits Committee members should not make any comments that could give the impression that they had predetermined the application. Decisions on matters must only be made within the formal committee meeting when Committee Members have all the necessary information before them.
10. As the decision for a formal site inspection will have been made at an open Committee, it is possible that the visiting party may be met with 'protest groups' or a number of supporters or objectors. Lobbying of Councillors during site inspections will not be allowed as the opportunity for making representations is as part of the consultation process and as part of any public speaking during the relevant Committee meeting.
11. There may be occasions on site visits when questions raised by Committee members cannot be satisfactorily answered or require further investigation. In this event officers will pursue these matters and report back to the Committee meeting.

Following the Site Visit

12. Wherever possible, details of the site visit will be included in any subsequent report to Committee.

APPENDIX C

GUIDANCE ON INVOLVEMENT OF COUNCILLORS IN PRE-APPLICATION DISCUSSIONS

Discussions between a potential applicant and the Council prior to the submission of an application will be of benefit to both parties and is actively encouraged in line with Central Government guidance set out in the National Planning Policy Framework. Generally such meetings will be held between officers and the potential applicant, often with their agent or representative. Given the role of Members as 'champions' of their local community, it can be appropriate for Members to be engaged in the process of pre-application discussions, particularly those related to more major and contentious developments.

It is possible, however, that such discussions could be seen by objectors as part of a lobbying process by the potential applicant and some councils have feared involving councillors in pre-application discussions concerned that Councillors would be accused of predetermination when the proposal is subsequently reported to committee.

The Localism Act 2011, however, clarifies that it is proper for Councillors to play an active role in pre-application discussions, bringing their local knowledge to enrich democratic debate and helping to better represent constituents. Involving Councillors can assist in identifying issues at an early stage and helps Councillors lead on community issues.

Whilst the Localism Act has given greater freedom to Councillors to engage in pre-application discussions, it is important that such discussions take place within clear published guidelines to avoid perceptions that Councillors might have fettered their discretion.

It is recognised that Councillors talk regularly to constituents to gauge their views on matters of local concern and the Nolan Committee argued that it would be impractical and unnecessary to keep a register of such conversations.

In addition to observing the general advice set out in the Code, Councillors are advised to adhere to the following guidance:

- Do not meet developers or their agents/representatives alone, or put yourself in a position where you appear to favour a person, company or group - even a 'friendly' discussion with a developer could cause others to mistrust and question your impartiality.
- Inform officers about any approaches made to you, and seek advice as to the best course of action.
- Keep records of any approaches made to you and declare those on the record of lobbying.
- Forward copies of any correspondence to the case officer or committee clerk received in connection with a proposed application or submitted application.

- Be prepared to attend pre-application meetings with developers and/or potential applicants, but only in the company of relevant officers.
- Clarify at the outset that you are there to listen and ascertain facts and that the discussions will not bind a council to making a particular decision and that any views expressed are personal and provisional. By the very nature of such meetings not all relevant information may be at hand, nor will formal consultations with interested parties have taken place.
- Recognise that consistent and impartial advice will be given by officers based upon the development plan and material planning considerations. Councillors should avoid giving separate advice on the development plan or material considerations as they may not be aware of all the issues at an early stage.
- Avoid becoming drawn into any negotiations, which should be conducted by officers (keeping interested Councillors up to date) to ensure that the County Council's position is co-ordinated.
- Use the meetings to show leadership and vision, and to encourage positive outcomes for all concerned.
- Feed in your own and your local community's concerns and issues. Members of the Planning & Licensing Committee can have a predisposition to an initial view, where the Member makes clear they are still willing to listen to all the material considerations and arguments presented at the committee meeting before deciding on how to exercise their vote.
- Do not use your position improperly for personal gain or to advantage anyone close to you.
- Do not seek to influence officers, or put pressure on them to support a particular course of action in relation to a planning application.
- Confirm that a written note will be made of all meetings by an attending officer who will also make the arrangements for such meetings. Ensure officers forward a copy of the note to you and the developer/potential applicant after the meeting.
- A note should also be taken of any phone conversations, and relevant emails recorded for the file. Notes should record issues raised and advice given. The note(s) should be placed on the file as a public record. If there is a legitimate reason for confidentiality regarding a proposal, a note of the non-confidential issues raised or advice given can still normally be placed on the file to reassure others not party to the discussion.

Bear in mind that there are other mechanisms to involve Councillors in pre-application discussions which may include information reports brought to committee

to raise issues and developer presentations to committee although these would need to be handled in a fair and balanced manner. The adopted Statement of Community Involvement sets out the County Council's approach to involving communities and other consultees in pre-application discussions.

Ultimately Members of Planning & Licensing Committee need to ensure that they do not fetter their ability to participate in the decision making process on a development proposal by making up their mind, or clearly indicating that they have made up their mind, on how they will vote prior to the consideration of the application at committee. Members of the Planning Committee can have a predisposition for a particular outcome of a proposal as it proceeds towards determination, where the Member is clear they are still willing to listen to all the material considerations presented at the committee before deciding on how to exercise their vote.

Planning & Licensing Committee Members need to avoid bias and predetermination and take account of the general public's (and the Ombudsman's) expectation that a planning application will be processed and determined in an open and fair manner.

If Members follow this guidance, there should be no reason for anyone to level an accusation of bias against you. Ultimately it is the responsibility of the individual Member to ensure that their role on Planning & Licensing Committee is not compromised and it is also for them to strike the balance that may need to be made between their division and other interests and the requirements of the committee.

Useful source material

'Probity in Planning for Councillors and Officers' - Local Government Association and Planning Advisory Service 2013

22 April 2014**Agenda Item:****REPORT OF CORPORATE DIRECTOR FOR POLICY, PLANNING AND
CORPORATE SERVICES****DEVELOPMENT MANAGEMENT PROGRESS REPORT****Purpose of Report**

1. To report on planning applications received in Policy, Planning and Corporate Services between 10 February 2014 and 31 March 2014 and to confirm the decisions made on planning applications since the last report to Members on 25 March 2014. The report also covers end-of-year performance.

Background

2. Appendix A highlights applications received since the last Committee meeting, and those determined in the same period. Appendix B highlights applications outstanding for over 17 weeks. Appendix C is a table of County Council performance nationally, for the year ending 31 December 2013.

County Matter planning applications

3. 'County Matter' applications relate to proposals for Minerals or Waste development. In the 12 months up to 31 March 2014, a total of 62 County Matters were received. This compares with 42 received in the period 2012/13. 24 were outstanding as at 1 April 2013. This gave a total of 86 to be processed in 2013/14, compared to 91 in 2012/13.
4. As at 1 April 2014, 28 applications were on hand. A total of 45 County Matter applications were determined throughout the year, compared with 62 in the previous year. Table 1 (over leaf) shows the performance over the year, indicating the time taken to determine applications. In addition to the 45 applications determined, 13 were withdrawn by the applicants. Of the 45 decisions, 43 were approved planning permission and two refused, (land adjacent to Shenton Lodge, Derby Road, Kirkby in Ashfield for the processing, screening/crushing and disposal of inert waste material at land to the east of the A611 and its restoration to ecological and recreational). The second was R Plevin and Sons Limited for the construction and operation of a biomass fuelled combined heat and power plant at Elkesley, Near Retford. For the purpose of Table 1, applications accompanied by Environmental Statements are not included. Seven such planning applications have been determined during this period, namely two applications for dealing with

Pulverised Fuel Ash at Cottam Power Station, Shortwood at Cossall for the extraction of coal by surface mining, an extension at Dorket Head Quarry for the extraction of clay and two applications for varying of conditions at sand and gravel quarries at East Leake and Cromwell Quarry near Newark as well as the Plevin application which was refused.

Table 1 Annual Performance

No. of County Matter applications determined	Within 8 wks*		Within 13 wks*		Within 17 wks*		Over 17 wks		Total	
	no	%	no	%	no	%	no	%	no	%
April 2009 to March 2010	8	16	24	47	34	67	17	33	51	100
April 2010 to March 2011	12	17	29	40	41	57	31	43	72	100
April 2011 to March 2012	14	24	42	71	46	78	13	22	59	100
April 2012 to March 2013	13	22	26	43	33	55	27	45	60	100
April 2013 to March 2014	9	20	19	42	23	51	22	49	45	100

- The figures are cumulative

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Total number of County Matter applications determined under delegated powers: 33
Total number of County Matter applications determined by Committee: 05
Total number of County Matter applications withdrawn: 13
Total number of County Matter EIA applications determined by Committee 07
Total 58

- The percentage of planning applications determined within 13 weeks has fallen from 43% 2012/2013 to 42% for 2013/2014.
- Officers have continued to deal with other types of applications during the year; these include Non-Material Amendments (22 compared to 7 2012/13) and the discharging of conditions known as schemes (165 compared to 76 2012/13). Officers also carry out 'screening opinions' (13) on all planning applications to assess whether they trigger the need for Environmental Impact Assessment (EIA). In cases where EIA is required, Officers also carry out 'scoping opinions' (17) liaising with statutory bodies and other consultees to obtain their views on what environmental topics the EIA should contain. This is the second year these types have been recorded. Consultations are also received from other statutory bodies, for example the Environment Agency, who consult the team on waste management licences and environmental

permits. Similarly, the district/borough councils consult with us on planning applications which may affect mineral or waste sites, for example a wind turbine on a sewage treatment works.

County Council Development

7. The County Council determines applications for its own development under the procedures laid down in the Town and Country Planning General Regulations 1992 (usually Regulation 3). In the 12 months up to 31 March 2014, a total of 46 County Council development applications had been received. This compares with 72 in the same period last year.
8. 12 were outstanding as at 1 April 2013 giving a total of 58 to be processed during last year – compared to 72 in 2012/2013. As at 1 April 2014, 25 applications were on hand.
9. During 2013/2014 a total of 46 County Council applications were determined. 45 were granted planning permission and 1 refused. A further 5 applications were withdrawn by the applicants.

Table 2 Annual Performance

No. of County Council Developments applications determined	Within 8 wks*		Within 13 wks*		Within 17 wks*		Over 17 wks		Total	
	no	%	no	%	no	%	no	%	no	%
April 2009 to March 2010	56	56	71	71	79	79	21	21	100	100
April 2010 to March 2011	30	39	52	68	59	77	18	23	77	100
April 2011 to March 2012	40	53	61	81	68	90	7	10	75	100
April 2012 to March 2013	27	37	49	68	58	81	14	19	72	100
April 2013 to March 2014	20	43	25	54	31	67	15	33	46	100

- The figures are cumulative

Total number of County Council Development applications determined under delegated powers:

37

Total number of County Council Development applications determined by Committee:	09
Total number of County Council Development applications withdrawn:	05
Total	51

10. Officers have dealt with other types of County Council's own applications during the year. These include Non-Material Amendments (8 compared to 3 in 2012/13); the discharge of conditions from applications that have been granted planning permission (149 compared to 58 2012/13); permitted development proposals (57 compared with 14 in 2012/13); 41 enquiries for photovoltaic panels to be placed on County Council buildings; and dealing with enquiries seeking pre-application advice (68), many of which had detailed responses for replacement schools and the basic need modular classrooms.

Outstanding applications

11. The Department has historically set itself a target of 65% of County Council Development applications to be determined within 13 weeks. In the year just ended, 54% of such applications were determined within that timescale. By far the majority of these applications are dealt with under delegated powers.
12. At the start of this new financial year, a total of 28 County Matter applications and 25 County Council development applications were outstanding. A list of those applications outstanding for longer than 17 weeks is attached as Appendix B.

National performance

13. The Department for Communities and Local Government produces statistical information on planning applications received and determined by County Planning Authorities. The latest available tables include performance for the year ending December 2013 and are attached as Appendix C.
14. In that period, Nottinghamshire received 55 County Matter applications (i.e. Minerals and Waste), the sixth highest in the country and determined 53, equal third highest in the country.
15. In terms of County Council developments (Regulation 3 permissions), Nottinghamshire determined 19 applications, the second highest number nationally.

Monitoring and Enforcement

16. The determination of planning applications goes hand in hand with the monitoring and enforcement of development. A separate report on Monitoring and Enforcement can be found elsewhere on the agenda.

Appeals

17. The County Council is involved in one appeal for non determination, which was lodged in March 2013 and will be heard at an Hearing in July 2014.

Ombudsman investigations

18. No complaints have been referred to the Local Government Ombudsman in the reporting period.

Development Plan progress

19. Progress continues to be made in the preparation of new planning policy documents that will replace those saved policies within the currently adopted Nottinghamshire and Nottingham Waste Local Plan and the Nottinghamshire Minerals Local Plan that are becoming increasingly out of date.
20. The Nottinghamshire and Nottingham Replacement Waste Local Plan Waste Core Strategy Part 1, was adopted in December 2013 after being found “sound” by an independent planning inspector. Work is underway on the Part 2 of the replacement Waste Local Plan. This will allocate specific sites for waste management use alongside a set of more detailed development management policies.
21. The new Minerals Local Plan seeks to set out an overall approach to future minerals provision within the County up to 2030. The first stage of the consultation on ‘Issues and Options’ closed at the end of March 2012. The second stage of consultation was undertaken between 23 October and 18 December 2013 on the Minerals Local Plan Preferred Approach. The majority of the comments related to the provision of sand and gravel over the plan period, including objectors to site specific allocations and revised information from the minerals industry. As a result of this feedback it is envisaged that significant changes to the sand and gravel section of the plan may be needed including additional allocations. Pending approval from Environment and Sustainability Committee an additional stage of public consultation is likely to take place in May/June 2014. The timetable envisages the plan being submitted to the secretary of State in December 2014 with an examination in March 2015. If found “sound” the plan would be adopted in June 2015.

Other Issues

22. On the national level, 2012/2013 has coincided with the introduction of the National Planning Policy Framework (NPPF) which, as Members will know, introduced a presumption in favour of sustainable development. At the time of its introduction the NPPF received significant media coverage in terms of slimming down a significant amount of previous planning policy guidance into a single document together with a separate technical guide covering flooding and minerals issues, topics of key note to the work of this Committee. Separate policy guidance to cover waste issues is still awaited.
23. Members will also be aware that the Growth and Infrastructure Bill received Royal Assent on 25 April 2013. The Act sets out a range of measures aimed at

kick starting economic growth and reducing the barriers to investment and job creation. Several strands are of key note from a planning perspective. The Act continues the theme of speeding up the development process with a simpler planning system designed to support sustainable growth. Provisions include reducing the volume of paperwork required to accompany planning applications and removing over-lapping development consent regimes that necessitate multiple additional permissions from different government agencies. New permitted development rights allow homeowners, subject to neighbour consultation, to carry out rear extensions of up to eight metres without the need for planning permission. For a period of three years, developers are afforded the opportunity to renegotiate the affordable housing provisions set out in Section 106 agreements which have been made schemes economically unviable.

24. As reported to Committee back in December 2012, the Act also provides for planning applications to be determined by the Planning Inspectorate where a council has consistently failed to meet timescales for determining planning submissions and has been designated as poorly performing. The first designation of county planning authorities is likely to take place from April 2014.
25. Improvements continue to be made to the back office planning database system. Of particular note are improvements, currently in the developmental stage, to fully expand the range of planning consultations which can be undertaken electronically thereby delivering greater savings in terms of paper and time copying documents. Savings have been made during the year by improving the information on the website for notifying members of the public of committee dates and registering to speak electronically. The Planning web pages have also been updated as appropriate to reflect changes to the Planning System.

Statutory and Policy Implications

26. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Equal Opportunities Implications

27. Development Management activity takes into account equal opportunity issues.

Crime and Disorder Implications

28. Development Management activity takes into account issues relating to crime and disorder.

RECOMMENDATIONS

29. It is RECOMMENDED that the report and accompanying appendices be noted.

JAYNE FRANCIS-WARD

Corporate Director for Policy, Planning and Corporate Services

Constitutional Comments

"The report is for noting only. There are no immediate legal issues arising. Planning and Licensing Committee is empowered to receive and consider the report." [HD – 08/04/2014]

Comments of the Service Director - Finance

The contents of this report are duly noted – there are no direct financial implications. [SM- 08/04/2014]

Background Papers Available for Inspection

None

Electoral Division(s) and Member(s) Affected

All

For any enquiries about this report please contact:

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For any enquiries about this report, please contact the report author.

09/04/2014

Planning Applications Received and Determined
From 10 February to 31st March 2014

Division	Member	Received	Determined
BASSETLAW			
Worksop West	Cllr Ian Campbell		Demolition of No 30 Watson Road and buildings on former florist site. Removal of advertising hoardings and trees. Construction of a new 8-bay bus station including cafe/retail unit, crew room, information office, CCTV cameras and associated street works and fencing (including 3.0m high acoustic fencing). Worksop Bus Station, Corner Plot Watson Road / Newcastle Street, Worksop. Granted 27/02/2014(Committee)
Blyth & Harworth	Cllr Sheila Place	Variation of conditions 4,15,16,17,18 and 21 of planning permission 1/13/00717/CDM. Lodge Farm Fisheries, Scrooby Top. Received 17/03/2014	
Tuxford	Cllr John Ogle	Proposed Alterations & Extension to School & Car Park, North Wheatley C of E Primary School, Sturton Road, North Wheatley. Received 19/03/2014	

Division	Member	Received	Determined
Misterton	Cllr Liz Yates	Planning application for a 56 Hectare extension to and re phasing of existing sand and gravel extraction, including use of existing processing plant with restoration to a mixture of agriculture and woodland. Finningley Quarry, Croft Road, Finningley. Received 20/03/2014	
Tuxford Warsop	Cllr John Ogle Cllr John Allin		Variation of condition 28 (requirement to have existing rail line in place and in good working order), of planning permission 1/60/12/00001 and 2/2012/0072/NT to allow an extended time to comply by 12 months. Welbeck Colliery, Elkesley Road, Meden Vale, Mansfield. Granted 27/03/2014 (Committee)
MANSFIELD - None			
NEWARK & SHERWOOD			
Balderton	Cllr Keith Walker	Erection of new 2.4m high perimeter fence and gates, Newark Day Services, London Road, New Balderton. Received 10/02/2014	

Division	Member	Received	Determined
Rufford	Cllr John Peck	Retrospective application for the siting of a metal shipping type container for housing electrical switchgear associated with ground water abstraction borehole. Thoresby Colliery, Ollerton Road, Edwinstowe. Received 11/02/2014	Granted 26/03/2014
Farndon & Muskham	Cllr Mrs Sue Saddington	Two leachate storage tanks, Staple Quarry, Grange Lane, Cotham. Received 13/02/2014	
Rufford	Cllr John Peck		Change (additional) use of Savile Restaurant as a wedding venue. Installation of marquee fixings and realignment of path and erection of a temporary marquee from April to September (inclusive). Rufford Abbey, Rufford Country Park, Ollerton. Refused 27/02/2014 (Committee)
Ollerton	Cllr Stella Smedley		Installation of fabricated steel modular building at the rear of premises, for use as training kitchen and works canteen to replace current portakabins. Retention of steel palisade rear boundary fence and front vehicular gate and pedestrian gate. Recycling (Ollerton & Boughton), Units 183-184 Boughton Industrial Estate, Boughton. Granted 14/03/2014

Division	Member	Received	Determined
Rufford	Cllr John Peck	Extension of existing highways depot to facilitate construction arisings recycling facility. The extension is at the rear of the depot, Bilsthorpe Highways Depot, Bilsthorpe Business Park, Eakring Road, Bilsthorpe. Received 21/03/2014	
Blidworth	Cllr Yvonne Woodhead		Variation of condition 2 of planning permission 3/12/00100/CMM to allow for an extension of time for mineral extraction operations, Rufford Sand Quarry, Rufford Colliery Lane, Rainworth. Granted 26/03/2014
ASHFIELD			
Hucknall	Cllr Alice Grace Cllr John Wilkinson Cllr John Wilmott	Alteration to boundary, resiting of the sprinkler tank, path and associated landscaping as a variation of condition 3 of planning permission 4/V/2013/0360 for the erection of 420 place primary school (in two phases) and 26 (full time) place Foundation 1 (nursery) unit, with grassed, hard court and informal play areas, servicing, car parking and associated landscape works including 2.4m high security fencing. Land at Kenbrook Road, Hucknall. Received 20/02/2014	

Division	Member	Received	Determined
Hucknall	Cllr Alice Grace Cllr John Wilkinson Cllr John Wilmott	Change of use of land for Beardall Street replacement primary school with landscaping and 2.4m high security fencing. Land off Kenbrook Road, Hucknall. Received 24/02/2014	
Kirkby in Ashfield North	Cllr John Knight	Extend existing school building to create a nursery/early years centre for 16 places, Abbey Hill Primary School, Abbey Road, Kirkby in Ashfield. Received 12/03/2014	
Hucknall	Cllr Alice Grace Cllr John Wilkinson Cllr John Wilmott	A new stand-alone single storey classroom to the rear of the existing school, Edgewood Drive Primary School, Edgewood Drive, Hucknall. Received 19/03/2014	
BROXTOWE			
Beeston North	Cllr Steve Carr	A new single storey 3 classroom extension with additional meeting room and WC provision, all attached to the rear corridor of the school. New field gate and service footpath to provide access from the rear boundary with the adjacent supermarket. Roundhill Primary School, Foster Avenue, Beeston. Received 13/02/2014	
GEDLING			

Division	Member	Received	Determined
Arnold North	Cllr Pauline Allan Cllr Michael Payne		To vary conditions 4 and 13 of temporary planning permission 7/2003/2727 to allow the retention of the gas generating compound until such time that the facility is not required for the production of electricity. Dorket Head Landfill Site, Woodborough Lane, Arnold. Granted 14/02/2014
Newstead	Cllr Chris Barnfather		Retention of temporary mobile unit, Brooke Farm, Main Street, Linby. Withdrawn 05/03/2014
Newstead	Cllr Chris Barnfather	Creation of additional single classroom with toilets, Hawthorne Primary School, School Walk, Bestwood Village. Received 05/03/2014	
Carlton East	Cllr Nicki Brooks Cllr John Clarke	Installation of a single kiosk; erection of new fencing; infilling to raise site level; provision of hardstanding and relocation of access. Colwick Vale Sewage Pumping Station, Colwick. Received 11/03/2014	

Division	Member	Received	Determined
Newstead	Cllr Chris Barnfather	Demolition of brick boundary wall and store, erection of new single storey foundation unit extension, and associated external works including extended tarmac car park and new 2400mm high fencing. Newstead Primary School, Hucknall Road, Newstead Village. Received 11/03/2014	
Arnold North	Cllr Pauline Allan Cllr Michael Payne	Basic Needs 2014 school expansion, new car park and works to security fencing, Richard Bonnington Primary and Nursery School, Calverton Road, Arnold. Received 19/03/2014	
Carlton East	Cllr Nicki Brooks Cllr John Clarke	Planning application to regularise the use of a wood waste bay and to substitute the approved site layout plan for an amended layout plan to regularise minor layout changes. Biffa Waste Management, Private Road 2, Colwick Industrial Estate, Colwick. Received 20/03/2014	
RUSHCLIFFE			

Division	Member	Received	Determined
Bingham	Cllr Martin Suthers	Refurbishment and adaptations to the library, including replacement windows and doors. Adaptations to the former health centre to form a children's centre. Refurbishment of entrance canopy. Bingham Library and Former Health Centre, Eaton Place, Bingham. Received 10/02/2014	
Soar Valley	Cllr Andrew Brown	New extension to add a Music Room, Lantern Lane Primary School, Lantern Lane, East Leake. Received 21/02/2014	
Cotgrave	Cllr Richard Butler	Provision of a single modular building for use as a day care/pre-school nursery facility for the existing Primary and Junior school. The building replaces a previous portakabin type structure with a cedar clad modular facility. Cropwell Bishop Primary School, Stockwell Lane, Cropwell Bishop. Received 05/03/2014	

Division	Member	Received	Determined
Ruddington	Cllr Reg Adair		Use of land adjacent to the existing site for a 12 month period for temporary storage of reclaimed aggregates and to vary Condition 7 of planning permission 8/96/79/CMA and Condition 9 of planning permission 8/94/00164/CMA to extend working hours. Johnsons Aggregates & Recycling Limited, Loughborough Road, Bunny. Granted 03/03/2014 (Committee)
Keyworth	Cllr John Cottee		Creation of flood compensation scheme submitted in conjunction with application for the creation of additional yard area, John Brooke (Sawmills) Ltd, Broughton Grange, Fosse Way, Widmerpool. Withdrawn 18/03/2014

Division	Member	Received	Determined
Keyworth	Cllr John Cottee	Resubmission of flood compensation scheme application due to boundary change Submitted in conjunction with application entitled: "Resubmission of application for the creation of additional yard area for waste wood storage and erection of screening bund (partly in retrospect) adjacent to existing wood recycling site." John Brooke (Sawmills) Ltd, Broughton Grange, Fosse Way, Widmerpool. Received 18/03/2014	
Radcliffe on Trent	Cllr Mrs Kay Cutts		Application to retain existing modular building, Radcliffe on Trent Junior School, Cropwell Road, Radcliffe on Trent. Granted 24/03/2014
Soar Valley	Cllr Andrew Brown		Variation of conditions 2, 29 and 30 of planning permission 8/10/00191/CMA to retain the existing processing plant in relation to adjacent sand and gravel extraction at East Leake, East Leake Quarry, Rempstone Road, East Leake. Granted 25/03/2014
Cotgrave	Cllr Richard Butler	Land reclamation of former mineral workings, Canalside Industrial Park, Kinoulton Road, Cropwell Bishop. Received 25/03/2014	

Applications outstanding over 17 weeks at 31st March 2014

Division	Member	Description	Weeks Out Standing	Comments
BASSETLAW				
Blyth & Harworth	Cllr Sheila Place	Planning application to vary conditions 7,12,13,14 and 16 of planning permission 1/66/02/00015. Variation of condition 7 to refer to updated plant and machinery details. Condition 12 to allow for an amended restoration scheme, condition 13 to refer to a surface run-off scheme. Condition 14 to refer to foul and surface water details. Condition 16 to extend the time for deposit of waste to 31 December 2017. Styrrup Quarry, Main Street, Styrrup	50	Resolved to grant permission upon agreeing and signing of a legal agreement at Committee on 12/11/2013. Negotiations on legal agreement ongoing
Blyth & Harworth	Cllr Sheila Place	Variation of condition 5 of planning permission 1/66/96/16 to allow for the continuation of spoil disposal operation at Harworth Colliery No 2 spoil heap, Harworth Colliery Spoil Tip, Blyth Road, Harworth	40	A time extension has been agreed to provide the applicant with time to produce a bird survey over the summer. Consultation will be required
MANSFIELD				

Division	Member	Description	Weeks Out Standing	Comments
Mansfield North	Cllr Joyce Bosnjak Cllr Parry Tsimbirdis	Variation of condition 2 of planning permission 2/2010/0227/WT to allow continuation of crushing and screening plant to recycle building materials for a further 5 years. Cast Quarry, Vale Road, Mansfield Woodhouse.	42	This application is to be decided upon in conjunction with the application to extend the life of the inert landfill.
NEWARK				
Newark West	Cllr Tony Roberts	Regularisation of use of additional land in connection with scrapyards, Briggs Metals Limited, Great North Road, Newark	166	Awaiting response to flood issue from applicant.
Newark West	Cllr Tony Roberts	New multi use games area and floodlights, Mount C of E Primary School, Kings Road, Newark	35	Awaiting a Heritage assessment from the applicant.

Division	Member	Description	Weeks Out Standing	Comments
Rufford	Cllr John Peck	Proposed development of the Bilsthorpe Energy Centre (BEC) to manage unprocessed and pre-treated waste materials through the construction and operation of a Plasma Gasification Facility, Materials Recovery Facility and Energy Generation Infrastructure together with supporting infrastructure. Bilsthorpe Business Park, Off Eakring Road, Bilsthorpe	18	Committee report being prepared, committee date to be confirmed
ASHFIELD				
Hucknall	Cllr Alice Grice Cllr John Wilkinson Cllr John Wilmot	Planning application for the continued use of an Aggregates Recycling Facility at Wigwam Lane for the treatment of waste to produce soil, soil substitutes and aggregates. Total Reclaims Demolition Ltd Wigwam Lane, Bakerbrook Industrial Estate, Hucknall	85	Awaiting transport assessment from the applicant

Division	Member	Description	Weeks Out Standing	Comments
Hucknall	Cllr Alice Grice Cllr John Wilkinson Cllr John Wilmot	Retrospective use of site for recycling of inert materials and construction of 5m high sound attenuation wall. Plots 10, 11, 12, 13, 14 and 16 off Wigwam Lane, Hucknall	41	On- going negotiations with the applicant and Ashfield District Council
Hucknall	Cllr Alice Grice Cllr John Wilkinson Cllr John Wilmot	Retention of existing mobile classroom (building 4), Leen Mills Primary School, Leen Mills Lane, Hucknall	31	Awaiting traffic assessment from applicant, will need to consult with highways
Hucknall	Cllr Alice Grice Cllr John Wilkinson Cllr John Wilmot	Retention of existing mobile classroom (building 4), Leen Mills Primary School, Leen Mills Lane, Hucknall	31	Awaiting traffic assessment from applicant, will need to consult with highways
BROXTOWE				

Division	Member	Description	Weeks Out Standing	Comments
Beeston South & Attenborough	Cllr Kate Foale	Variation of condition 3 of planning ref 5/06/01039/CCR to amend the alignment of the weir, associated bridge structure and reduce distance of the diversion to footpath No 69, Land southwest of Attenborough Nature Reserve, Barton Lane, Attenborough	263	Report written but conditions to be finalised
Kimberley & Trowell	Cllr Ken Rigby	Change of use to waste timber recycling centre including the demolition of existing building and construction of new buildings. Shilo Park, Shilo Way, Cossall	62	Still awaiting further information required on ecology, drainage issues, noise and a landscaping character assessment and land contamination
Beeston South & Attenborough	Cllr Kate Foale	New entrance lobby and canopy, John Clifford Primary School, Nether Street, Beeston	55	Delegated report being prepared
GEDLING				

Division	Member	Description	Weeks Out Standing	Comments
Newstead	Cllr Chris Barnfather	Improvement works to the country park involving the remodelling and partial in-filling of lake 2 for development as a fishery, and wider landscape improvement works and path upgrades, in total requiring the importation of circa 17,000m3 of inert materials and soils. Newstead and Annesley Country Park, Newstead Village	69	Resolved to grant permission upon agreeing and signing of a legal agreement at Committee on 25/02/2014
RUSHCLIFFE				
West Bridgford Central	Cllr Steve Calvert Cllr Liz Plant	Application to retain existing temporary classroom, Lady Bay Primary School, Trent Boulevard, West Bridgford	91	Delegated report being prepared
Keyworth	Cllr John Cottee	The Erection of 2 New Industrial Buildings and Installation of 7MW (approximate) Wood Fuelled Renewable Energy Biomass Plant, retaining existing wood recycling and composting operations. John Brooke (Sawmills) Limited, The Sawmill, Fosse Way, Widmerpool	25	Can be found elsewhere on the agenda

Table P144: 'County matter' planning authorities – Planning applications received, decided and granted and Regulation 3 and 4 consents by authority, year ending December 2013

Planning Authority	Number/Per cent												
	Applications			Decisions ¹						Consents Granted ²		Decisions on applications defined by Article 21 ³	Decisions issued under ROMPS
	Received	Decided	Granted	Within 8 w weeks		Within 13 weeks		Within 16 w weeks		Reg 3	Reg 4		
England	1,635	1,468	1,391	256	20	799	64	893	71	1,555	3	1,588	43
County Council	1,153	1,048	995	158	17	545	60	625	69	1,542	3	1,465	21
Buckinghamshire	24	8	8	1	13	4	50	4	50	16	-	33	-
Cambridgeshire	28	33	33	10	31	16	50	19	59	13	-	61	1
Cumbria	40	53	51	10	23	29	66	35	80	44	-	30	4
Derbyshire	38	47	46	6	15	27	66	30	73	92	-	144	-
Devon	42	50	48	12	27	22	50	25	57	55	-	27	-
Dorset	40	40	40	2	8	20	83	21	88	42	-	78	-
East Sussex	13	20	19	-	-	11	55	16	80	52	-	11	2
Essex	54	44	39	6	14	29	66	35	80	58	-	167	-
Gloucestershire	37	38	36	2	6	17	53	20	63	9	-	35	-
Hampshire	52	52	49	11	22	31	61	37	73	91	-	69	-
Hertfordshire	22	29	23	3	14	12	57	13	62	56	-	19	-
Kent	34	38	38	8	30	16	59	20	74	104	-	32	-
Lancashire	61	48	44	8	20	34	83	37	90	110	-	46	1
Leicestershire	74	59	57	23	44	42	81	43	83	54	-	50	1
Lincolnshire	79	74	67	6	10	30	51	37	63	85	-	66	2
Norfolk	80	52	49	4	8	32	63	35	69	52	-	-	-
North Yorkshire	25	26	25	1	6	6	33	6	33	83	-	13	2
Northamptonshire	38	29	29	5	17	27	93	28	97	43	-	120	-
Nottinghamshire	55	53	51	11	24	20	44	25	56	69	-	165	-
Oxfordshire	34	42	39	6	16	25	68	27	73	54	-	34	-
Somerset	38	26	26	2	8	10	38	14	54	51	-	51	2
Staffordshire ex Stoke UA	69	39	38	-	-	19	61	20	65	36	-	68	6
Suffolk	41	26	26	12	46	19	73	21	81	77	3	37	-
Surrey	40	37	33	3	11	13	46	14	50	63	-	48	-
Warwickshire	40	35	34	6	18	16	48	21	64	27	-	25	-
West Sussex	33	24	22	-	-	8	38	10	48	80	-	13	-
Worcestershire	22	26	25	-	-	10	40	12	48	26	-	23	-
London Boroughs	16	12	9	1	8	6	50	7	58	1	-	1	-

22 April 2014**Agenda Item:****REPORT OF CORPORATE DIRECTOR POLICY, PLANNING AND
CORPORATE SERVICES****WORK PROGRAMME****Purpose of the Report**

1. To consider the Committee's work programme for 2014.

Information and Advice

2. A work programme has been established for Planning and Licensing Committee to help in the scheduling of the committee's business and forward planning. It aims to give indicative timescales as to when applications are likely to come to Committee. It also highlights future applications for which it is not possible to give a likely timescale at this stage.
3. Members will be aware that issues arising during the planning application process can significantly impact upon targeted Committee dates. Hence the work programme work will be updated and reviewed at each pre-agenda meeting and will be submitted to each Committee meeting for information.

Other Options Considered

4. To continue with existing scheduling arrangements but this would prevent all Members of the Committee from being fully informed about projected timescales of future business.

Reason/s for Recommendation/s

5. To keep Members of the Committee informed about future business of the Committee.

Statutory and Policy Implications

6. This report has been compiled after consideration of implications in respect of finance, the public sector equality duty, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION

That the committee's work programme be noted.

Jayne Francis-Ward

Corporate Director- Policy, Planning and Corporate Services

For any enquiries about this report please contact: David Forster, Democratic Services Officer

Constitutional Comments (HD)

7. The Committee has authority to consider the matters set out in this report by virtue of its terms of reference.

Financial Comments (PS)

8. There are no financial implications arising directly from this report.

Background Papers

Relevant case files for the items included in Appendix A.

Electoral Division(s) and Member(s) Affected

All

Committee Work Programme

<u>Date to Committee</u>	<u>Reference</u>	<u>Location</u>	<u>Brief Description</u>
20 th May 2014	4/V/2013/0499	Leen Mills Primary School, Leen Mills Lane, Hucknall	Retention of existing mobile classroom (building 4)
20 th May 2014	4/V/2013/0498	Leen Mills Primary School, Leen Mills Lane, Hucknall	Retention of existing mobile classroom (building 5)
20 th May 2014	2/2013/0354/NT	Cast Quarry, Vale Road, Mansfield Woodhouse	Variation of condition 2 of planning permission 2/2010/0227/WT to allow continuation of crushing and screening plant to recycle building materials for a further 5 years.
20 th May 2014	2/2014/0013/NT	Cast Quarry, Vale Road, Mansfield Woodhouse	Continuation of restoration of former limestone quarry by landfilling with inert waste and i) Amendments to the final restoration scheme(so as to increase the overall volume and duration of the landfilling and ii) Retain the mobile plant storage facility until no longer required for the operation and restoration of the site
20 th May 2014		Former Gunthorpe Gravel Workings, Gunthorpe	Scheme submitted by Severn Trent Water Limited for the restoration of the former Gravel Workings at Gunthorpe
17 th June 2014	5/13/00070/CM	Shilo Park, Shilo Way, Cossall	Change of use to waste timber recycling centre including the demolition of existing building and construction of new buildings
17 th June 2014	3/13/01767/CMW	Bilsthorpe Business Park, Off Eakring Road, Bilsthorpe	Proposed development of the Bilsthorpe Energy Centre (BEC) to manage unprocessed and pre-treated waste materials through the construction and operation of

			a Plasma Gasification Facility, Materials Recovery Facility and Energy Generation Infrastructure together with supporting infrastructure
17 th June 2014	3/14/00348/CMA	Oxton Grange Composting Site, Ollerton Road, Oxton	Extend the area of the site to include additional storage area to be used exclusively for the storage of PAS100 end product compost.
15 th July 2014	3/14/00614/CMA	Trent Skip Hire Limited, Quarry Farm Transfer Station, Bowbridge Lane, New Balderton, Newark	Erection of a steel framed building for the use as a materials recycling facility (MRF)

Other Key Applications/Submissions in system but not timetabled to be reported to Planning & Licensing Committee before July 2014:-

<u>Reference</u>	<u>Location</u>	<u>Brief Description</u>
4/V/2013/0359	Plots 10, 11, 12, 13, 14 and 16 off Wigwam Lane, Hucknall	Retrospective use of site for recycling of inert materials and construction of 5m high sound attenuation wall.
1/13/00809/CDM	Harworth Colliery Spoil Tip, Blyth Road, Harworth	Variation of condition 5 of planning permission 1/66/96/16 to allow for the continuation of spoil disposal operation at Harworth Colliery No 2 spoil heap
3/14/00040/CMA	Land at Langford Quarry, Newark Road, Near Collingham, Newark	Proposed southern extension to existing quarry with restoration to water amenity, together with revised restoration for creation of an enlarged nature reserve and retention of existing plant site and site access
4/V/2012/0383	Total Reclaims Demolition Ltd, Wigwam Lane, Bakerbrook Industrial Estate, Hucknall	Planning application for the continued use of an Aggregates Recycling Facility at Wigwam Lane for the treatment of waste to produce soil, soil substitutes and aggregates.

8/14/00380/CMA	John Brooke (Sawmills) Ltd, Broughton Grange, Fosse Way, Widmerpool	Resubmission of application for the creation of additional yard area for waste wood storage and erection of screening bund (partly in retrospect) adjacent to existing wood recycling site.
	Finningley Quarry, Croft Road, Finningley, Doncaster	Planning application for a 56 Hectare extension to and re phasing of existing sand and gravel extraction, including use of existing processing plant with restoration to a mixture of agriculture and woodland.

