Nottinghamshire County Council

minutes

Meeting:	Planning and Rights of Way Committee
Date:	Tuesday 16 September (commencing at 10:30am)

Membership:

COUNCILLORS

Russell Dodd (Chairman)
Brian Wheatcroft (Vice-Chairman)

Janette Barlow
Alan Bite
Andy Brown
Kevin Brown
Steve Carr
Faz Choudhury
James Gamble
David Smith
Sam Smith

SUBSTITUTE MEMBERS

OFFICERS AND COLLEAGUES IN ATTENDANCE:

David Arnold	-	Head of Planning and Environment
Cai Beacham	-	Planning Monitoring and Enforcement Officer
Wayne Bexton	-	Service Director, Green Growth, Investments and Assets
Katherine Harclerode	-	Democratic Services Officer
Jaspreet Lyall	-	Solicitor and Legal Advisor to the Committee
Jonathan Smith	-	Team Manager, Development Management
Sophie Robinson	-	Solicitor and Legal Advisor to the Committee
Tim Turner	-	Senior Practitioner Monitoring and Enforcement

PUBLIC SPEAKERS IN ATTENDANCE:

Lynne Schuller (against)	-	Luna Waste Unit, C6 Glassworks Way, Harworth
Leigh Holmes (against)	-	
Councillor Hana John (local member for Blyth and Harworth)	-	

Sam Thistlethwaite (applicant's agent) -

1. MINUTES OF THE LAST MEETING

Resolved (2025/12)

1) The minutes were agreed as a true and correct record of the proceedings.

2. APOLOGIES FOR ABSENCE

There were no apologies.

3. DECLARATIONS OF INTERESTS

There were no declarations of interest.

4. DECLARATIONS OF LOBBYING

There were no declarations of lobbying.

5. LUNA WASTE UNIT, C6 GLASSWORKS WAY, HARWORTH

Consideration was given to a report introduced by Jonathan Smith, Team Manager for Development Management, which set out the detail of the application for a variation of three conditions attached to the extant conditions for Luna Waste. The presentation included information regarding the site location, maps and photographs of the site, and surrounding area. The following points were highlighted:

- The application sought to vary three conditions: Condition 3 to amend the site layout plan; Condition 8 to increase the annual throughput at the site from 75,000 to 150,000 tonnes per annum; and Condition 10 to increase the number of HGVs entering and leaving the site from 80 to 154 vehicles per week.
- Material considerations associated with the application included issues related to potential impacts on amenity, and HGV traffic.
- Between the Housing and the site is a large landscaping bund which is to remain in place. A noise insulating enclosure over the trommels would help contain noise and would also help mitigate dust impacts.
- NCC Highways have not objected subject to a Hauliers Code of Conduct and Operational Traffic Management Plan which would include routeing instructions for HGV drivers and signs installed at the site to minimise impacts on the highway network north of the site.

Lynn Schuller spoke against the application and highlighted the following points:

- Among the residents of Harworth, it was felt that waste should be processed closer to its point of origin, and 86% of waste processed in Nottinghamshire was from outside of Nottinghamshire.
- The proposed operational increases were felt to be a burden on the community, particularly as there were homes and play areas within close proximity to the site.

- The expansion would impact the physical and mental health of families, reducing their sleep and would prevent families from using outdoor spaces due to noise and dust particulate.
- Waste escape from the site resulted in deep litter and the noise and dust were already felt to be severe despite the bund in place. Doubling activity would multiply the detriment.
- The site had resumed activity, causing residents to experience noise, dust and smell from the site, which could cause respiratory and cardiovascular issues.
- Residents felt underserved by the proposals, and residents of the Simpson Park Estate in particular had urged that the application be refused.

In response, officers clarified the following points:

- Paragraph 34 of the report stated that the emerging Local Waste Plan did not seek to prevent further waste recycling provision from coming forward which would prevent movement of waste up the waste hierarchy.
- An increase in hours of operation was not part of this application. The hours of operation would remain the same.

Leigh Holmes submitted a statement which was read out to the committee and highlighted the following points.

- The site had not been in operation recently. It was felt that this was an attempt to reduce the likelihood of complaints ahead of the planning application being considered.
- The odour from the site prevented children from playing outside.
- The application would increase the noise and odour disturbances.
- The leadership of the site had disregarded the expressed concerns of residents.
- The pattern of management behaviour made it difficult to trust that planning conditions would be honoured.
- Concrete walls had been constructed, making echoes more pronounced.

In response, officers clarified the following points:

- In regard to concerns regarding traffic and noise increasing at evenings and weekends, there would not be a change in operating hours.
- Health issues were not considered a planning issue, and there would be an environmental permit issued by the Environment Agency which would regulate issues that could cause health issues.

Cllr Hana John spoke in support of the application and raised the following points.

- It was evident that thorough work had been done to ensure all concerns had been addressed and that the site would be held accountable for upholding the conditions of the application.
- There was confidence that the necessary checks had been done, and that Luna had satisfied the requirements for the application to reach the point of being submitted to members for approval.
- The 21 objections that had been raised regarding the application were concerning, however.

- Traffic and rat runs were a concern during the hours of operation, as were noise and odour pollution. Increasing the amount of material accepted would increase these impacts.
- There was a desire to give assurances to members of the public that the conditions would be enforced.
- The complaint procedure was also highlighted, as a robust complaints procedure ensured residents felt heard.

In response officers provided the following additional information:

- The regulatory role of the Environment Agency in relation to the site was noted.
- It was encouraged that members of the public would come to the planning authority with any concerns regarding the site. This had been done in the past.

Sam Thistlethwaite spoke on behalf of the applicant and raised the following points:

- It was felt there had been thorough assessment of proper deliberation. The officer's report notes the previous work to improve the site's operation.
- An experienced new management team had been brought on to ensure the site is well run in future.
- No objections had been received from specialist consultees, health and safety and highways officers. This should provide assurances that the scheme was acceptable and that the considerations had been fully addressed.
- In line with national policy making use of existing waste facilities, it was hoped that the application would be approved.

The floor was opened for debate, and members highlighted the following points.

- The people who bought homes nearby did not know that the site would be doubling its capacity. The Waste Local Plan had not identified a shortfall in capacity. Although the Plan stated provision for further capacity should not be prevented from coming forward, it was not clear that additional capacity was required.
- Members felt that monitoring and compliance were essential.
- It was felt that the application was dismissive of the impact of noise and particulates on people's health.
- Concerns were also raised in respect of paragraph 19, regarding operation of a traffic management plan to protect routes from developing into a 'rat run'.
- It was important that there were weight restrictions. The roads were not considered to have been built for lorries; therefore, the additional HGV traffic could be dangerous or damaging to the roads.
- Concerns were raised that the operating hours would later be extended.
- It was felt that a traffic solution to protect the village would cost over £20k-30k and should not be the responsibility of the taxpayer.
- It was important that there was recourse in the event that the applicant later did not comply with the conditions.
- The application site lay west of the housing site that was yet to be built, which raised concerns this was in direct line of the prevailing westerly winds.
- The noise measurements threshold was felt to be very loud.
- It was noted that regarding site capacity, it was a requirement of the conditions that the total weekly tonnage amount shall be provided in writing, and written

records shall be kept. It was felt that these records should be made publicly available.

- Consultation with authorities such as Bassetlaw District Council had resulted in no objection, although further complaints had been received from the public. It was noted that there had been no objection from the noise engineer, and no comment had been received from the Environment Agency.
- Concerns were raised regarding use of automated counters on designated haulage routes, how traffic management plans would work, frequency of noise monitoring, enforcement procedure if complaints continued, and dust suppression measures.
- It was important that thresholds and measurable standards were in place to trigger enforcement action.
- Conditions to control noise, which the existing permission did not include, were welcome.
- It was felt that weight restrictions should be implemented where they were not currently in place.
- Weight restrictions were ignored, and it was felt to be impossible to capture the registration of a speeding lorry in order to report it.
- Members expressed interested in the timing of implementation of the conditions onsite and enforcement action in the event of noncompliance or complaints.
- It was felt that the best way to control noise was to control it on site to protect the amenity of local residents.
- The Chairman had visited the area recently, with operational warehouses and industrial development in the vicinity of the A1.

In response to the points raised by members, officers clarified the following points:

- In respect of a Section 73 application to vary existing conditions, members needed to consider whether it was acceptable to increase the tonnage and HGV numbers. The report gave context to reporting and monitoring, and the application was to be weighed carefully against the relevant policies and plans.
- The permission under which the site could be operated did not include the level of noise control now being recommended.
- Although not currently doing so, the site could legally operate until 7pm under the current permission.
- Whilst the application was not in accordance with Policy WCS 4 which seeks to locate these types of facilities close to the built-up areas of Nottingham and Mansfield/Ashfield, The development plan needed to be read as a whole and other policies such as WCS 7 and 8 supported use of existing sites as preferable to creating new sites.
- Officers had worked through multiple relevant policies to come to an overall recommendation regarding the acceptability of the proposal.
- Environmental health officers had raised concerns but did not raise an objection regarding the noise control which must not exceed background noise above 5 decibels as increases above this level will generate complaints. The 5-decibel limit was contained in condition 14.
- Condition 16 regarding the noise mitigation structure would be submitted for approval within three months. This structure would ensure the noise levels could be met.

- As covered by condition 10, there would be a code of conduct, traffic management plan, and instructions to hauliers to use the most appropriate route, which would take them directly onto the A1614.
- The authority could not close the site in the instance of non-compliance or receipt of complaints but did have the power to make the applicant comply with the conditions in the planning application.
- There was one road that went north and south which was not weight restricted, but all other roads in the area were weight restricted which prevented rat running.
- Publishing tonnages was not a planning requirement, although the planning authority can ask for the information. It was the prerogative of the applicant whether to make this information publically available.
- There would be monitoring of daily routes as detailed in Condition 9, which required vehicle registration, tonnages, origin and destination information to be kept and which could be requested.
- Monitoring was done when the officers visit the site several times per year. Officers could request a noise monitoring survey to be undertaken if justifiable complaints were received.
- Condition 20 required the operator to examine all incoming loads. There were provisions in place to control the types of waste coming in and any types that can lead to odour issues. The Environment Agency through the environmental permit had the opportunity to control this as well.
- Condition 21 outlined measures taken routinely to control dust.
- Concerns had been raised regarding a previous application, and the applicant withdrew and prepared a new application which was submitted.
- The legal test around material considerations in line with the Town and Country Planning Act 1990, asked members to consider whether the proposed conditions would make acceptable the material considerations which would otherwise be unacceptable. It was important to assess whether the issues could have been dealt with through conditions.
- Paragraph 9 of the report noted that operations onsite had been operating broadly in accordance with the extant permission. Positive action had been taken when issues were raised.
- A range of powers were available to enforce. Temporary stop notices and stop notices were available. Monitoring would be done, and issues that had been raised with the authority would be addressed on an individual basis. For minor actions, there was time to implement; whereas, severe cases had to be addressed immediately.
- If notices were ignored, this was open to legal action in the courts.
- All reactive and proactive enforcement activity was done under the council's Local Enforcement Plan, which was agreed by this committee.
- Regarding highways, the site was within an area where there were other large businesses; therefore, it was not just this site using HGVs.
- Limited routes could be taken by HGVs in and out of the site, weight restrictions stopped rat running as hauliers would prefer to take a longer route with the least amount of stopping and starting. The HGVs would follow routes either South to the A1 or north where weight restrictions were not in place.
- Committee did not have the power to change the site operating hours as these were not the subject of the application.

RESOLVED (2025/13)

1) That planning permission be granted subject to the conditions set out in Appendix 1.

6. PLANNING ENFORCEMENT REPORT YEARS 2023-25

Tim Turner, Senior Practitioner Monitoring and Enforcement, introduced the summary report which highlighted the following points:

- 8 notices had been served in 2024-15, including one Temporary Stop Notice.
- 71 complaints had been received in 2024-25

The report was opened to discussion, and members raised the following points:

- Members sought clarification regarding how the service tracks applications and spot checks.
- Members sought additional information regarding what happens if a non-compliant organisation goes into bankruptcy during the process of court proceedings again the organisation.

In response to these points, officers provided the following additional information:

- Officers maintained a colour-coded check sheet for all conditions, highlighting those requiring ongoing works, highlighting those with future submissions to be made. Officers go to site to check compliance with layout plans developed, and an environmental management plan submitted. The service aim to do this at each site twice a year, announced and completely unannounced. If an issue is highlighted on site, these will be resolved. The Service also work on other issues which may be outside of planning. If complaints are received these are investigated and an update is provided on how the complaint is progressing, how the site is being monitored and the date the site is scheduled for inspection.
- After being served notices, the land can be disclaimed to go to the Crown Estate. In that case, the Council has very little power but can encourage the land to be sold to a party capable of complying with the notices. The enforcement notices are served on the company person operating on the site and the landowner. If the company goes bust, the landowner is ultimately responsible.

RESOLVED (2025/14)

1) That the Planning Enforcement Report – years 2023-25 be noted.

7. DEVELOPMENT MANAGEMENT PROGRESS REPORT

Jonathan Smith, Team Manager for Development Management, introduced the report.

RESOLVED (2025/15)

1) That the Development Management Progress Report be noted.

The Chairman closed the meeting at 11.58 pm.

CHAIRMAN