

Meeting: Planning and Rights of Way Committee

Date: Tuesday 19 September 2023 (commencing at 10:30am)

Membership:**County Councillors**

Mike Quigley MBE (Chairman)
Jim Creamer (Vice Chairman)

Mike Adams	Andy Meakin
André Camilleri	Nigel Moxon
Robert Corden	Philip Owen
Sybil Fielding (apologies)	Francis Purdue-Horan (apologies)
Paul Henshaw	Sam Smith
Rachel Madden	

Substitute Members

Pauline Allan for Sybil Fielding

Officers and colleagues in attendance:

Jaspreet Lyall	-	Solicitor and Legal Advisor to the Committee
Adrian Mann	-	Democratic Services Officer
Joel Marshall	-	Principal Planning Officer
Jonathan Smith	-	Interim Group Manager for Planning

Public speakers in attendance:

Mark Oldridge	-	Variation of Planning Condition for Two Oaks Quarry, Sutton-in-Ashfield (item 5)
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1. Apologies for Absence

Sybil Fielding	-	other reasons
Francis Purdue-Horan	-	other reasons

2. Declarations of Interests

No declarations of interests were made.

3. Declarations of Lobbying

No declarations of lobbying were made.

4. Minutes of the Last Meeting

The minutes of the last meeting held on 18 July 2023, having been circulated to all Members, were taken as read and were confirmed and signed by the Chairman.

5. Variation of Planning Condition for Two Oaks Quarry, Sutton-in-Ashfield

Joel Marshall, Principal Planning Officer, introduced application 4/V/2022/0876 by the Mansfield Sand Company Limited in relation to Two Oaks Quarry, Coxmoor Road, Sutton-in-Ashfield for the variation of a Planning Condition to permit the importation of 250,000 tonnes of sand into the quarry from an external source. The following points were raised:

- a) Two Oaks is a large silica sand quarry that was granted Planning Permission in 2013. It is operated by the applicant, the Mansfield Sand Company, which also runs a brickworks in Mansfield. The applicant is developing proposals to expand this factory, which will require the excavation of adjacent land to create a suitable building platform. It is estimated that these excavations would yield around 250,000 tonnes of usable sand, so the applicant is seeking permission to transport this material to Two Oaks Quarry for processing over a 12-month period.
- b) Condition 34 of the current Planning Permission prohibits the importation of minerals from elsewhere into the quarry for processing, so this would need to be varied. Condition 34 was established to limit the level of heavy goods vehicle (HGV) traffic in and out of the quarry, but Condition 13 is the primary means of controlling HGV movements as it sets the permitted maximum numbers that may access the quarry in a given time period. The applicant is not seeking to vary Condition 13 as it has calculated that the number of HGVs needed to transport the sand over the 12-month period could be accommodated with the limits established already. As such, there would be no increase in HGV traffic levels above that which have already been deemed acceptable in both Highways and local amenity contexts.
- c) There is a suitable route for the HGV traffic between the Mansfield brickworks and the quarry. The vehicles would still be required to travel during the hours set out in the current Planning Permission, abiding by the routing agreement to avoid the northern end of Coxmoor Road.
- d) Ultimately, the proposed variation to Condition 34 would help to facilitate the applicant's brickworks expansion project (which will require separate Planning Permission, likely from Mansfield District Council) while achieving the policies and objectives of the Nottinghamshire Minerals Local Plan to safeguard and make sustainable use of locally available minerals.

With the permission of the Chairman, Mark Oldridge addressed the Committee on behalf of the applicant. The following points were raised:

- e) Two Oaks Quarry is currently the sole producer of specialist, high-quality silica sand in Nottinghamshire, which is used both in the construction industry and for sports and leisure purposes, supporting the local economy. The anticipated 250,000 tonnes of sand that would be excavated as part of the proposed extension to the brickworks in Mansfield would be of a similar quality to that being extracted at Two Oaks, so the grant of one-off permission for its processing at the quarry would represent a sustainable end use, ensuring that important materials are not wasted.

The Chairman then opened the application for debate. The following points were discussed:

- f) The Committee noted that Two Oaks was a busy quarry and that site inspections to ensure that it was operating in compliance with the granted Planning Permission were carried out four times per year. Members raised that some complaints had been received from local residents that run off from the extraction operations sometimes blocked public footpaths in the woodland areas bordering the quarry, so requested that officers review these potential issues with the applicant as part of the ongoing regular inspection regime.
- g) The Committee observed that the volume and routing of HGVs accessing the quarry were a concern for local residents, so noted that the applicant should ensure that this remains within the requirements of the current relevant Planning Conditions and routing agreement.

The motion to approve the grant of Planning Permission was put to the vote and carried unanimously.

Resolved (2023/018):

- 1) To approve the grant of Section 73 Planning Permission for the variation of Condition 34 to Planning Permission 4/V/2022/0876 to permit the importation of 250,000 tonnes of sand into the Two Oaks Quarry from an external source, subject to the conditions as set out in Appendix 1 to the report.

6. Development Management Progress Report

Jonathan Smith, Interim Group Manager for Planning, presented the regular Development Management Progress Report. The following points were discussed:

- a) The report sets out the planning applications received by the Council between 30 June 2023 and 18 August 2023, the decisions taken on planning applications since 18 July 2023, the applications likely to come to a future meeting of the Committee, and the Council's performance against the statutory targets for the speed and quality of Planning decisions.

- b) At its meeting on 13 December 2022, the Committee resolved to refuse Planning Permission for a proposed variation to the new waste transfer station at Colwick Industrial Estate to operate without the installation of the previously approved air filtration plant, as the Committee did not wish to see the facility operate with less robust odour controls in place. The six-month deadline to appeal the decision has passed and the applicant has since confirmed that refuse-derived fuel production will be carried out as soon as the site becomes operational, so the carbon filtration system will be installed and used immediately to mitigate against the odours created by this process.
- c) Following a refusal to extend the Planning Permission for the shale gas test site at Springs Road, Misson in 2021, works to restore the site to its previous condition have now begun.
- d) The Government has returned its response to the technical consultation on increasing planning fees and performance that was carried out earlier in the year. The response sets out a number of proposed changes that will be legislated for in a revised Statutory Instrument to be introduced shortly. There is currently no proposal to increase the fees charged for retrospective applications for Planning Permission. However, the Government had confirmed that it plans to undertake a wider review of the Planning fees system in due course, so there will be an opportunity for retrospective fees to be considered as part of this process.
- e) The Committee expressed disappointment that the fees for retrospective applications for Planning Permission would not be increased at this time. Members considered that retrospective applications could often be seen in a very negative light by the public, and that most industry and business applicants should have a sufficiently good knowledge of the Planning system to never be in a position where they required retrospective consent. Members hoped that there would be the opportunity to raise this important issue again as part of the wider review of Planning fees.

Resolved (2023/019):

- 1) To note the Development Management Progress Report and confirm that no additional actions are required in relation to its contents.

There being no further business, the Chairman closed the meeting at 10:52am.

Chairman: