



Meeting **PLANNING AND LICENSING COMMITTEE**

Date **Tuesday 21 March 2017 (commencing at 10.00 am)**

membership

Persons absent are marked with 'A'

COUNCILLORS

John Wilkinson (Chair)
Sue Saddington (Vice-Chairman)

Roy Allan
Andrew Brown
Steve Calvert
Jim Creamer
Stan Heptinstall MBE

Andy Sissons
Keith Walker
Yvonne Woodhead
Jason Zadrozny

ALSO IN ATTENDANCE

Councillor Maureen Dobson
Councillor Liz Yates

OFFICERS IN ATTENDANCE

David Forster }
Alison Fawley }
Rachel Clack }
Sue Bearman } Resources Department

Jonathan Smith }
Oliver Meek }
Sally Gill }
Mike Hankin }
Ruth Kinsey }
Joel Marshall }
Robert Portman }
Tim Turner }
Jane Marsden-Dale }
Lynn Sergant }
Janet Valenti }

MEMBERSHIP

The Clerk reported orally that Councillor Jason Zadrozny had been appointed to the Committee in place of Councillor Rachel Madden for this meeting only.

APOLOGIES FOR ABSENCE

There were no apologies

DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

None

DECLARATIONS OF LOBBYING OF MEMBERS

The Chair with the approval of the Committee declared lobbying by various groups on agenda item 7 Land off A634 between Blyth and Barnby Moor near Retford for all members of the committee.

LAND WEST OF DROVE LANE CODDINGTON NEWARK

Mr Hankin introduced the report and gave a slide presentation and highlighted the following:-

- Temporary aggregates waste handling and processing facility on land at the Former RAF Winthorpe Airfield to the north-east of Newark on Trent.
- Planning permission is sought to process and recycle excavated material arising from a major sewer improvement scheme being undertaken within Newark town centre.
- Members were advised of objections received from Newark and Sherwood District Council which stated that this objection made reference to availability of employment land data contained in an emerging development plan, noting that all this land may not be currently available.
- Coddington and the Winthorpe and Langford Parish Councils have objected to the planning application, raising concerns about the suitability of the site for development and impacts from the associated traffic movements.
- Objections have been received on the grounds of operational noise as well as traffic and dust nuisance.
- There are concerns with the location of the development as it is sited in the countryside and there are strict controls through Newark and Sherwood District Council Local Plan Core Strategy SP3
- Members were advised that the availability of a local facility to manage waste arising from the Newark Sewer Scheme would be advantageous to the operator and has potential to enhance waste management up the waste hierarchy. Whilst acknowledging these merits, the location of the facility in open countryside is not supported by the development plan.
- The 5 other sites were not considered to be robustly assessed before they were discarded.

Following the introductory remarks of Mr Hankin, Mr Northcote the applicants agent had an opportunity to speak and a summary is set out below:-

- There is currently a £60 million Waste and Water project ongoing in Newark Town.
- Concerns were expressed that the Council did not inform the applicant of the recommendation to refuse before they received the agenda and papers for Planning and Licensing Committee.
- Policy WS7 does not require applicants to demonstrate the viability of alternative sites.
- There is a distinct difference between a temporary facility and a permanent one.

In a response to a question following Mr Northcote's presentation Mr Hankin informed members that the application had been received in August 2016 and validated in January 2017.

Councillor Maureen Dobson, local member spoke in opposition to the application and highlighted the following:-

- The applicant has had more than enough time to consider alternative sites.
- There is a 7.5 Tonne limit along Drove Lane and that should be adhered to.
- There is land available near the Waste Recycling Centre on Telford Drive.
- Traffic in and around Newark is already horrendous and adding 30 more HGV's would exacerbate it further.

There were no questions.

Councillor Sue Saddington wished it noting that she is a member of Newark and Sherwood District Council and that this application had not been to the Planning Committee and therefore she had not spoken or debated upon it prior to today.

Following all the speakers' members debated the item and the following comments and issues arose.

- This application is for a period for up to 4 years which is a significant amount of time.
- There is enough heavy traffic around the area.
- The robustness of considering alternatives sites is a concern.
- The fact Drove Lane is a narrow Lane with an already large number of cars using it.
- There are concerns about how the decision to refuse was arrived at as a decision to refuse will see 50k of waste having to be taken to be recycled.

Following members comments Mr Hankin responded to questions as follows:-

- The request for an extension was made to the applicant however it was turned down as they wanted a quick decision.
- The main concerns were about the site being in the countryside and the issues that accompany it.
- It is not the Council's duty to source alternative sites as it is not a statutory duty to do so.

On a motion by the Chair, seconded by the Vice-Chairman, and upon a show of hands it was:-

RESOLVED 2017/007

That planning permission be refused for the reason(s) set out below.

1. The rural location of the development is considered inappropriate and is contrary to Nottinghamshire and Nottingham Waste Core Strategy Policies WCS4 (Broad Locations for Waste Treatment Facilities) and WCS7 (General Site Criteria) and Newark and Sherwood District Local Plan Policies DM8 (Controlling Development in the Open Countryside), SP3 (relating to development in the open countryside and landscape harm) and the aspirations established for the policy area NUA/SPA/1.
2. The development is contrary to Nottinghamshire and Nottingham Waste Core Strategy Policy WCS13 (Protecting and enhancing our environment) due to the potential for unacceptable noise impacts from the development and inadequate access facilities to the

TWO OAKS QUARRY COXMOOR ROAD SUTTON IN ASHFIELD

Mr Hankin introduced the report and gave a slide presentation and highlighted the following:-

- This application relates to an operational Silica Sand Quarry at Two Oaks Farm located at the junction between the A611 Derby Road and Coxmoor Road between Kirkby in Ashfield, Sutton in Ashfield and Mansfield.
- The applicant has applied for an increase in the annually permitted number of HGVs entering and leaving the quarry by 22%; a rise of some 7,000 lorry movements.
- The Highways Authority has assessed the additional traffic issues and is satisfied that the junction would not be adversely affected.
- Only one objection had been received on the grounds of noise and dust impacts.

Following the introductory remarks of Mr Hankin, Mr M Oldridge the applicants agent had an opportunity to speak and a summary is set out below:-

- The quarry is unique as a sole producer of specialist sands within Nottinghamshire.

- The use of the sand varies due to the nature of its use on football pitches, equestrian centres also in specialised industrial use and building.
- The maximum output requested annually is 370,000
- The application is supported by specialist traffic studies which show no overall environmental harm.
- The objections from the local Golf Club have been carefully considered and are not deemed sustainable.
- There will not be any adverse impact on the local highways or the operation of the nearby traffic lights on the junction of the A611 and Coxmoor Road.

In response to a question Mr Oldridge responded that there is a legal agreement in place regarding lorry routing and this will still be the case if the application is agreed.

Following the speaker members debated the item and the following comments and issues arose.

- Concerns were expressed with regard to the robustness of the advice from Ashfield District Officers (by one member)
- Concerns over the junction and levels of traffic using it, such that there is capital investment being used to make it into a 3 lane junction in order to relieve congestion.
- The overall movements will increase with larger numbers spread more evenly over the year, however they will be bigger HGV Lorries.
- Could a condition be added to ensure that any need for upgrading the network then finances will be made available.

Mr Hankin responded to comments and questions as follows:-

- The overall increase in tonnage increase from the original agreement is 30K and the increase in lorry movements is 7000 over the year.
- The Lorries being used will be larger HGV's so this mean there will not be a significant change to the peak time's numbers.
- The Highway Authority have had no objections to the increase in numbers and are confident that the network can cope.

On a motion by the Chair, seconded by the Vice-Chairman, and upon a show of hands it was:-

RESOLVED 2017/008

1. That the Corporate Director – Place be instructed to enter into a legal agreement (deed of variation) under section 106 of the Town and Country Planning Act 1990 to secure continuation of the planning obligations set out in paragraph 41 of the report and

2. That subject to the completion of the legal agreement (deed of variation) before the 21/06/17 or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman and the Vice Chairman, the Corporate Director – Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 attached to the report. In the event that the legal agreement is not completed by the 21/06/17, or within any subsequent extension of decision time agreed with the Minerals Planning Authority, it is RECOMMENDED that the Corporate Director – Place be authorised to refuse planning permission on the grounds that the development fails to provide continuation of the measures provided for in the existing legal agreement covering the site.

The meeting was adjourned from 11.30am until 11.45 am

LAND OFF A634 BETWEEN BLYTH AND BARNBY MOOR NEAR RETFORD

Mr Meek introduced the report and gave a slide presentation and highlighted the following:-

- This application is to develop a well site and drill a single vertical well to recover samples from and measure the properties of, the Bowland Shale and Millstone Grit geological formations beneath the site.
- There are two mobile cabins which are currently on site adjacent to the site access, with associated fencing and generator. These cabins do not have planning permission and are currently unauthorised.
- The nearest residential properties to the site are Beech Farm, approximately 630m to the south-west; Jubilee Farm, approximately 670m to the north-west; and Billy Button Cottage, approximately 690m to the north.
- The planning application seeks permission to drill a single, vertical borehole to a depth of up to 3,300 meters.
- One component of the logging programme is Vertical Seismic Profiling. This would involve the use of one vibrator vehicle which would operate for a few hours, in periods lasting a few seconds, to obtain a geological profile of the area. The applicant states that this would be carried out under Permitted Development Rights.
- If further development of the site is not viable, the well would be decommissioned and restored in accordance with Oil and Gas Authority, the HSE, the EA and industry requirements, and industry best available techniques.
- The highest number of HGV movements, with an average of 36 movements, or 18 trips, per day over each 7 week period.
- A further 153 representations have been received, all of which object to the application.
- The authority has received late representations from John Mann MP and Mr Meek read those representations to the Committee.
- A late representation from the Primary School of St Mary and St Martin has stated that if the application were to succeed the school would have

to complete a risk assessment for any potential incident at the site. The site is approximately 2.5km from the school.

- A legal agreement is recommended with respect to HGV routing and a driver code of conduct. Conditions are also recommended regarding the hours during which HGVs can access and leave the site, which would include avoiding school drop off and pick up times; ensuring mud is not carried onto the public highway; and the implementation of a traffic management plan.
- Neither Nottinghamshire highways authority nor Highways England have raised an objection to the application
- Objections received have raised concerns about the potential for impacts to surface and ground waters. In order to protect surface and ground waters the site would be lined and incorporate a perimeter drainage system.
- Noise associated with drilling activities would vary depending on the drill rig selected, however, noise levels have been modelled for each rig. The noise contours associated with the Bentec T-49 drill rig, the noisiest of the rigs and the nearest dwellings of Jubilee Farm and Beech Farm would be at the outer edge of the 40-45 decibel contour.
- Lighting associated with the proposed development has been assessed in terms of its impacts on both residential and ecological receptors.
- Potential health impacts associated with the proposed development have been considered in the application in relation to highway safety; noise; light; surface and groundwater; contamination and air quality.
- Consideration has been given to impacts relating to traffic and transport; heritage; noise and vibration; ecology; lighting; visual impact, landscape character; ground and surface water; contamination; flood risk; air quality; rights of way; socio-economic impacts; public health; climate change and cumulative impacts. All have been assessed as being acceptable, or as not being significant and outweighed by the great weight and support that is given to this type of development, subject to the recommended conditions and legal agreement.

Mr Meek also informed members that there are two typographical errors in the report

Paragraph 1123 should have stated 21 June 2017 and not 21 May 2017 for the completion of the legal agreement.

Members Electoral Division affected should read Misterton and not Misson for Councillor Liz Yates.

Following the introduction members asked questions and made comments as follows:-

- The buildings and fencing already on site are there without planning permission, however if the recommendations are approved it gives retrospective planning permission.
- There is not a need for a restoration bond for the borehole because the Oil and Gas Authority carry out financial checks on companies prior to

issuing licences and before and during drilling, if necessary. As such, the exceptional circumstance to justify a bond are not met.

- There is however a restoration bond for the surface level activities, as the Oil and Gas Authority responsibilities are deemed to apply to plugging and abandoning of the borehole only.
- The night time noise thresholds are 42dB and the proposed levels expected are between 40 and 41dBs at the nearest sensitive properties
- The type of well pad to be used is impermeable. Soil testing before development will ensure there is no pre-existing contamination and afterward would confirm there is no contamination from the development.
- There is shared financial responsibility for the organisations named on the Petroleum Exploration and Development Licence. However, from a restoration perspective the responsibilities secured through the PEDL extend the plugging and abandoning of the well only, and not necessarily restoration of the surface level works.
- There will be routine checks made regarding any enforcement issues

The meeting was adjourned for a lunch break between 13.10 and 13.45

Following the introductory remarks of Mr Meek, there were five special presentations and number of speakers who were given an opportunity to speak and brief **summaries** of those speeches are set out below.

Mr Peter Thompson representing Blyth Parish Council and as a resident of Blyth, gave a 10 minute special presentation. During his presentation he highlighted the following issues:-

- Blyth is a small English Country Village in the North of Nottinghamshire which is blighted by HGV traffic on its way to the A1.
- There is a school along this route and HGV's are a matter of inches away from the pavements.
- With all the proposed developments in the area there will be a significant increase in HGV traffic especially with the two proposed quarries nearby and developments in Harworth, Thievesdale Lane and Worksop.
- The restrictions of movement of Lorries between 8 and 9 am and 3 and 4 pm does not take into consideration the new breakfast club that starts after Easter and the after school activities.
- There should be a 3-D survey undertaken to ensure there are no faults or hidden issues in the area.
- Concerns over the financial viability of the company.
- Almost 70% of the residents of Blyth are against the proposal.
- There has been a blatant disregard to the planning rules with the erection of a fence and two huts.

Following Mr Thompson's presentation members asked questions and made comments as follows:-

- The data figure used are from 2015 and there has definitely been an increase in traffic through the village during 2017
- The County Council has previously stated that there is a need for development of the junction before 2022.

- One of the many issues is about the intensity of the works over a short 7 week period in conjunction with other developments taking place in the area which could make this unbearable.
- There is a lack of trust through the Community Liaison Group especially adhering to the school times and no Lorries.
- There are interactive signs as well as advisory 20 mph signs, however these are not adhered to.

In response to the presentation Mr Meek highlighted the following:-

- The cumulative impacts are set out in pages 268 – 269 (just below paragraph 998) and paragraph 487 highlights Highways England and NCC's consideration.
- The information regarding the school was undertaken on the peak times and not due to the popularity of the school.
- Provided context to the quote attributed to NCC Highways, explaining that the point at which the High Street/Spital Road junction capacity in Blyth would be reached would not be until 2022, which is after the completion of the development being considered. In addition, the capacity would only be exceeded if junction improvements were not made. However, the improvements were secured by condition, as set out in the committee report from which the quote was taken.

Ms Christine Willis, local resident of Torworth, spoke against the application and gave a 10 minute special presentation. During her presentation she highlighted the following issues:-

- One of the concerns is that there are a number of old mines in the area from coal mining in Harworth.
- There is a real threat of subsidence and potential for collapse in the area, especially as there has been a sink hole appear in the last 10 years in Ranskill.
- IGas's own geologist spoke about the application site sitting very closely to mines.
- In 1990 there was a paper published by Al Fraser, which showed that there were faults within the Tinker Lane area.
- Concerns over the lack of 3D seismic surveys carried out at the Tinker Lane application site.
- The cumulative effects traffic will have on the area with other developments that are proposed nearby with housing developments and Quarry applications.
- The site entrance is almost invisible until you're almost upon it which will cause danger to cyclists who use this stretch of the road for cycle races.
- The sighting of security cabins without planning permission is a concern.
- IGas have already been given planning permission for test wells only 5 miles away at Misson.

Following Ms Willis presentation members asked questions and made comments as follows:-

- If Misson Springs was the only site used this would give the Community and IGas time to mend the broken relationship there is currently.
- Although it is temporary the concerns are about the unknown especially as there are questions over faults in the area.
- There was a sink hole in the area which shows that there are issues underground.

In response to issues raised Mr Meek responded as follows:-

- The well is a vertical well only and the area has been mapped with the closest mine some 930 meters away.
- With regard to the seismic survey it is a matter for individual operators to determine how much preliminary data is necessary before undertaking exploratory drilling.
- The Councils' Highway Team have considered the entrance position and consider the necessary visibility splays will be achievable.

Ms Rachel Kitchen and Mr Steven Kitchen, local residents of Blyth, spoke against the application and gave a 10 minute special presentation. During his presentation she highlighted the following issues:-

- Concerns about the future for children in the area and for their safety.
- This is a Greenfield area not a Brownfield one.
- There are regular cycle races and time trials along the road and the entrance is considered largely unsighted in both directions.
- There are already a number of HGV Lorries that use the road through Blyth to get access to the A1 and they travel past the local Primary School and the additional fumes from more diesel Lorries.
- The crops yielded on the farm are at the top end of the national average and there is a worry that there may be some contamination of the soil if the application is to be granted.
- There is also concerns about irrigation, dust and a possible drop in the water table all of which gives concern to the quality of produce in the future.

In response to a question Mr Kitchen informed members that the grade of the agricultural land is Grade1-2.

In response to issues raised Mr Meek responded as follows:-

- The NCC Safety Team have looked at the traffic issue and raised no concerns.
- The issue of diesel emissions has been assessed and the levels are not significant.
- Condition 30 in the appendix 1 attached to the report deals with the construction and restoration of the site.
- The restoration of the site would be restored to the same standard it was first in.
- That 54% of the site is Grade 3a agricultural land and the remainder is Grade 3b. Grade 3a falls within the Best and Most Versatile Agricultural Land.

Mr Ken Cronin, representing UK Onshore Oil and Gas, gave a 10 minute special presentation. During his presentation he highlighted the following issues:-

- Over 45% of the UK's energy is produced by gas and it creates over half a million jobs.
- The UK imports nearly half of its energy from other countries at around £14 million a day which is not generating jobs or tax revenues for this country.
- In 18 years' time the expected increases in use of gas energy for imported gas will be around 80% which will cost the country £9 billion per annum.
- There are currently over 500 wells in the East Midlands with 84 currently producing oil and gas.
- All aspects of drilling are checked on a regular basis to ensure the safety of those around which includes the environment.
- There are 4 independent regulators that look at every aspect of a development and operational matters, these include the Mineral Planning Authority, Environment Agency, Health and Safety Executive and the Oil and Gas Authority.
- There have been many fears following incidents from the USA, however, these are down to poor operation and poor regulation, neither of which apply in this country.
- The industry spent over £10 million in this region alone and this means more jobs and security of the country.

Following Mr Cronin's presentation members asked questions and made comments as follows:-

- The chemicals to be used on site have all been approved by the Environment Agency and are non-hazardous so will not have an effect on the groundwater.
- The jobs it will create will be in the supply chain of equipment and within other associated industries with the energy business.
- This site could employ between 20 and 50 people.
- Experience and information gathered shows that there has never been any reduction in the water levels.

In response to the issues raised Mr Meek responded as follows:

- There would be 20-25 on-site staff during construction and 25-30 during drilling. No figures had been provided for evaluation and restoration. There would also those employed in transport and the supply chain.
- Any benefits of gas extraction should not be attributed to this application

Mr John Blaymires and Mr Chris Herbert representing IGas, gave a 10 minute special presentation. During his presentation he highlighted the following issues:-

- IGas are dedicated to the assurance of safety and compliance with all regulatory authorities to ensure that the company complies.
- IGas initiated a Community Liaison Group to enable communities to take the journey of the proposal and be informed of developments every step of the way.

- We have been open to question with local residents and local campaign groups.
- Nottinghamshire is an important hub of energy production as it was in the 1930's when the first commercial oilfield was opened in Eakring.
- The operational areas already spends in the local economy and there is a commitment to working with local suppliers.
- With regard to the cabins on site there has been some miscommunication as to whether planning permission was needed. The purpose of the Cabins was purely for security
- The concerns regarding being close to former coal mines are unfounded as the nearest past underground working is some 928 meters away.
- 2D seismic data is the standard method to safely position onshore wells from a geological perspective.
- IGas has significant cash resources, which amount to \$31 Million as of 27 February 2017.

Following Mr Blaymires presentation members asked questions and made comments as follows:-

- We have sufficient information with the 2D seismic data to be able to drill in the area, it is misinformation that is causing some of the concern.
- There will always be concerns when a drilling company come into a community and they do not understand what will happen.
- We have asked the Environment Agency and the Health and Safety Executive to attend meetings so questions can be answered.
- There have been over 2000 wells drilled previously safely and responsibly.
- If the application is approved then IGas would want to move as quickly as possible with the conditions and start at the end of 2017.
- It was a genuine mistake regarding the security fencing and cabins, as soon as it was brought to the applicant's attention they sought to regularise the position by including it as part of the application.
- There are many other agencies that need to authorise the application before the work can commence.
- With the membrane that is being used any escape of methane would be miniscule.
- The share prices of the company is not a significant factor to be considered because outside influences can have an effect on this e.g. Middle East oil price reduction etc.
- The company is jointly liable for restoration below ground also the landowner and the companies involved are liable for 5 years aftercare for the restoration of the site
- The dust levels will be similar to those levels when agricultural land is turned over.
- Having drilled over 2000 wells and there has been no issue with disturbing the water table at any of the well sites.

Mr Meek responded to a couple of issues raised:-

- The timescale if agreed will mean the Section 106 Agreement will need to be signed by the 21 June 2017 and the conditions mean that the work would have to be commenced within the year.
- The Oil and Gas Authority guidance specifically makes reference to there being sufficient fund for the plugging and abandoning of a well, but there is no reference to surface restoration. This is the reason surface level bond was considered justified.

Following the 5 special presentations there were 3 speakers all of whom spoke against the application. A **summary** of those speeches are set out below:-

Mr Peter Wild, objecting, highlighted:-

- The development will last for 3 years and have 4 phases and will create an increase in traffic which involves 18 HGV's arriving and leaving the site every day onto an already busy route to the A1
- The drilling period will last for 4 months with a drill rig some 60 meters high.
- Concerns are that there will be noise pollution, leakage from the borehole and potential hazardous waste in the strata that will be released.
- Concerns are that there will be horizontal test boreholes to collect samples.
- The amount of security around this drill site causes concern as what will be done on site that warrants such security.
- Will the site be returned to agricultural land or will there be further applications on this site.

There were no questions

Ms Bev Fullwood, objecting, highlighted:-

- The air quality in and around the village and especially the Primary School will have a negative effect on the health of the children.
- There will be a massive increase in diesel emissions with the increase in HGVs in the area as Blyth is a pinch point.
- There has been a lack of consultation with cycling clubs.
- The land to be used is food producing land and there could be contamination that causes crops to be tainted.
- There is a concern over the possible contamination of the aquifer.
- The 4 species of bats found at Mantles Farm and 5 a Jubilee farm are not mentioned.
- There have been earth tremors in both Lincolnshire and South Yorkshire which are close to this application site.

There were no questions

Mr Rob Boeuf, objecting, highlighting:-

- There are abandoned coal workings approximately 1 kilometre away from the Tinker Lane site.

- Seismic testing in 1984 was undertaken by BP and the test results showed a possible fault around the Tinker lane site, however this was reanalysed by Dart and TOTAL and was purported to show no fault existed.
- This data should not be relied upon as it pre dates coal mining in the vicinity.
- There are fears that there will be unseen damage at the site which cannot be rectified.
- The village is being put at possible risk due to the lack of a 3D seismic survey due to financial constraints on the company.
- The lack of communication with the Community Liaison Group is causing concerns and anxieties.

In response to the objectors Mr Meek responded as follows:-

- The reference made by Mr Wild to the increase in traffic in and around Blyth has used data which counts traffic twice and therefore miscalculates the numbers and shows more vehicles than actually use the roads
- With regard to the issue of bats, the potential for bat roosts has been assessed and no concerns raised. The foraging bat would not be unacceptably disturbed by noise or light from the development.
- In respect of 3D surveys, the Planning Guidance states it is a matter for the individual operator to decide how much data they should have prior to undertaking work. The Council should not need to carry out its own assessment and can rely on the assessment of the other regulators.

In response to a question Mr Meek reminded members that the HSE had to be satisfied with the data information submitted and the OGA must also be satisfied before they issue consent to drill.

Following the public speaking the Local member Councillor Liz Yates spoke on the application and highlighted the following issues:-

- This is not the first application in the area for this type of drilling.
- Due diligence will be given by the Committee.
- There has been some support for the application on the grounds of energy shortfalls in the future.
- However there were more in opposition to the application, especially due to the increase in HGV traffic as well as the unknown.
- The use of village roads by more and more HGV's is causing safety issues for more villages especially for Blyth which is a major route to the A1.
- The diversion routes from the A1 if there is an accident usually means the roads around this area are overcrowded and therefore there may be a need to reduce the national speed limits.

There were no questions

In response Mr Meek provided clarification that reducing the speed limited at the site entrance had been discussed with NCC Highways and they advised that it

was not necessary due to the mitigation provided by the proposed visibility splays.

The meeting adjourned from 4.50 pm to 5.00 pm

Following the speakers and comments by the officers, members debated the item and the following issues were raised:

The Chair moved the recommendation seconded by the Vice-Chairman for the purpose of allowing discussion on the item.

An amendment moved by Councillor Andrew Brown and seconded by Councillor Keith Walker

“That the item be deferred until the Committee has more Data available about the Mining in the area”

Members discussed the amendment and made the following comments

- The data is not something that the County Council has to consider in its deliberations it is the HSE that would come to an opinion on any data used by the company before issuing a licence.
- Could the HSE be asked about the data used in its deliberations before the Committee make a decision on the application?
- Could the Vehicle movement times be amended in the conditions to restrict HGV movements for a further 30 mins at each end of the school day.
- The HSE as a statutory consultee it seems used data from 1984 is this usual practice?
- It is therefore not in the remit of this authority to seek information that is not pertinent to the decision the Committee is being asked to make.
- Can more information be asked for with regard to whether the maps used by the HSE were the most up to date information from the Coal Authority?

Mr Meek informed members that there is advice in the Planning Practice Guidance and with the consultation response of HSE a statutory consultees is set out in paragraphs 131 -146 of the report.

Mrs Clack, Planning Committee’s legal representative was asked to clarify the position and advised that any decision to defer determination of the application to seek further information must be reasonable. This is a multi-regulatory regime and the Minerals Planning Authority must proceed on the basis that the other regulators, such as the HSE, would carry out their duties robustly. Any decision to defer or refuse the application must be on planning grounds. To defer on the basis of seeking information which the Planning Practice Guidance does not require, which a statutory consultee has not requested and which the County Council’s own officers do not consider necessary, would not be reasonable. This would give rise to the risk of an award of costs being made against the County Council on a successful appeal to the Secretary of State.

Following the advice given Councillor Andrew Brown withdrew the amendment

An issue was raised with regard to HGV's travelling through Blyth and whether there was a crossing near to the school and what status this was. It was highlighted that this was not an official crossing but a traffic calming measure with a refuge.

Councillor Jim Creamer moved an amendment seconded by Councillor Steve Calvert

“That the condition regarding no movement of HGVs during school start and finish times should be increased by 30 minutes to read 7.30am – 9.00 am and 3.00 pm – 4.30 pm”

On a motion by the Chair, duly seconded, the recommendations were put to the vote and upon a show of hands it was:-

RESOLVED 2017/009

- 1 that the Corporate Director – Place be instructed to enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure:
 - a) A designated route for all HGVs using the site; and
 - b) A driver code of conduct; and
 - c) A financial bond to underpin the surface level restoration of the site; and
 - d) The establishment and continuation of a liaison group for the life of the development.
- 2 that subject to the completion of the legal agreement before the 21st June 2017 or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman and the Vice Chairman, the Corporate Director – Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 attached as amended to prevent HGVs from accessing or leaving the site between 07:30 – 09:00 and 15:00 – 16:30.. In the event that the legal agreement is not signed by the 21st June 2017, or within any subsequent extension of decision time agreed with the Minerals Planning Authority, it is RECOMMENDED that the Corporate Director – Place be authorised to refuse planning permission on the grounds that the development fails to provide for the measures identified in the Heads of Terms of the Section 106 legal agreement within a reasonable period of time.

WORK PROGRAMME

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

RESOLVED 2017/010

That the Work Programme be noted

The meeting closed at 6.05 pm

CHAIR