

Planning and Licensing Committee

Tuesday, 11 July 2017 at 10:30

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

AGENDA

- 1 To note the appointment of Councillor Chris Barnfather as Chairman and Councillor Jim Creamer as Vice-Chairman by the County Council on 25 May 2017

- 2 Membership and Terms of Reference 3 - 6

- 3 Minutes of the last Meeting 18 April 2017 7 - 12

- 4 Apologies for Absence

- 5 Declarations of Interests by Members and Officers:- (see note below)
(a) Disclosable Pecuniary Interests
(b) Private Interests (pecuniary and non-pecuniary)
- 6 Declarations of lobbying

- 7 Consideration of Request for Diversion of Bingham Footpaths No15 and No17 13 - 20

- 8 Application to add a Footpath to the Nottinghamshire County Council Definitive Map and Statement - Pingley Lane Staythorpe 21 - 36

- 9 Cottam Power Station Retford Variation of Condition 6 37 - 50

- 10 West Burton Power Station North Road West Burton 51 - 82

11	Update on the Council's scheme of Delegation for making decisions on Planning Applications	83 - 102
12	Review of the County Councils Pre-Application Planning Advice Charging Schedule	103 - 112
13	Development Management Report	113 - 138
14	Work Programme	139 - 142

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.

Councillors or Officers requiring clarification on whether to make a declaration of interest are invited to contact David Forster (Tel. 0115 977 3552) or a colleague in Democratic Services prior to the meeting.

- (4) Councillors are reminded that Committee and Sub-Committee papers, with the exception of those which contain Exempt or Confidential Information, may be recycled.
- (5) This agenda and its associated reports are available to view online via an online calendar - <http://www.nottinghamshire.gov.uk/dms/Meetings.aspx>

11 July 2017**Agenda Item: 2**

REPORT OF THE CORPORATE DIRECTOR, RESOURCES

TERMS OF REFERENCE AND MEMBERSHIP

Purpose of the Report

1. To note the membership and terms of reference of the Planning and Licensing Committee.

Information and Advice

2. The following councillors have been appointed to the committee:

Chairman – Councillor Chris Barnfather (C)
Vice-Chairman – Councillor Jim Creamer (L)
Councillor Pauline Allan (L)
Councillor Andy Brown (C)
Councillor Neil Clarke MBE (C)
Councillor Sybil Fielding (L)
Councillor Paul Henshaw (L)
Councillor John Longdon (C)
Councillor Rachel Madden (AI)
Councillor Sue Saddington (C)
Councillor Tracey Taylor (C)
Councillor Keith Walker (C)
Councillor Andy Wetton (L)

3. The County Council on 25 May 2017 established the committee with the following terms of reference:

The exercise of the powers and functions set out below are delegated by the Full Council to the Committee in relation to planning and licensing:

- a. Responsibility for the regulatory functions of the Council in relation to planning, monitoring, enforcement and licensing.
- b. Responsibility for the regulatory functions of the Council in relation to public rights of way and cycle paths, town and village greens and common land.
- c. Responsibility for all licensing functions given to the Authority by law, except

safety of sports grounds.

- d. Receiving reports on the exercise of powers delegated to officers in relation to functions for which this Committee is responsible.
- e. Approval for consultation responses relating to the Committee's functions except for responses to day-to-day technical consultations which will be agreed with the Chairman and reported to the next available Committee following their submission.
- f. Approving all Councillor attendance at conferences, seminars and training events within the UK mainland for which a fee is payable including any expenditure incurred, within the remit of this Committee and to receive quarterly reports from Corporate Directors on departmental officer travel outside the UK within the remit of this Committee.

Other Options Considered

- 4. None.

Reason/s for Recommendation/s

- 5. To inform the committee of its membership and terms of reference.

Statutory and Policy Implications

- 6. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, sustainability and the environment and ways of working 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 membership and terms of reference be noted.

Jayne Francis-Ward
Corporate Director, Resources

For any enquiries about this report please contact:

Paul Davies, Democratic Services
T: 0115 977 3299

Constitutional Comments

- 7. As this report is for noting, no constitutional comments are required.

Financial Comments (NS 6/6/17)

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

Background Papers and Published Documents

None.

Electoral Division(s) and Member(s) Affected

All.

Meeting **PLANNING AND LICENSING COMMITTEE**

Date **Tuesday 18 April 2017 (commencing at 10.30 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

A Rachel Madden
Andy Sissons
Stuart Wallace
Yvonne Woodhead

ALSO IN ATTENDANCE

Councillor Maureen Dobson

OFFICERS IN ATTENDANCE

David Forster – Resources Department
Susan Bearman – Resources Department
Sally Gill – Place Department
Jonathan Smith – Place Department
Mike Hankin - Place Department
Joel Marshall – Place Department
Ruth Kinsey – Place Department

MEMBERSHIP

The Clerk reported orally that Councillor Stuart Wallace had been appointed to the Committee in place of Councillor Keith Walker for this meeting only.

APOLOGIES FOR ABSENCE

There was an apology for absence from Councillor Rachel Madden.

DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

None

DECLARATIONS OF LOBBYING OF MEMBERS

None

EUROTECH ENVIRONMENTAL LIMITED NORTHERN ROAD NEWARK

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

- Eurotech is a specialist liquid waste company.
- The site has been used as offices for the company's fleet of HGV tankers, although it has planning permission for a waste transfer station.
- The application seeks permission for three external silos, the fitting of roller shutter doors to enclose the front of the building, the installation of internal processing plant and the variation or removal of a number of conditions attached to the existing permission, including providing for the unrestricted 24 hour arrival and departure of HGV traffic.
- There have been no objections from the District Council or the Town Council.
- Odour permits would be sought from the Environment Agency
- Noise levels will be at an acceptable level for the area.

Following the introductory remarks of Mr Smith, Mr Chris Banks representing the applicant had an opportunity to speak and a summary is set out below:-

- Eurotech has been established for 25 years and has been on the Newark site for 20.
- The establishment of the new development will increase the workforce from 19 to 22 and will create further posts as the company grows.
- The sites that currently take liquid waste are in Lincoln, Sheffield and Coventry and at least one of them closes at 4 pm which results on occasions in extra miles travelled.
- By allowing this application the company's carbon footprint will reduce significantly.

In response to questions Mr Banks responded as follows:-

- There is a robust odour detection management plan that will be used throughout the day and night.
- There will be equipment on site to ensure any odour release will be dealt with swiftly.
- The workload will be stable and this in turn will reduce the carbon footprint of the company as there will be less mileage.

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

- No objections have been received as the local member.
- The fact that there is a 24 hour 7 day a week request for HGV Lorries is a concern especially noise at night.

- There are also residents that live only 70 meters away and the health and safety if there is a spillage is a concern.

There were no questions.

Mr Smith in response to the speakers replied

- The issues around odour are reported in paragraph 65 of the report, also the Environment Agency are the licensing authority.
- With regard to nearby residents there are conditions set out in the appendix (15 -18) that are specific to them.
- The reversing alarms on Lorries arriving at the site will be disabled after 7pm.

Following all the speakers members debated the item and the following comments and questions were responded to:-

- Tankers are connected to the silos directly which reduces the chance of spillage.
- If the company moves from the site the 24 hour lorry movement would not necessarily stay with the site if there was a change of use as a new application for a change of use would need to be submitted and access arrangements would be reconsidered as part of that application.
- Condition 15 sets noise levels for daytime activities only as the increase in noise levels resulting from a small number of HGVs entering and leaving the site would not be significant.
- The site will deal solely with liquid waste

On a motion by the Chair and duly seconded it was:-

RESOLVED 2017/011

That planning permission be granted subject to the conditions set out in Appendix 1 attached to the report

With the consent of the Committee the Chair the order of business was changed.

GIRTON QUARRY GAINSBOROUGH ROAD GIRTON NEAR NEWARK

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

- The site has been used for sand and gravel extraction for over 60 years and has been mothballed since 2009.
- The only objection received was from the Wildlife Trust who questioned the amount of agricultural restoration and requested additional ecological habitats within the restoration.
- The movement of HGV's will be monitored and the Section 106 legal agreement would ensure that the Lorries arrive and depart the site in a northerly direction and thus avoid travelling through Collingham village.

Following the introductory remarks of Mr Hankin, Ms Georgina Snaize the applicant's agent had an opportunity to speak and a summary is set out below:-

- Tarmac wish to re-open the quarry with an anticipated 200,000 tonne output per year.
- There is approximately 3.44 million tonnes of sand and gravel remaining to be extracted, which may take up to 17 years inclusive of restoration which will mean the extension is up to 31 December 2036.
- The water vole mitigation and translocation strategy will be put in place and works will be carried out to construct replacement ditches.
- Tarmac have agreed to establish a technical working group to review progress of restoration.
- The environmental controls will be updated to reflect the changes in habitat and knowledge since the site was mothballed.
- The extraction of sand and gravel from this site will contribute to the County's landbank.

In response to a question Ms Snaize informed members that the scheme has a good balance between agricultural and ecological restoration, however, the wildlife trust will be invited to sit on the Technical Committee prior to restoration and will therefore be party to those discussions.

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

- Girton Quarry has a liaison meeting which is held jointly with the Besthorpe Liaison Committee.
- The HGV traffic routing restricts HGVs travelling through Spalford village.

Mr Hankin responded to the speakers and informed members the Section 106 agreement will restrict the movement of HGVs through villages in the area.

On a motion by the Chair and duly seconded it was:-

PROPOSAL 1: VARY CONDITIONS 8 AND 9 OF PLANNING CONSENT 3/98/0800 TO ALLOW AN EXTENSION TO THE DURATION OF QUARRY WORKINGS UNTIL 31ST DECEMBER 2035 (CURRENTLY 31ST AUGUST 2016) WITH FULL SITE RESTORATION TO BE COMPLETED BY 31ST DECEMBER 2036. THE SUBMISSION ALSO INCORPORATES AN INTERIM RESTORATION SCHEME RELATING TO LAND TO THE SOUTH OF THE PLANT SITE.

RESOLVED 2017/012

1. that the Corporate Director Place be instructed to enter into a legal agreement under Section 106 of the Town and Country Planning Act to require the quarry operator to carry out an archaeological scheme of treatment with a requirement for a financial contribution towards implementing the scheme and also impose controls over lorry routeing, requiring all HGV traffic to access and exit the site to and from the north

along the A1133 and thus avoid trafficking through Collingham village and including Spalford Village.

2. that subject to the completion of the legal agreement within three months of this planning decision or another date which may be agreed by the Team Manager Development Management in consultation with the 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 signed within three months, 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.

On a motion by the Chair and duly seconded it was:-

PROPOSAL 2: VARY CONDITIONS 7 AND 8 OF PLANNING CONSENT 3/04/00394/CMM TO ALLOW AN EXTENSION TO THE DURATION OF QUARRY WORKINGS UNTIL 31ST DECEMBER 2035 (CURRENTLY 31ST AUGUST 2016) WITH FULL SITE RESTORATION TO BE COMPLETED BY 31ST DECEMBER 2036.

RESOLVED 2017/013

- 1 that the Corporate Director Place be instructed to enter into a legal agreement under Section 106 of the Town and Country Planning Act to impose controls over lorry routeing, requiring all HGV traffic to access and exit the site in a northerly direction along the A1133 and thus avoid trafficking through Collingham village and including Spalford Village.
- 2 that subject to the completion of the legal agreement within three months of this planning decision or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman, the Corporate Director Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 2 attached to the report. In the event that the legal agreement is not signed within three months, 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.

CARLTON FOREST QUARRY BLYTH ROAD WORKSOP S81 0TP

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

- The application is for an extension of the agreed date for extraction of sand.

- The site is approximately 18 hectares and has approximately 70.000 tonnes of sand left to extract.
- There have been no objections received on this application.
- The site will be restored will be completed by August 2019.

On a motion by the Chair and duly seconded it was:-

RESOLVED 2017/014

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

DEVELOPMENT MANAGEMENT PROGRESS REPORT AND END OF YEAR PERFORMANCE

Mrs Gill introduced the report and highlighted that Nottinghamshire was conforming to the Government targets for dealing with planning applications.

RESOLVED 2017/015

That the report and the appendices attached to the report be noted.

WORK PROGRAMME

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

RESOLVED 2017/016

That the Work Programme be noted

The meeting closed at 12.20pm

CHAIR

11 July 2017**Agenda Item:7****REPORT OF CORPORATE DIRECTOR – PLACE****CONSIDERATION OF A REQUEST UNDER SECTION 119 OF THE
HIGHWAYS ACT 1980 FOR THE DIVERSION OF BINGHAM FOOTPATHS
NO.15 AND NO.17****Purpose of the Report**

1. To consider a request made by Toot Hill School, Bingham for the diversion of Bingham Footpaths No.15 and No.17, as shown on the map attached as **Plan A**.

The legal tests to be applied

2. Under the terms of Section 119 of the Highways Act 1980, the County Council has the power to make a 'public path diversion order' where it appears, regarding a footpath or bridleway in its area, that it is expedient that the line of the path, or part of it, should be diverted. This expediency refers to the interests of the owner, lessee or occupier of land crossed by the path, or of the public. Section 119 also stipulates that a diversion order shall not alter a termination point of the path in cases where that point is in a highway, otherwise than to another point on the same highway, or a highway connected with it, and which is substantially as convenient to the public. Subsection (6) also states that the Secretary of State shall not confirm an objected order referred to him for determination, and a council shall not confirm an unopposed order, unless he or they are satisfied that the diversion to be effected by the order is expedient, and that the path will not be substantially less convenient to the public in consequence of the diversion.
3. It must also be expedient to confirm the order having regard to the effect which the diversion would have on public enjoyment of the path as a whole, which the coming into operation of the order would have as respects other land served by the existing path, and which the new path created by the order would have as respects the land over which it is created.

Proposal details

4. The County Council has received an application from Toot Hill School to divert two public footpaths across their school site (**Plan A**). Toot Hill School is an academy school and they own the freehold of the land.
5. The school would like to divert Bingham Footpaths No.15 and No.17 to the edge of the school playing fields away from school buildings and sports fields. The diversion proposal is to enable Toot Hill School to provide a safe and secure environment for its pupils and to prevent members of the public accessing the school's playing fields. Toot Hill School cite a number

of incidents taking place on their site including threats to pupils, dog fouling on the school fields and disruption to school sporting activities.

6. The definitive line of Bingham Footpath No.15 passes between school buildings and along the edge of the school field on the western side of the site. Bingham Footpath No.17 crosses through the middle of the same large school field along the top of a small embankment which essentially splits the field in two. The path then joins Footpath No.15 on the edge of the same playing field.
7. To enable the school to manage their site more efficiently and to safe guard pupils they would like to divert the public footpaths to the perimeter of the site (**Plan A and Plan B**). Footpath No.17 would be diverted along the edge of the playing field with a width of five metres between an existing hedgerow and a proposed green two metre high fence. Toot Hill School have agreed to maintain the grass surface and the adjacent hedgerow. Footpath No.15 would be diverted along the eastern side of the school site, in-between tennis courts and the school running track. The path would be fenced in with a width of three metres where possible but not less than 1.5 metres at pinch points.
8. As part of the diversion proposal Toot Hill School have said they will formalise and dedicate two 'unofficial' paths (marked on **Plan A**) through the school's eastern boundary fence providing direct access on to Footpath No.15 from the adjacent housing estate known locally as the Bird estate.
9. As part of the diversion application Toot Hill School have said they will undertake and pay for all works required to bring the proposed diverted paths up to a suitable standard for the safe passage of members of the public on foot. The School have also offered to provide and dedicate a link from the proposed diverted Footpath No.17 to Bingham Town Council's managed and owned Linear Park. The Linear Park is a former railway line which enables members of the public a traffic free walk and a safer alternative to crossing the A52 at-grade to reach a number of public rights of way to the south of the town.

Responses to consultation

10. Following Toot Hill School's diversion application, the County Council consulted with a number of organisations and bodies including, local authorities, path user groups, utility companies and the local elected member. The County Council also consulted a number of 'Bird Estate' residents whose properties abut or are near to the proposed diversion of Footpath No.15. The responses are below;
11. NCC Conservation – no objection
12. Rushcliffe Borough Council – no objection
13. Bingham Town Council – no objection
14. Nottinghamshire Ramblers' Association – no objection
15. Nottinghamshire Footpath Preservation Society – no objection

16. Three local residents – no objection
17. Eight local residents – objecting. Objections were received from eight local residents living close to Toot Hill School. In summary the objections were;
- a. Concerns with the appearance of the fencing proposed to be used to secure the school buildings and sports fields from the public footpaths. There were also issues raised relating to the enclosure of the path where the public would have to walk between fencing / hedging rather than experiencing the open feel as currently experienced.
 - b. The lack of lighting and CCTV. Footpath No.15 currently passes close to the school buildings and light emits from the school's existing lighting. There are no plans to light the diverted paths.
 - c. The diversions would limit access to the Leisure Centre facilities located within the school site. If approaching the Leisure Centre from the west members of the public would use the alternative route via adopted footways. There is currently no formal access from the bird estate to the Leisure Centre.
 - d. The loss and feel of open space.
 - e. Loss of accessibility in and around the school site.

Reason/s for Recommendation/s

12. It is expedient that Bingham Footpaths No.15 and No.17 are diverted in the interests of the landowner as it will divert the paths to the edge of the school site therefore improving the management and safety of the school. The termination point for the path is on the same highway and the path will not be substantially less convenient to the public as a result of the paths being diverted.
13. If committee decides to approve the making of an order, the order will be on deposit for six weeks. If there are no objections during this period the order will be confirmed and when work is completed to physically open up the paths the diversion takes effect.
14. If there are unresolved objections at the end of the six week deposit, the Authority can either end the process and no diversion takes place or refer the order for determination to the Secretary of State for the holding of either a public inquiry, hearing or to be dealt with by written representations.

Statutory and Policy Implications

15. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), 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 are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

It is recommended that Committee either;

- a) direct Officers to make a legal order to divert Bingham Footpaths No.15 and No.17

ADRIAN SMITH
Corporate Director – Place

For any enquiries about this report please contact:

Neil Lewis

Team Manager Countryside Access

neil.lewis@nottscc.gov.uk, 0115 977 3169

Constitutional Comments [RHC 21/6/2017]

- 1) Planning & Licensing Committee is the appropriate body to consider the contents of this report

Financial Comments [RWK 19/06/2017]

- 2) There are no specific financial implications arising directly from this report.

Background Papers and Published Documents

- Case file.

Electoral Division(s) and Member(s) Affected

- Councillor Francis Purdue-Horan
- Councillor Neil Clarke

Bingham Footpath Nos 15 & 17



Plan A

Scale 1:2500

Produced by: Rachel Williams

Date: 30/06/2017



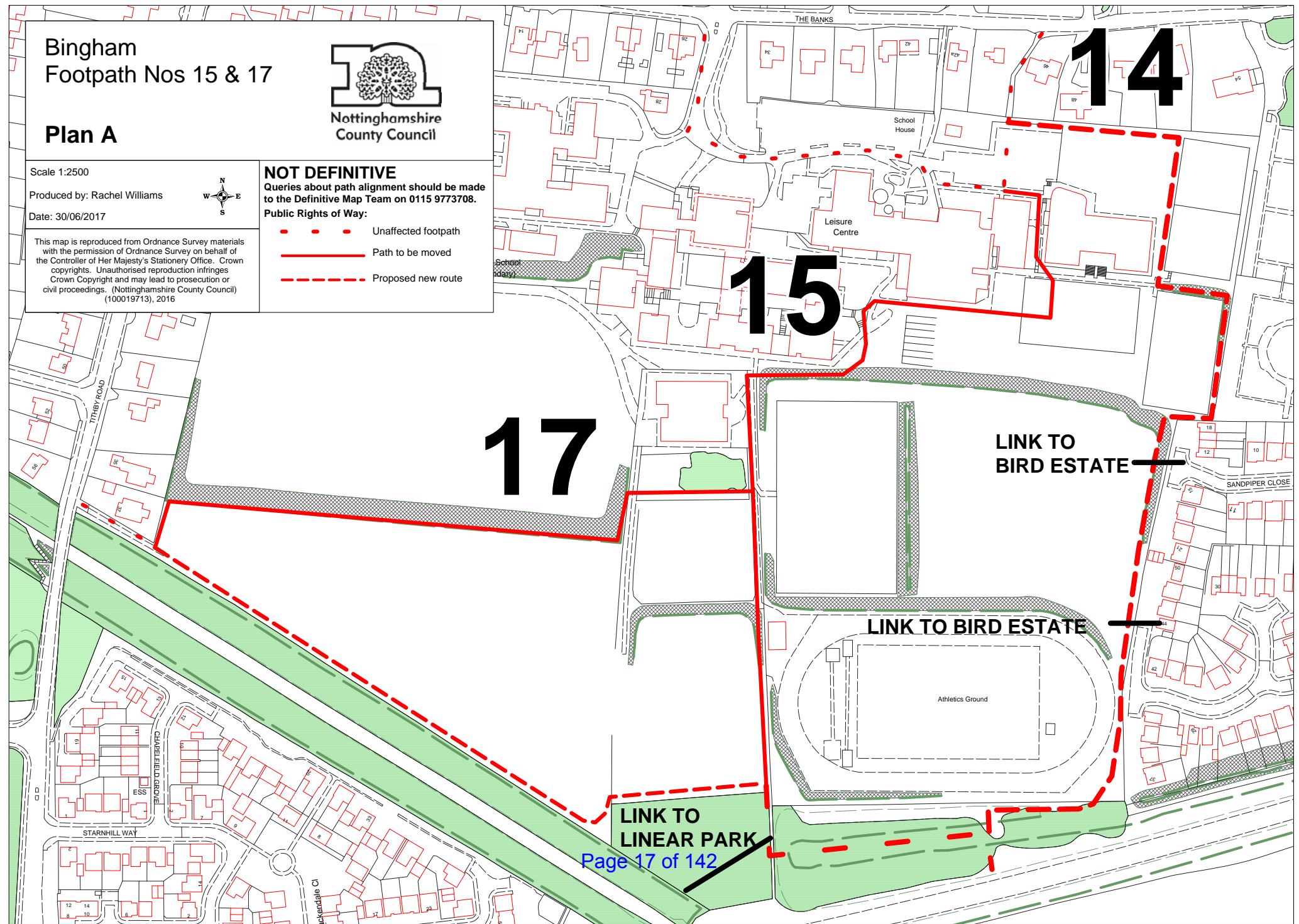
NOT DEFINITIVE

Queries about path alignment should be made to the Definitive Map Team on 0115 9773708.

Public Rights of Way:

- - - Unaffected footpath
- Path to be moved
- - - Proposed new route

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Bingham Footpath Nos 15 & 17

Plan B



Scale 1:2500

Produced by: Rachel Williams




Date: 30/06/2017



NOT DEFINITIVE

Queries about path alignment should be made to the Definitive Map Team on 0115 9773708.

Public Rights of Way:

-  Unaffected footpath
-  Path to be moved
-  Proposed new route

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17

15

14

LINK TO BIRD ESTATE

LINK TO BIRD ESTATE

LINK TO LINEAR PARK

11 July 2017**Agenda Item:8****REPORT OF CORPORATE DIRECTOR OF PLACE**

**PROPOSAL: APPLICATION TO ADD A FOOTPATH TO THE NOTTINGHAMSHIRE
COUNTY COUNCIL DEFINITIVE MAP AND STATEMENT**

LOCATION: PINGLEY LANE, STAYTHORPE

APPLICANT: MR VIC HIRD, PINGLEY LANE, STAYTHORPE, NOTTINGHAMSHIRE

Purpose of the Report

1. To consider an application for a Modification Order made by Victor Hird to record a route as a public footpath on the Definitive Map and Statement for the Parish of Staythorpe. A map of the surrounding area is shown on **Plan A** and route under consideration is shown on **Plan B** and marked between points A and C.
2. The effect of the application, if accepted, would be to add a footpath from its junction with the adopted section of Pingley Lane to its junction with Staythorpe Footpath No. 2.

Legal Background

3. The application is made under the provisions of the Wildlife and Countryside Act 1981 (WCA81). Section 53(3)(b) of WCA81 requires the Surveying Authority (Nottinghamshire County Council) to modify the Definitive Map and Statement following "the expiration in relation to any way in the area to which the map relates, of any period such that the enjoyment by the public of the way during that period raises a presumption that the way has been dedicated as a public path".
4. In addition, under Section 53(2)(b) of WCA81 the surveying authority has a duty to keep the Definitive Map and Statement under continuous review and to make such modifications to the Definitive Map and Statement that appear to be requisite in consequence of the occurrence of events described in Section 53(3)(c)(i); namely "the discovery by the authority of evidence which (when considered with all other relevant evidence available to them) shows: that a right of way which is not shown in the map and statement subsists or is reasonably alleged to subsist over land in the area to which the map relates".
5. Section 31 of the Highways Act 1980 (HA80) raises a presumption that a right of way has been dedicated as a highway if the route has been used by the public 'as of right' (without force, without secrecy, or without permission) and without interruption for a period of 20 years unless there is sufficient evidence that there was no intention during that period to dedicate it.

The 20 year period is to be calculated retrospectively from the date when the right of the public to use the way is first brought into question.

6. If it is accepted that dedication may be presumed at law, consideration must also be given to the category of highway that is believed to exist i.e. footpath, bridleway, restricted byway or a byway open to all traffic. This point should be based on an evaluation of the information contained in any documentary and/or user evidence.
7. Should the test under Section 31 fail, then it may be appropriate to consider whether the way has been dedicated at common law. Dedication at common law requires consideration of three issues: whether any current or previous owners of the land in question had the capacity to dedicate a highway, whether there was express or implied dedication by the landowners and whether there is acceptance of the highway by the public. Evidence of the use of a path by the public 'as of right' may support an inference of dedication and may also show acceptance by the public.

The Current Situation

8. The claimed route currently exists as a track that extends from the adopted section of Pingley Lane at point A as shown in **photograph 1**. The first section of the track, A to B is owned by Luke and Danielle Ellison of Manor Farm and is used as access for them to get to their property. This section is shown in **photograph 2**. The second section B to C is owned by Latham Farms who use it to access fields. This second section is shown in **photographs 3-5**. Staythorpe Footpath No. 2 joins the track at the right angle bend at point C.
9. Staythorpe Public Footpath No. 3 starts at the end of Pingley Close (which joins Pingley Lane) which then joins on to Staythorpe Footpath No. 2 which then joins up the claimed route at point C. Although this route does provide an alternative route from Pingley Lane to point C this is not a factor that can be legally considered as it does not question the evidence of the existence of rights on the application route.

Documentary Evidence

10. There is no documentary evidence that indicates that this route was recorded as a public right of way in the past. However, it is useful to know some of that background of when the other paths in the parish of Staythorpe were claimed.
11. Following on from the National Parks and Access to the Countryside Act 1949, a survey of every Parish was carried out to show the location of public rights of way. The survey of the Parish of Staythorpe was carried out by the Nottinghamshire Footpaths Preservation Society in 1957 and what is significant is that on the plan that they used which was dated 1938, redevelopment of the Manor Farm Buildings had not taken place and so no path was shown on the Ordnance Survey base map. Staythorpe Footpath No. 2 was claimed as a public footpath leading off Pingley Close. The Ordnance Survey plan of 1972 shows that development at Manor Farm had taken place by this date and so the route for which this application has been made existed from at least that date.
12. However, between 1986 and 1993 there were protracted discussions concerning the diversion of Staythorpe Footpath Nos 2 and 3. In 1993, one of the consultees, the Nottinghamshire Footpaths Preservation Society, wrote a letter to the County Council giving

their views on the proposal but also making a comment on the route for which this application has been made. They stated in their letter that 'we have marked in red a route the local people appear to use and which we would like included'. There is nothing in the County Council files that this comment was followed up, but the Diversion Order was made and confirmed in 1995 diverting Staythorpe Footpath Nos. 2 and 3 to their present positions.

The Application

13. The application for a Modification Order was made by Victor Hird in November 2015. In total 41 user evidence forms were submitted in support of the application claiming use of the route on foot with some of them submitting additional information. A summary of the user evidence is shown in **Table 1**. A consultation was carried out following submission of the application which included the owners of the land over which the route runs. What follows in this report is a substantive summary of the evidence that has been submitted both in support of the application and in objection to it.
14. **Length and frequency of use.** In support of the applicant members of the public submitted forms giving details of their use of the path and some of them provided additional information including interview statements. Of those 41 users, at least 15 of them have used the path for more than the required 20 years with some of them the use goes back to the 1970's. According to the information submitted, the path has been used frequently, with 21 claimants stating that they used the path at least twice a week and with some of these their use was daily. A few of the claimants do state that they were visitors to the area when they used the path and therefore their use would only be a few times a year. Other users had previously lived in the village but have since moved away but their use continued when they came back to visit family or friends.
15. **Purpose.** Most of the claimants stated that purpose for using the route was for pleasure. Some people who lived in Staythorpe used the path to get to Upton and there are others who live in Upton who use it to get to Staythorpe as part of a longer walk. Some of the claimants said that they used the claimed route and then came back along Staythorpe Footpath 2 and along Pingley Close.
16. **Date of Challenge.** The date of challenge when the right to use the path was first called into question appears to be on the 3 October 2015 when a notice was erected at the end of the adopted section of Pingley Lane at point A as shown on Plan **B**. The wording of the notice was 'MANOR FARM. PRIVATE ROAD, NO ACCESS WITHOUT PERMISSION, PUBLIC FOOTPATH IS VIA PINGLEY CLOSE', as shown in **photograph 6**. It is considered that the erection of this sign and the emphatic wording on it was sufficient to challenge members of the public who were using the claimed route. The applicant contacted Nottinghamshire County Council following the erection of this sign to request information on how to claim this path as a public right of way. Therefore the relevant 20 year period which is under consideration runs from 1995 to 2015.
17. **Use without challenges and as of right.** None of the claimants state that their use was ever challenged by any notices or structures along the claimed path that ever prevented their use. None of the claimants said that their use was ever prevented by either the previous owner of Manor Farm, Sue Mitchell, or the present ones nor anyone from Latham Farms. Some of the claimants state that when they using the path they met Sue Mitchell and they stopped and talked with her. However, nothing was said about their use of the path.

18. **Use with permission.** Similarly none of the claimants sought permission to use the path and none was given. Two of the claimants did refer to permission being given with Hilary Snell clarifying the point that that was a discussion with her father and the landowners but no formal permission was given but 'just that there was no problem for him to use it'. The other claimant stated that he had had permission by Mr Latham to drive down the track to shoot pigeons and rabbits. However, it appears that this permission only extended to use with a vehicle and not to his use on foot.

19. **Consultation.** A consultation was carried out with statutory undertakers, user groups, Newark and Sherwood District Council as well as the 2 current owners, Latham Farms and Luke and Danielle Ellison. Section A to B is owned by Latham Farms and Section B to C was owned by Sue Mitchell of Manor Farm who lived at the property from 1977 to 2011 and then by Luke and Danielle Ellison who bought Manor Farm in 2012 and still own the property. Replies were received from the Sue Mitchell and Luke Ellison as well as a neighbouring landowner. Listed below are the main points that were made.

20. **Sue Mitchell owner of Manor Farm (1977-2011)**

- Manor Farm had been in her husband's family since 1967 and she lived at the farm from 1977 to 2011
- That there is an alternative existing footpath.
- That her family did not allow access and that she has challenged people and if the family had realised that it was being used as a public right of way then they would have put up a sign and gate to deny access.
- She spent a lot of time outside and never saw any of the claimants using the path.

21. **Luke Ellison current of Manor Farm (2012 onwards)**

- Didn't see anyone using the route during visits prior to buying Manor Farm nor afterwards and none of the neighbours referred to it as a public right of way.
- The route has been closed for several days when the conifers adjacent to it were felled and when a manhole was constructed.
- He started to challenge people in 2014 when dogs were fouling the route and were off the lead and in 2015 his neighbours started to use the route.
- He erected a sign in 2015 but it was vandalised and pulled down.
- He disputes the evidence that has been submitted and in particular that there are people who submitted evidence who don't live in the village

22. **John Burnett**

- States that there is no public right of way along the route but existing right of way nearby
- States that Latham farms have access down the route
- Aware that a sign was erected due to increased dog use but it was vandalised and taken down. Not aware of any other signs that were erected.

Reason for the Recommendations

23. As stated in the report, there is no suggestion from either the owners nor the claimants that there were ever any signs prior to the one erected in October 2015 during the relevant 20 year period of 1995 to 2015. Similarly there is no suggestion from either of the landowners, nor from the claimants that there was any physical barrier that would have prevented use of the path during the relevant 20 year period of 1995 to 2015. Therefore the critical element to

consider is has the path been used by members of the public for that 20 year period, and if there were any challenges to that use?

24. Although the 20 year period only goes back to 1995 many of the claimants state that they have used the route for much longer than this. One piece of information that is consistent with this and gives useful background to the reputation of the path claim was that in 1993 the Nottinghamshire Footpath Preservation Society stated that they were aware that local people were using the this path.
25. For a small village such as Staythorpe there were a large number of user evidence forms submitted. Of the 41 user evidence forms 29 people actually live in the parish of Staythorpe and considering the parish only had a population of 91 in the 2011 census that makes approx. one third of the residents have submitted forms showing use of the path. However, those people who do not live in the parish of Staythorpe, (some live in the neighbouring parishes of Upton and Averham) still provide evidence of public use and should not be discounted.
26. There is a conflict between what was said by the previous owner of Manor Farm, Sue Mitchell, who said that she never saw the people who are suggesting that they used it and with those who have submitted evidence of use. This is in conflict with what was stated by Mary and Hilary Snell, Keith Melton and Vic and Denise Hird who all state that they not only saw Sue Mitchell when they were using the path but stopped to talk to her and nothing was said about their use of the path. None of the claimants ever say that they were challenged by Sue Mitchell or given permission from her to use the path. One point to note is that the part of the path that goes in front of Manor Farm was separated by tall conifers and so this could have been a possible reason that Sue Mitchell did not see people using the claimed route. The information from the claimants does seem to be consistent on this point that the path was frequently used with no challenges from anyone.
27. In a similar way, after Manor House was sold to Luke Ellison in 2012 there is a conflicting information about if the route was used by the public. None of the claimants state that their use of the route changed and their use continued. However, Luke Ellison stated that when he first moved to Manor Farm he did not see anyone using the path nor was there evidence of use but it wasn't until there was an increase in dog use that he erected a sign in October 2015.
28. In **Norton v Bagshaw (1994)** it was held that the wording of Section 53(3)(c)(i) referred to in paragraph 5 above, provides that in deciding whether a public right of way exists, there are two tests; a) *whether a right of way subsists* (known as '**Test A**') and b) *whether a right of way is reasonably alleged to subsist* ('**Test B**'). It was also held that for Test B to be met, it is necessary to show that a reasonable person, having considered all the relevant evidence available, could reasonably allege that a public right of way exists.
29. In this case whilst there is a conflict of evidence, there is no incontrovertible evidence that a right of way cannot reasonably be alleged to exist. Therefore, having considered that there is a credible body of user evidence to show that the claimed route have been used for a minimum period of 20 years and little evidence to show that the landowner had, prior to the date of challenge effectively challenged public use or directly demonstrated a lack of intention to dedicate the claimed route, investigations have shown that a public right of way on foot is at least reasonably alleged to exist along the claimed route and a Modification Order should be made.

Statutory and Policy Implications

30. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION

1) It is recommended that Committee approves the making of a Modification Order to modify the Definitive Map and Statement by adding the footpath for which the application was submitted on the basis that, for the reasons set out above, it is considered by the Authority that the evidence shows that a right of way is reasonably alleged to exist.

ADRIAN SMITH
Corporate Director - Place

For any enquiries about this report please contact:
Angus Trundle (0115 9774961)
Commons and Greens and Definitive Map Officer

Constitutional Comments [RHC 21/6/2017]

Planning & Licensing Committee is the appropriate body to consider the contents of this report.

Financial Comments (RWK 15/06/2017)

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.

- Modification Order Application case file



Photograph 1. November 2015. Looking north to point A



Photograph 2. November 2015. Looking northwest from point A along the claimed route.



Photograph 3. November 2015. Looking west from point B along the claimed route.



Photograph 4. November 2015. Looking southwest along the claimed route towards point C



Photograph 5. November 2015. Looking West towards point C



Photograph 6. Sign erected at point A

Plan A Location Plan



Scale 1:20000

Produced by: a t47

Date: 07/06/2017



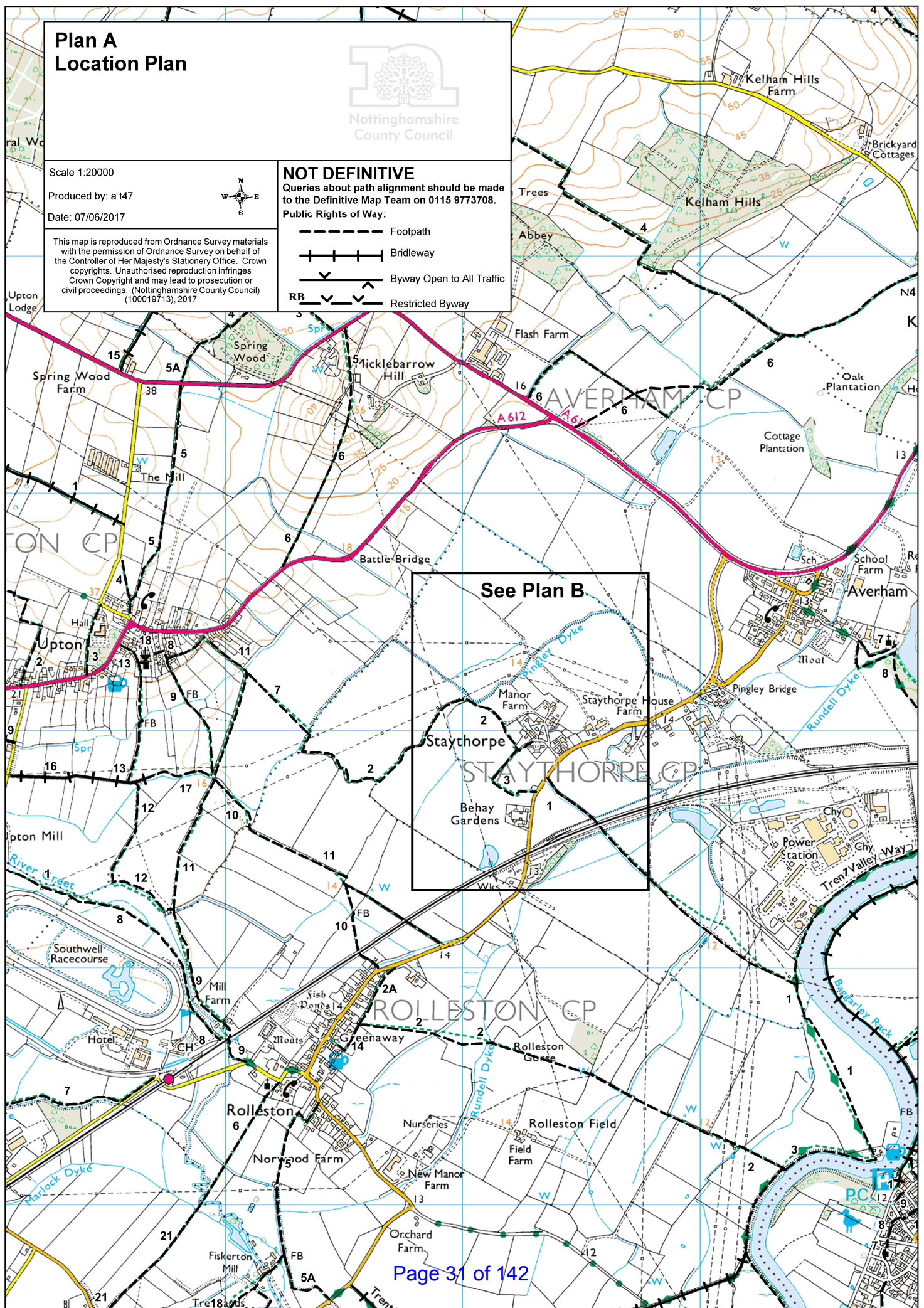
NOT DEFINITIVE

Queries about path alignment should be made to the Definitive Map Team on 0115 9773708.

Public Rights of Way:

- Footpath
- + + + Bridleway
- > Byway Open to All Traffic
- RB ---> Restricted Byway

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Existing
Public Footpaths

A **B** **C** Proposed
Public Footpath

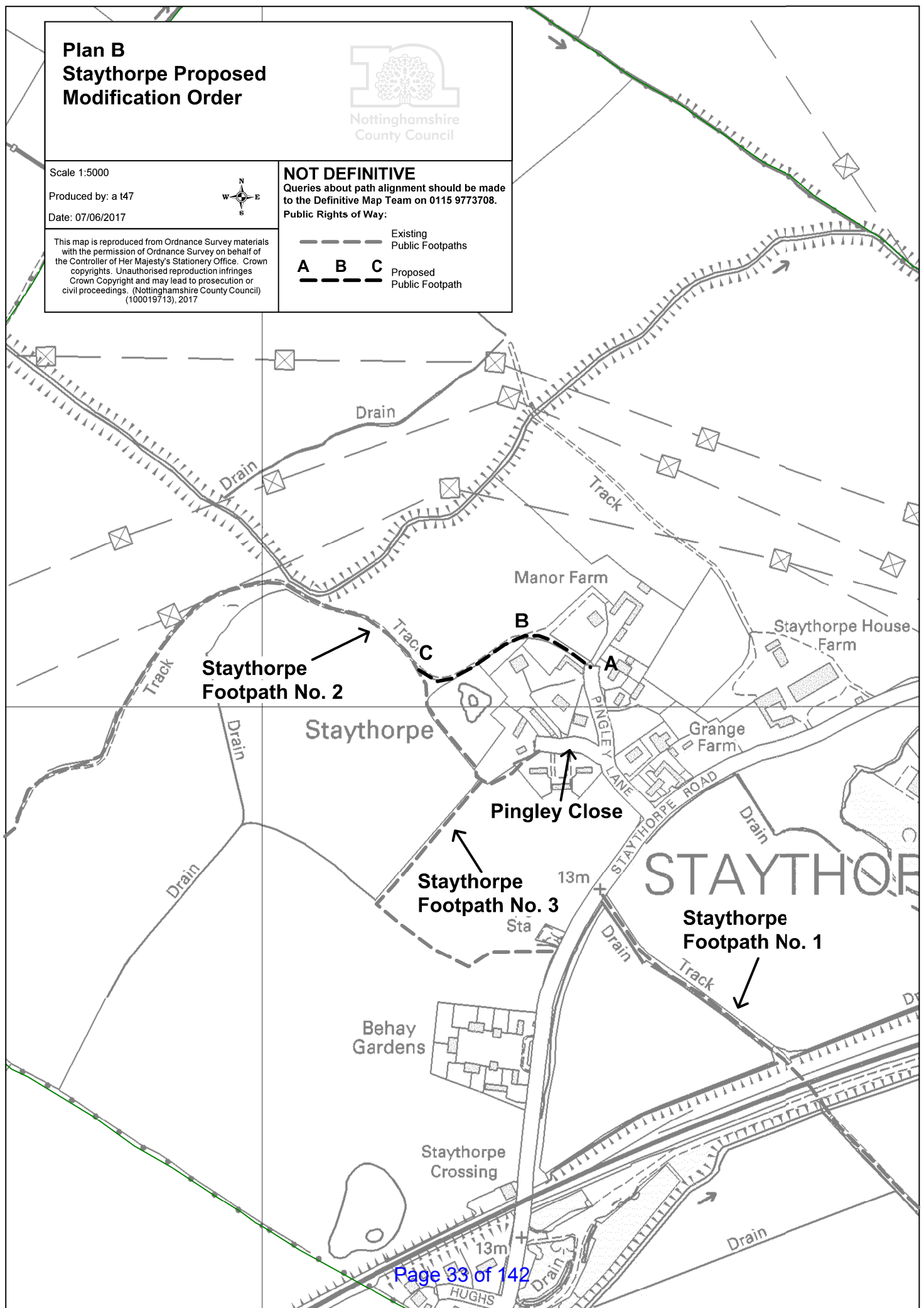


Table 1. Use of the application route by the claimants

	Name	Location	Use	Max Frequency	used	Date of First use	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15
1	M. Snell	Staythorpe	foot	3xday	47	1968																										
2	H. Snell	Averham	foot	5xweek	42	1973																										
3	K. Melton	Staythorpe	foot	3xmonth	41	1974																										
4	K. Hirons	Visitor	foot	2xyear	41	1974																										
5	L. Hoyes	Visitor	foot	4xyear	40	1974																										
6	S. Feeney	Visitor	foot	2xyear	39	1978																										
7	M. Ellis	Staythorpe	foot	5xweek	36	1979																										
8	L. Loynes	Staythorpe/Visitor	bike/foot	3xweek	19	1979																										
9	R. Loynes	Staythorpe/Visitor	bike/foot	1xday	19	1979																										
10	J. Ellis	Staythorpe	foot	5xweek	36	1979																										
11	R. Spier	Staythorpe	car/foot	10xyear	25	1985																										
12	G. Astley	Staythorpe	foot	2xweek	23	1992																										
13	P. Snow	Upton	foot	6xyear	25	1987																										
14	M. Snow	Upton	foot	6xyear	25	1987																										
15	V. Hird	Staythorpe	car/bike/foot	1xday	22	1993																										
16	D. Hird	Staythorpe	foot	1xday	23	1993																										
17	M. Hird	Staythorpe/Visitor	bike/foot	1xday	22	1993																										
18	S. Hird	Staythorpe/Visitor	foot	30xyear	23	1993																										
19	J. Hird	Visitor	foot	10xyear	23	1993																										
20	G. Lester	Visitor/Bleasby	foot	2xyear	23	1993																										
21	C. Lester	Visitor/Bleasby	foot	6xyear	22	1993																										
22	I. King	Staythorpe	bike/foot	3xweek	5	2010																										
23	R. Lipton	Staythorpe	foot	5xmonth	18	2006																										
24	K. Creed	Staythorpe	foot	2xweek?	15	2000																										
25	B. Showker	Staythorpe	foot	2xday	13	2002																										
26	P. Showker	Staythorpe	foot	3xweek	12	2003																										
27	R. Melville	Staythorpe	foot	3xweek	12	2003																										
28	L. Stokes Hird	Visitor	foot	1xmonth	7	2007																										
29	D. Storey	Staythorpe	foot	2xweek?	8	2007																										
30	C. Bradbury	Staythorpe	foot	1xday	8	2007																										
31	A. Adaw	Staythorpe	foot	2xweek	6	2009																										
32	A. King	Staythorpe	foot	7xweek	5	2010																										
33	N. Walker	Staythorpe	foot	1xmonth	9	2006																										
34	S. Walker	Staythorpe	foot	2xmonth	9	2006																										
35	J. Adey	Staythorpe	foot	2xweek	6	2009																										
36	J. Amat	Staythorpe	foot	2xweek	6	2009																										
37	J. Wragg	Staythorpe	foot	4xweek	4	2011																										
38	J. Wragg	Staythorpe	foot	4xweek	4	2011																										
39	G. Dewing	Staythorpe	bike/foot	2xday	3	2012																										
40	R. Sandford	Staythorpe	foot	2xday	2	2014																										
41	G. Sandford	Staythorpe	foot	1xday	1	2014																										

11 July 2017**Agenda Item:9****REPORT OF CORPORATE DIRECTOR – PLACE****BASSETLAW DISTRICT REF. NO.: 1/17/00736/CDM****PROPOSAL: VARIATION OF CONDITION 6 OF PLANNING PERMISSION
1/12/10/00001 TO INCLUDE THE OPTION TO USE THE FACILITY FOR
COAL POND FINES IN ADDITION TO BIOMASS FUEL MATERIALS****LOCATION: COTTAM POWER STATION, RETFORD, DN22 0EU****APPLICANT: EDF ENERGY****Purpose of Report**

1. To consider a planning application for the variation of condition 6 of planning permission 1/12/10/00001 to include the option to use the facility for coal pond fines in addition to biomass fuel materials at Cottam Power Station. The development does not raise any significant planning issues, but there is a requirement to report this planning application to committee on the basis that the potential throughput is above the threshold that can be dealt with under delegated powers. The recommendation is to grant planning permission subject to conditions.

The Site and Surroundings

2. Cottam Power Station is a 2,000 megawatt coal-fired power station, situated 0.9km east-northeast of Rampton and to the immediate south of the village of Cottam (see Plan 1). The closest residences to the power station site in Cottam Village are approximately 60m from the Power Station (to the north of the rail line) on Floss Lane/Town Street. Residences to the north of Cottam Road are approximately 150m from the power station site.
3. The River Trent flows from the south of the power station site and runs along its eastern side (to the east of coal stocking areas). At its closest extent, the river meanders to within approximately 220m of coal stocking areas, Cottam Wetlands, a local wildlife site is located between the power station and the river (see Plan 1).
4. The River Trent forms part of the county boundary between Nottinghamshire and Lincolnshire, with the villages of Torksey and Brampton being the

settlements closest to the site to the east of the Trent in Lincolnshire (see Plan 1).

5. The Cottam Power Station site covers an area of approximately 240ha, including power station infrastructure, offices, coal stocking areas and ash disposal areas. Surrounding land use is predominantly agricultural. Torksey Ferry Road (a byway open to all traffic) runs along the site's southern boundary. Access to the Cottam Power Station Site is from Outgang Lane/Cottam Road to the north of the power station infrastructure. To the north of Outgang Lane is the Cow Pasture Lane Drains local wildlife site (see Plan 1).
6. The application site incorporates a building constructed as an ash overhang building, a facility enabling the direct filling of large articulated dumper trucks (ADTs) as part of the ash disposal process. The building was never used for this process and remained as a vacant store until planning permission 1/12/10/00001 was granted in June 2010 to change the building's use to a Biomass Semi-Direct Injection (SDI) facility. Semi-Direct Injection is a process by which fuel material (in this instance biomass) is added to coal prior to combustion. The building used as an SDI plant prepares the fuel material (in this case biomass), prior to it being issued to point at which it is mixed with coal material before being transferred by conveyor to join the raw coal feed to the coal bunkers. Under planning permission 1/12/10/00001 the building is stated as having a maximum throughput of 160,000 tonnes per annum.
7. The arrangement of the building is organised so that material is deposited via a ramp into hoppers on the eastern side of the building. Material is then milled (through a hammer mill) within the building and then transferred by pneumatic conveying system to an injection point for entry into a boiler. Bulk storage silos are situated to the immediate west of the building.
8. The area of the building is within Flood Zone 3, with a small area the north-west of the building within Flood Zone 2.

Proposed Development

9. This application seeks to vary Condition 6 of planning permission 1/12/10/00001, to include the option for the use of coal pond fines in the facility, in addition to biomass fuel materials. Coal pond fines are a material resulting from coal washing at colliery sites, consisting of finer coal material that has been left on site in lagoons, which have then, over time, dried out. The applicant has stated that though the facility is described as a biomass handling facility, in practice it is a fuel handling facility and so can accept other fuels as well.
10. The potential for the use of biomass in the future is described as limited, due to economic factors. Subsidies for biomass use will no longer be available at

Cottam Power Station from October 2017. Therefore, for economic reasons, the applicant is seeking to use a different fuel type in the SDI facility.

11. It is proposed that Condition 6 is changed from “the development hereby approved shall only be used for the storage and processing of biomass fuel materials” to “the development hereby approved shall only be used only for the storage and processing of biomass fuel materials and coal materials.”
12. The coal pond fines would be sourced offsite from former colliery sites and be transported to Cottam Power Station by HGV. The applicant has stated that there would be no change in the number of HGV movements as a result of this variation application. Condition 5 of the current permission limits the number of movements per day associated with the development.
13. Coal pond fines are similar to biomass fuels in being a low calorific value fuel with similar physical properties and environmental controls. The facility would not be altered in terms of its outside appearance or the type of equipment used.

Consultations

14. **Bassetlaw District Council:** no objection.
15. **Treswell with Cottam Parish:** no response received.
16. **EA (Flood Zones):** no response received.
17. **NCC (Flood Risk) Statutory:** no response received.
18. **Rampton Parish Council:** no response received.

Publicity

19. The application has been publicised by means of site notices and press notice in accordance with the County Council’s adopted Statement of Community Involvement Review.
20. Councillor John Ogle has been notified of the application.
21. No representations have been received.

Observations

22. This application seeks to vary the fuel type used in the current SDI facility at Cottam Power Station. Therefore observations and policy considerations have been made solely related to the subject of this application. All considerations related to the use of the facility, its positioning and external visual impact have previously been considered in the granting of planning permission 1/12/10/00001 in July 2010.

23. Bassetlaw District Council have stated that they do not object to the proposed variation of Condition 6 and no other consultation responses have been received. No representations have been made by members of the public.
24. The location of the development for the use of coal pond fines as a fuel is acceptable, as the SDI building is within a power station site and is already used for the preparation of power station fuel. Cottam Power Station is a site that has been using coal combustion to generate electricity for over 40 years, with the use of the SDI facility for coal pond fines fuel material appropriate, adhering to Bassetlaw Core Strategy & Development Management Policies DPD 2011 Policy DM1 (ii) relating to the need for a development in a specific location.
25. As there is no new infrastructure being constructed and the site is located within the central area of a large power station site there will be no anticipated impact insofar as visual impact, impact on public rights of way, or nearby sensitive receptors. As the power station is an existing coal combustion facility, the variation of the fuel type for the SDI facility to a coal material is appropriate for the location.

Traffic, Access and Parking

26. The number of vehicle movements associated with the development would remain unchanged, fuel material would continue to be transported by HGV to Cottam for use in the facility. Condition 5 of permission 1/12/10/00001 controls the maximum number of vehicles associated with the development to 35 HGVs per day (70 two way movements). The condition would have to be slightly amended to include coal material as a material to be imported to the site.
27. Delivery times for fuel materials to the facility (from outside the Cottam Power Station site) are controlled by Condition 4, which would not require amendment if the proposals in this application are deemed acceptable.
28. Therefore the proposed variation does not present additional HGV movements, or unacceptable disturbance to local communities. As the proposed variation does not create significant or exacerbate existing highway safety problems it accords with section (vi) of Policy DM1 of the Bassetlaw Core Strategy & Development Management Policies DPD 2011.

Noise

29. No variation of working hours proposed as part of this variation application. The application site is within the central area of a large power station site. Therefore there will be no additional noise output (or impact) as a result of this proposed variation.

Ground and Surface Water / Flood Risk

30. The site is within Flood Zone 3, however no additional built development is proposed as a result of this development. As this development seeks to vary the fuel type used in an existing facility, no consideration of fluvial or surface water flooding is required.

Sustainability

31. The proposed development gives the applicant increased flexibility in the fuel type used in the production of energy at Cottam Power Station. It uses a waste product produced by mine working that can be extracted at former colliery sites and used as a fuel material.
32. The fuel proposed (coal pond fines) is of a similar calorific value to biomass, in that it produces a similar amount heat when combusted. This therefore makes the existing SDI facility more sustainable as it presents a greater variety of fuel materials that can be used in the facility.

Other Options Considered

33. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered.

Statutory and Policy Implications

34. 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

35. The building subject to this application is within the central area of Cottam Power Station, which is a secure site, subject to regular and comprehensive security measures. These include CCTV, site security staff and identification required for all visitors. Entry to the site is restricted to those with permission to enter.

Human Rights Implications

36. 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), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however,

there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

Implications for Sustainability and the Environment

37. As coal pond fines are proposed to be an additive fuel (as a substitute additive fuel for biomass), its use in the SDI facility would not add to emission above the existing impact of the coal power station. The development does not remove the ability to incorporate renewable fuels within the fuel mix, but it will provide additional flexibility to accept an additional fuel source.
38. There are no Human Resources Implications, Safeguarding of Children Implications, Equalities Implications, Financial Implications, Implications for Service Users.

Statement of Positive and Proactive Engagement

39. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and any valid representations that may have been received. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

40. It is RECOMMENDED that planning permission be granted subject to the conditions set out in Appendix 1. Members need to consider the issues set out in the report and resolve accordingly.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments

Planning & Licensing Committee is the appropriate body to consider the contents of this report.

[RHC 21/6/2017]

Comments of the Service Director - Finance

There are no specific financial implications arising directly from the report.

[RWK 15/06/2017]

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(s) and Member(s) Affected

Tuxford

Councillor John Ogle

Report Author/Case Officer

Robert Portman

0115 9774291

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

V/3653

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RECOMMENDED PLANNING CONDITIONS

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 County Planning Authority (CPA) shall be notified in writing of the date of commencement at least 7 days but not more than 14 days, prior to the commencement of the development.

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

3. The development hereby permitted shall only be carried out in accordance with the following documents, unless amendments are made pursuant to the other conditions as set out below;

- a) Drawing no 704-01-000251 entitled Proposed Development Site Proposed Extension to Ash Overhang Building received by the CPA on 15 February 2010;
- b) Drawing no E4720-09 Layout of Olive Oil Cake Injection Plant Stage 1 received by the CPA on 15 February 2010;
- c) Design and Access Statement received by the CPA on 15 February 2010;
- d) Environmental Report received by the CPA on 15 February 2010;
- e) Flood Risk Assessment received by the CPA on 15 February 2010;
- f) Application Form received by the CPA on 4 May 2017;
- g) Supporting Statement received by the CPA on 4 May 2017.

Reason: For the avoidance of doubt.

4. All drivers shall be instructed to follow the approved lorry route between the power station and the A57 and only arrive at the site between the hours of 0700 to 1900 Monday to Saturday (inclusive).

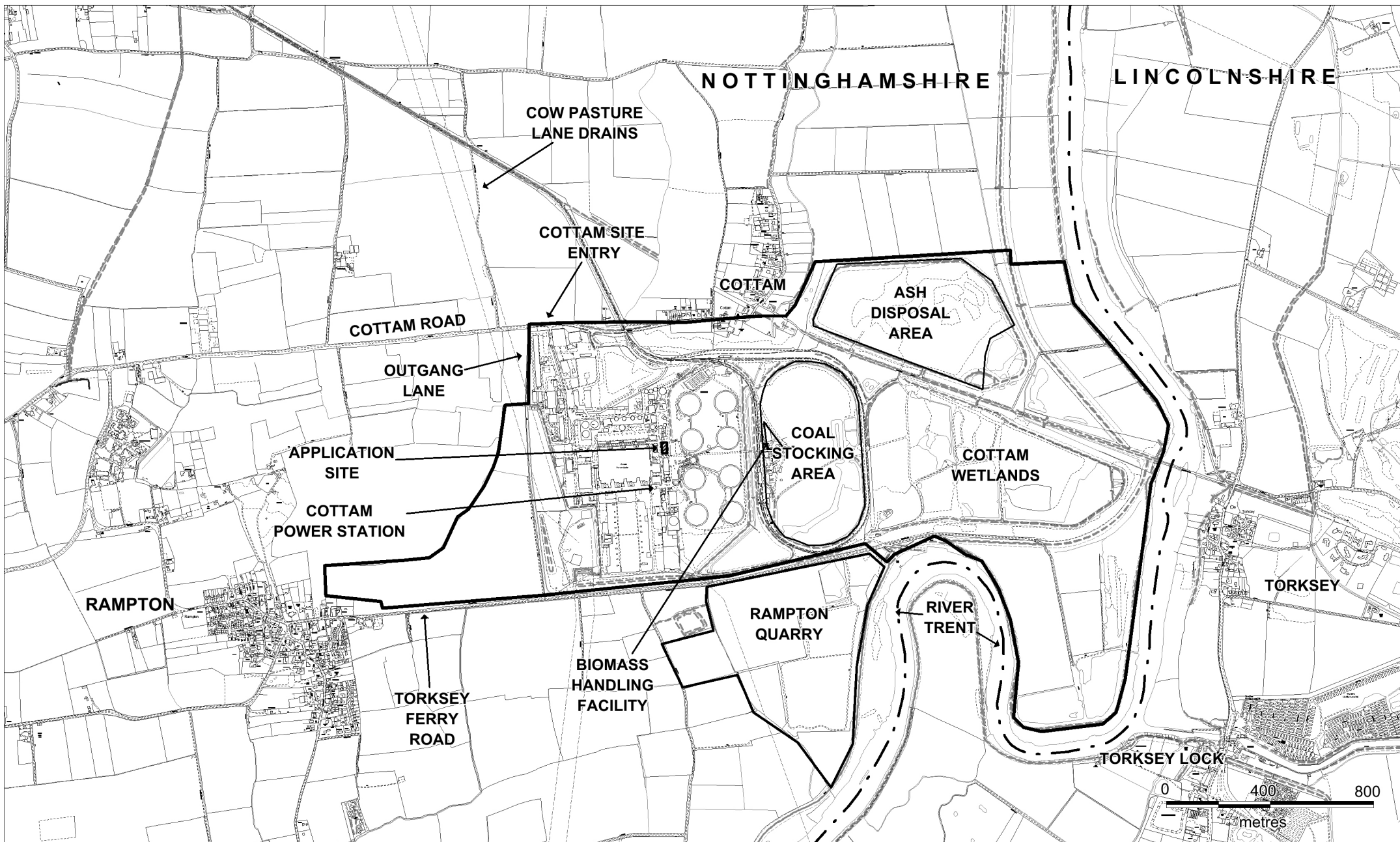
Reason: To comply with policy DM1 (vi) of the Bassetlaw Core Strategy & Development Management Policies DPD 2011.

5. No more than 70 two way HGV movements (35 HGVs into the site and 35 HGVs out of the site) per day shall visit the site to deliver biomass or coal material fuel to the facility hereby approved. The operator shall record the number of lorries visiting the site to deliver fuel to the facility and shall make available copies of such records to the CPA within one week of a written request from the CPA.

Reason: To comply with DM1 (vi) of the Bassetlaw Core Strategy & Development Management Policies DPD 2011.

6. The development hereby approved shall only be used for the storage and processing of biomass fuel materials and coal materials.

Reason: For the avoidance of doubt as to the materials to be handled in the semi-direct injection facility.



**Nottinghamshire
County Council**

Variation of Condition 6 of planning permission 1/12/10/00001
to include the option to use the facility for coal and fines in addition
to biomass fuel materials. Cottam Power Station, Retford, Nottinghamshire.
Planning Application No. 1/17/00736/CDM

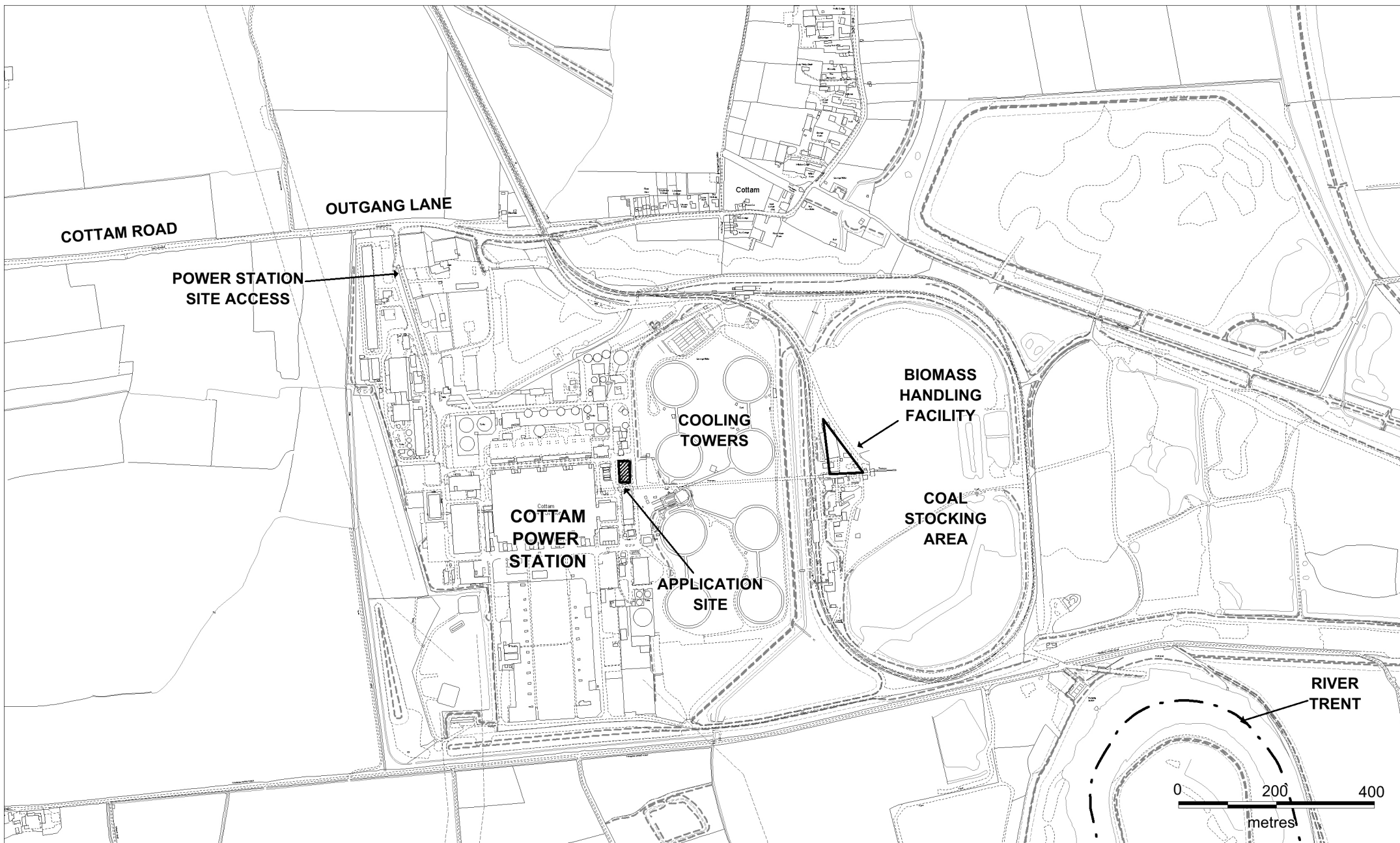
Scale 1:20,000 Date: JULY 2017

Produced by: JW



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Nottinghamshire County Council, 100019713, 2017.

PLAN 1



**Nottinghamshire
County Council**

Variation of Condition 6 of planning permission 1/12/10/00001
to include the option to use the facility for coal and fines in addition
to biomass fuel materials. Cottam Power Station, Retford, Nottinghamshire.
Planning Application No. 1/17/00736/CDM

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Scale 1:10,000 Date: JULY 2017

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PLAN 2



11 July 2017

Agenda Item:10

REPORT OF CORPORATE DIRECTOR – PLACE

BASSETLAW DISTRICT REF. NO.: 1/16/01441/CDM

PROPOSAL: USE OF ASH PROCESSING PLANT EQUIPMENT

LOCATION: WEST BURTON POWER STATION, NORTH ROAD, WEST BURTON

APPLICANT: EDF ENERGY

Purpose of Report

1. To consider a planning application for the use of ash processing plant equipment at West Burton Power Station, North Road, West Burton. The key issues relate to vehicle movements and the need for a facility to screen Pulverised Fuel Ash (PFA) produced at West Burton Power Station. The recommendation is to grant planning permission subject to conditions.

The Site and Surroundings

2. The West Burton Power Station site comprises two power stations and an area to the north of this used for fuel ash landfill (Bole Ings). The total power station site covers an area in excess of 200 ha. Both stations supply electricity to the National Grid.
3. West Burton Coal Fired Power Station (referred to at times as 'West Burton A') is a 2,000 megawatt coal-fired power station, commissioned during the late 1960s. Built power station infrastructure lies to the southern end of the site, with a coal stocking area (with rail access) to the north. Further to the north, ash disposal areas for the coal power station are situated at Bole Ings (see Plan 1).
4. A 1,332 megawatt CCGT (Combine Cycle Gas Turbines) Power Station (referred to as West Burton 'B' CCGT) is situated to the north-east of the coal-fired station's built infrastructure and to the south-east of the coal stocking area. The station commenced power generation in 2013. Other areas of the site include ash handling facilities, biomass handling infrastructure and an ash separation plant (see Plan 1).
5. The closest residential settlements to the site are Sturton-le-Steeple, approximately 600m south of the southern boundary of the power station site (around 2km from the application site) and the village of Bole, which lies about 850m to the north-west of the application site (by the position of the closest

residence). Mill House Farm is situated approximately 1140m to the west of the site (see Plan 1).

6. The application site, approximately 2.3 ha in size, is situated to the east of the coal stocking area, to the north of the CCGT power station, to the south of the Bole Ings Ash disposal area and approximately 300m to the west of the River Trent (with the right of way footpath Bole FP1/ West Burton FP4 285m to the east of the site). The river forms the border between Nottinghamshire and Lincolnshire (see Plan 1).
7. To the south of the CCGT site and approximately 680m to the south of the application site is a medieval settlement and open field system Scheduled Ancient Monument (immediately to south east of Low Farm). The coal-fired power station is also stated on the Nottinghamshire Historic Environment Record as a non-designated heritage asset.
8. The application site resides within the Site of Special Scientific Interest (SSSI) Impact Risk Zone (IRZ) of Lea Marsh SSSI (situated within West Lindsay District of Lincolnshire), with the SSSI being 1360m to the north-east of the application site. The impact risk zone specifies waste land use including inert landfill, non-hazardous landfill and industrial processes that cause air pollution.
9. Access to the site is via Gainsborough Road, which runs north to south, to the west of the West Burton Coal-Fired Power Station, accessible via a dedicated access road (see Plan 1). The aforementioned rail line serving the power station site is used to transfer materials and goods (into and out of the site) alongside road transit.
10. The total size of the application site is 2.3 ha in size and is carpeted by ash. It is an operational area that has been previously been used to temporarily stock PFA (often in large volumes) for many years.
11. The application site is intersected by the haul road to Bole Ings ash disposal site from the south-west to the north-east. The site is divided into two areas, referred to by the applicant as 'Zone A' to the south-east of the haul road and 'Zone B' to the north-west (see Plan 3). A sewage treatment works lies approximately 230m to the north-east of Zone A (see Plan 1), with Zone B adjoining ash settlement lagoons to the west and north, beyond which to the west is a FBA (furnace bottom ash) processing area. South of Zone A is the CCGT Power Station infrastructure. The rail line serving the power station and coal stocking area runs to the immediate west of Zones A and B (being within 40-50m at its closest extent).
12. Both areas of application site lie within Flood Zone 2, with a small area to the north of Zone B being Flood Zone 3. Small areas of both Zones A and B are categorised as being vulnerable to surface water flooding, especially the entrance area to Zone A (which is classed as having a 1 in 30 chance of flooding per year).

Proposed Development

13. The applicant seeks to use the two proposed areas to site mobile ash processing plant (APP) and feed and PFA (pulverised fuel ash) stockpiles, in order to screen the PFA for sale as a material used in, for example the construction industry.
14. The applicant states that due to coal-fired power station operation becoming increasingly likely to be a winter-based activity, the applicant seeks to use the process the subject of this application to enable them to be able to screen stockpiled PFA. This results in a reduction of the compaction and coarseness of the PFA making it suitable for customer manufacturing processes.
15. The proposal is to place one mobile screening APP to operate at any point within the redline boundary of the application site, except on the Articulated Dumper Truck (ADT) haul route between West Burton Power Station and Bole Ings Ash Disposal Site.
16. Product and feed stockpiles are proposed at any location within the red line boundary for the site, except on the ADT haul route between West Burton Power Station and Bole Ings Ash Disposal site. Stockpiles are proposed to not exceed 6m above the current ash carpet level. The applicant also seeks to periodically continue with existing practices of temporarily stockpiling FBA and dug-out silt (stockpiles to not exceed the height of the PFA stockpiles).
17. The applicant intends to retain the existing carpet of ash covering the site throughout the red line boundary (including the ADT haul route between West Burton Power Station and Bole Ings Ash Disposal Site) to maintain an existing stable working platform.
18. No site preparations works are stated to be required and no vegetation would be removed due to the area being completely covered in the aforementioned ash carpet.
19. PFA would be delivered to the application site from the power station and Bole Ings by ADTs. Both areas (Zones A and B) are to be potentially operational at the same time, to enable stock segregation for different customers.
20. The proposed application is for material to be processed through a screening plant. This method of processing uses mechanical means to sort material and therefore no chemical processes would be involved, and so there would be no need to store chemicals on the application site. Processed PFA will be stockpiled for sale to customers. In the event no other customer is available for any coarse PFA left after the screening process, this would be landfilled at Bole Ings Ash Disposal Site.

Stockpiles

21. Product and feed stockpiles would be capped to a maximum height of 6m in both Zone A and Zone B, with both areas having the potential to be operational at the same time (to enable the option to segregate PFA for specific customers).

22. The entire operation would reside on an existing stable working platform of ash. Due to the relatively inert and non-leachable nature of PFA, no impermeable surfacing is required as the risks of groundwater pollution from the stockpiles are minimal.
23. If required, stockpiles could be dampened for fugitive dust emissions. However, it is proposed that additional dust suppression is not likely to be regularly required due to PFA being conditioned with moisture prior to leaving West Burton Power Station and any PFA reclaimed from Bole would also be in a conditioned state.
24. Temporary stockpiles of dug-out silt and dug-out FBA, which are existing processes at the site, would not be stored in stockpiles higher than those proposed for PFA stockpiles (6 metres in height). Material stored prior to processing would be kept clearly segregated from post-treatment storage.

Processing Plant

25. The APP intended for the site would be mobile and stated as being maintained at all times. As the APP would be purchased under a hire agreement, in future it could be replaced with a similar type of plant, in terms of size and capability.
26. The PFA would be passed through a vibratory screening plant (ash processing plant), with processed PFA being subsequently stored in stockpiles. The APP will not screen at a fixed point but, in order to reduce double-handling of PFA, be moved to screen close to active faces of the feed stockpiles.
27. The applicant has not included information relating to the colour of the plant, as views into the application site are occluded by embankments and Power Station infrastructure. If a point is reached where demand for PFA screened by the APP is low, it may be off-hired for a period of time.
28. The applicant states that the APP would operate periodically (according to demand and not continuously) between 0700-1800 Monday to Saturday. Delivery of PFA to the applicant site would continue to occur outside the envisaged APP operating hours (due to the 24 hour a day, 7 day a week nature of coal-fired power supply).
29. The APP would have some lighting installed for operational purposes, required for when light conditions are poor (winter mornings and evenings). Temporary small-scale lighting to ensure safe operation of mobile plant may also be used in times of high PFA demand in winter.

Transport

30. The applicant anticipates that there would be an average of 270 HGVs per week (270 into the site and 270 out of the site, 540 movements in total) associated with the development.
31. It is indicated by the applicant that both road and rail transport could be used for the transport of PFA to customers. The applicant states that there is a pre-

existing agreement with Nottinghamshire County Council regarding the volume of HGVs entering and leaving the whole West Burton site (see Appendix 2) and that HGVs are restricted to using only approved routes (see Plan 2) and to not drive in convoy.

32. West Burton's pre-existing agreement with Nottinghamshire County Council states an average of 210 HGVs per day (420 movements in total) across the whole site, which gives a weekly average of 1260 HGVs (2520 two way movements).
33. The applicant has stated that historically West Burton has transported significant quantities of PFA, with the plant subject to this application intended to be used to meet customer demand in light of the anticipated decline in coal-fired electricity generation.

Consultations

34. **Bassetlaw District Council** – No objection.
35. **Bole Parish Meeting** – No response received.
36. **NCC (Highways) Bassetlaw** – No objection.

As a standalone application, this application does not warrant a Transport Assessment. The usual threshold would be 30 two-way peak hour movements. Assuming a 10 hour normal day, and that HGVs count double i.e. equal to two cars, the proposal would generate the equivalent of 18 cars in any one hour period on average. This application does not raise concern, particularly given the numbers of vehicles involved and knowing the local road network.

Concerns are raised regarding further applications (for future projects such as peaking plants), which individually may not warrant a Transport Assessment, but cumulatively may exceed the acceptable number of peak hour trips.

A condition should be attached to allow the WPA to have the ability to require sight of weighbridge receipts on request, with a note to the applicant stating that vehicle trips shall fall within the 1999 Agreement (see Appendix 2), perhaps supported with a letter of understanding from EDF confirming this will be the case.

The applicant has confirmed that all traffic will adopt previously agreed routes as detailed in the route plan provided to NCC (Highways). These routes are acceptable (See Plan 2).

There is no objection to the continuation of PFA deliveries, which have the potential to be undertaken over a 24 hour period under the 1999 agreement. Varying the time of operation as night time working or spreading movements over a longer period would likely have less of a traffic impact on the surrounding highway network.

It should be ensured that there is provision of appropriate signage to warn drivers that HGV traffic should not turn into North Wheatley from the A620 and should not turn in to Bole Village from Sturton Road, with restriction of HGV routing through Sturton Le Steeple, North and South Wheatley, with sole access to the A620 via Sturton Road.

37. **Highways England** – No objection, stating:

We have no comments to make on the proposal given the application is a significant distance from our network.

38. **Network Rail Civil Engineering** – No objection.

39. **Environment Agency** – No objection.

The submitted flood risk assessment is related to the stockpiling of material at this location and not specific to this Ash Processing Plant application. However we note that this is a moveable structure and will be processing material. Therefore, if there is an existing approval for stockpile/heaps already in this location, then we have no objection to the APP activity taking place at the site.

The site is regulated by an Environmental Permit which authorises the treatment of ash at the installation. Permit conditions are in place to minimise the environmental risks from the treatment operations.

40. **NCC (Landscape)** – No objection.

NCC (Landscape) have looked at the information presented with the above application and have no comments to make from a Landscape and Visual Impact point of view. The proposed works are located in an area within the power station infrastructure therefore there will be no landscape impacts. The only possible views from recreational receptors on West Burton Footpath 4 are screened by tree and shrub planting surrounding the lagoons to the west of the footpath and to the east of the proposed site.

41. **NCC (Reclamation)** – No objection.

The proposals are sustainable in the fact that PFA does not go to landfill, this is to be supported. It could be argued that as PFA production declines and the demand for PFA within construction products is maintained or increases there is a potential reduction in the stockpile in the long term.

The PFA is conditioned prior to stockpiling the moisture increase is stated to minimise the potential for dust emissions, the experience of the site operations will confirm if this is and will remain the case.

Whilst the statement in paragraph 4.4.4 may infer that discharge to controlled waters is not an issue, i.e. the mobility of any potential contaminant within the PFA being low, however there is also the issue of sediment runoff to surface water courses. It is appreciated the site is a large area and that the overall site may accommodate any sediment flushing from the stockpiles. It is assumed that

some form of drainage containment is designed at the foot of the stockpile mounds.

Given the aforementioned comments, the proposals have addressed the main concerns of dusting and runoff from the stockpiles. Provided the control measures proposed and operated at the site previously and at similar sites as referenced are implemented then no objection is raised to the application.

42. NCC (Nature Conservation) – No objection.

The site in question is not covered by any nature conservation designations (although the West Burton Power Station LWS 5/2217 does lie approximately 130m to the east).

The Supporting Statement indicates that the site is currently used for the stockpiling of PFA, and as such is carpeted by ash and lacking any vegetation; this is borne out by aerial photos dating from 2016.

It is indicated that small-scale temporary lighting may be required during operational hours at times. This should be controlled as per the wording of condition 7 of planning permission 1/13/01359/CDM (relating to Cottam Power Station), as detailed at the bottom of page 10 of the Planning Statement.

NCC (Nature Conservation) is satisfied that the proposals are unlikely to give rise to impacts on badgers, great crested newts or breeding birds, noting that the application site is within the operational area of the power station, and already subject to noise and disturbance.

43. NCC (Noise Engineer) – No objection.

NCC (Noise Engineer) reviewed the submitted information and given that the nearest residential premises are in Bole Village some 880m north east of the application site, it is not anticipated that there will be any noise impacts from the operation of the Ash Processing Plant when operated only between the hours of 07:00-18:00hrs Mon-Sat.

Recommendation:

Condition working hours of the APP plant to 07:00-18:00hrs Mon-Sat with no working on Sundays or Bank Holidays.

A second consultation was provided in respect to potential 24 hour HGV movements.

NCC (Noise Engineer) have considered the impact regarding lorry routing and would take the view that if lorry movements are to remain at the same numbers and along the same route as they have done for nearly 20 years without complaint, then there is unlikely to be any future complaints related to the new proposals.

44. **Trent Valley Internal Drainage Board** – No objection.

The site is within the Board's district.

Board maintained watercourses are located to the west and southern boundaries of the site and to which byelaws and the Land Drainage Act 1991 applies.

Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The Board's consent is required for any works that increase or alter the flow of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required).

The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and Local Planning Authority.

45. **Canal and River Trust** – Consultation returned without comment, stating:

This application falls outside the notified area for its application scale. We are therefore returning this application to you as there is no requirement for you to consult us in our capacity as a Statutory Consultee.

46. **NCC (Built Heritage)** – No objection.

The Nottinghamshire Historic Environment Record identifies the power station as a site of interest from the historic architecture perspective. As such it might be considered as a non-designated heritage asset for the purposes of the NPPF and the considerations of the impacts of the proposals. The applicant has not supplied any information as might be requested with regards to paragraph 128 of the NPPF, however, the proposals have been considered in light of the architectural interest of the site in accordance with the NPPF paragraphs 129 and:

- The power station was designed by the Architects Design Group, landscaped by Derek Lovejoy & Associates and it won a Civic Trust award in 1969.*
- At the time of its inception it was an immense engineering work carried out with great style. The asymmetrical grouping of the cooling towers is most effective and their relationship with the main buildings is very satisfactory.*
- The proposals will not impact in any immediate manner on this architectural interest.*

With regards to NPPF paragraph 132, the proposals will cause no 'harm' to the heritage interest of the site.

47. **Historic England** – No objection, with the following recommendation:

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

48. **NCC (Archaeology)** – No objection.

Regarding this site, there shouldn't be any issues if they aren't excavating and are only working on the ash pile. The northern part of Zone A occupies what was formerly the river channel of the Trent before it was straightened in the 19th century. On the County Series maps there is a smaller watercourse and field boundary, meeting the river and the former towpath in this area (which is depicted as being marshy), with nothing else visible. There's nothing illuminating on the Historic Environment Record either.

49. **NCC (Flood Risk) Statutory, Nottinghamshire Wildlife Trust, Anglian Water Services Limited, Western Power Distribution, National Grid (Gas), Energy and Carbon Management Team** have not responded.

Publicity

50. The application has been publicised by means of site notices and press notice in accordance with the County Council's adopted Statement of Community Involvement Review.
51. Councillor John Ogle has been notified of the application.
52. No representations have been received.

Observations

Principle of the Proposed Development

53. Pulverised fuel ash (PFA) along with furnace bottom ash (FBA) are unavoidable by-products of electricity generation at coal-fired power stations. PFA accounts for 80-90% of the total quantity of ash produced in the process.
54. The PFA collected from the pulverised fuel combustion process is a material usable for a number of purposes such as a cement replacement material, but the coarse grits, which constitute about 20% of total PFA, have no end use and so are disposed of on site.
55. PFA is a material that, if there is no immediate demand for it, can be stocked or landfilled (after being conditioned with moisture) for future sale. It is anticipated by the applicant that electricity output from coal-fired power stations will reduce and is likely to become more winter based, with PFA demand likely to remain high throughout the year. This demand can be met through stockpiled (and previously landfilled) PFA. PFA for the proposed APP would be supplied directly from combustion at West Burton Power Station and Bole Ings ash disposal site

by articulated dumper truck, with vehicle movements being carried out within the overall West Burton site.

56. Stockpiled PFA can become compacted and coarser than freshly-produced PFA and requires screening to remain a suitable product. In order for the PFA to be prepared for sale, it would have to be screened by the proposed mobile APP, passing PFA through a vibratory screening plant. As this is a mechanical process, there is no requirement for the use of chemicals in processes and therefore no requirement for chemical storage.
57. The APP has a potential maximum throughput of 175,000 tonnes of sorted material per annum. This is not material that is being extracted or inputted, rather, it is material already produced, stocked and available on site. Stocking of PFA (and other power station ash), often in large volumes, at the applicant site is lawful and has been an established practice at the site for many years, as has the stocking and organisation of PFA stockpiles for sale at the applicant site.
58. Therefore, as opposed to extraction, production or input of material, it is the sorting process, APP, product and feed stockpiles (of sorted/unsorted PFA) applied to this material that is already produced and stockpiled by the West Burton site that is the subject of this application. Nottinghamshire and Nottingham Waste Core Strategy Policy WCS6 supports proposals to temporarily stockpile power station ash within or on land adjacent to coal fired power stations where this will help maximise recycling or re-use over a foreseeable period. In this case the ash will be temporarily stockpiled and processed and so accords with this policy.
59. Nottinghamshire and Nottingham Waste Core Strategy Policy WCS8 states that the extension, redevelopment or improvement of existing waste management facilities will be supported where this would increase capacity or improve existing waste management methods and/or reduce existing environmental impacts. In this proposal there will be no increase in site capacity, as the production and stocking of PFA will not be directly affected by the development. Rather, the development will improve waste management methods at the West Burton site, allowing more PFA to become available for viable use.

Residential amenity

60. With the nearest dwelling being 850m from the application site and the proposed development being surrounded by power station infrastructure, there is no anticipated impact on residential amenity.

Landscape and Visual Impact

61. The development is proposed for an area of the West Burton site that is at a distance from settlements or public rights of way to the north, west and south. With industrial use in the intermediate space, that there will be no adverse visual impact.

62. Impact on views from the east (from West Burton Footpath 4) is limited by trees and shrubs screening the site (as detailed by NCC Landscape and NCC Reclamation). In addition, the raised grass bund around Zone A further restricts views into the site.
63. Given its extremely limited visibility from nearby settlements and restricted visual impact on the surrounding landscape, the proposals accord with saved Waste Local Plan Policy W3.29 (Cumulative Impact). As the development is grouped with other similar uses and its prominence is minimised it complies with saved Policy W3.3 (Visual Impact). The applicant does not state the colour of the APP plant (Planning Statement 3.3.1), due to its position being shielded in its operational areas (Zones A & B). Given that the visual impact of the APP plant is shielded there is no need to reduce its visual impact as stated in saved Policy W3.3.

Ecological Impact

64. Though the proposed development is within the SSSI impact risk zone (IRZ) of Lea Marsh SSSI, the development proposed does not include proposals that would meet development types specified under the IRZ criteria. The waste categorisation for the IRZ specifies types of landfill and though air pollution is noted, the overall impact of the operation of one APP plant (along with delivery of material to and from the proposal site) is unlikely to have a significant impact over a distance of 1360m.
65. In their consultation response NCC Nature Conservation stated that the use of temporary lighting should be set to between 07:00 – 18:00 in the event that the proposed development is granted permission. It should also be noted that lighting should be designed in such a way as to minimise light spill. NCC Nature Conservation also state that the site is of operational use (subject to noise and disturbance) and of limited value to flora and fauna.

Archaeology/Heritage

66. A Scheduled Ancient Monument (SAM) lies to the south (Medieval Settlement and open field system) of the CCGT station. The proposed development is at a distance from the SAM, with significant development of the intermediate space, so as to not have an impact on the asset.
67. No ground excavation is proposed as part of the development, with work being conducted on a pre-existing platform of ash. In these circumstances NCC (Archaeology) have stated that there would be no anticipated issues.
68. The power station itself has been referred to as being of local historical interest, but does not have any designations and in consultation NCC (Built Heritage) have stated the proposed APP development would cause it no harm.
69. Given the above, the proposed development does not contravene saved Policy W3.28 (Listed Buildings and Conservation Areas), as the development is of a

scale and distance from the heritage assets to not cause significant adverse impacts.

Traffic, Access and Parking

70. This application seeks to produce material to be exported off site by HGV movements to take place potentially over a 24 hour period (though the applicant states that this is unlikely to occur), with a maximum of 540 two way journeys per week (Monday to Saturday) associated with the development. A daily figure, based on a six day week, would be an average of 90 two way movements per day (45 into the site and 45 out of the site). The applicant states that this would fall within the agreed daily average for the whole West Burton Power Station site of 420 two way movements.
71. This is stated as falling within a 1999 Agreement between Nottinghamshire County Council and the operators of the West Burton site (a copy of which can be found in Appendix 2). NCC (Highways) have sought clarification of intended routing for HGV movements, with the applicant providing information regarding their existing routing arrangements, which they state they will abide by.
72. This would be (as is at present) travel north on exiting the power station site entry, along Sturton Road to the roundabout west of Bole and then west on to the A620 or north to the A631. These routes have been stated by NCC (Highways) as acceptable. In previous communication NCC (Highways) have stated that signage should be provided by the applicant to indicate that HGVs should not turn into North Wheatley from the A620 and should not turn into Bole Village. In addition, that HGV routing be restricted to access to the Power Station site by Sturton Road from the north and not along Wheatley Road from the A620 (through North Wheatley, South Wheatley and Sturton le Steeple).
73. With signage already in place at the power station site exit and Environmental Weight Limits (EWLs) in place for entry into North Wheatley from Gainsborough Road (A620), Bole Village and south of the power station to Sturton le Steeple, signage and controls are already in place to prevent HGV traffic leaving the routes previously agreed. Therefore, as controls already exists to prevent HGVs from entering these areas, additional measures would duplicate those already in existence. Therefore seeking additional signage through legal agreement or planning condition would not be appropriate for this development. A potential planning condition would not meet the six tests for planning conditions as stated in paragraph 206 of the National Planning Policy Framework (that they be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects). The applicant has agreed that driver notification would be clearly provided to ensure that HGVs adhere to the EWLs currently in place. This could be controlled by a condition, in the instance permission is granted.
74. Though the applicant states that it is not necessarily the case that HGV movements would be conducted over a 24 hour period, an exemption in the 1999 Agreement specifies that ash movements can occur outside the hours of 0700-2000 on weekdays and 0800-1400 on Saturdays :

'As has been the case for many years, the lorries associated with the movement of ash will operate outside the hours indicated above, whilst staying within the daily totals'.

75. Irrespective of the statement that it is not the intention to carry out deliveries over a 24 hour period, NCC (Noise Engineer) has been consulted to review any impact produced by vehicle movements outside these hours, without concern being raised.
76. In consultation responses NCC (Highways) have stated concern about the cumulative impact of this application, current power station operations and future developments at the West Burton site. It is noteworthy that future developments should be considered at the time of their application and at this time this application and its associated vehicle movements have not given rise to objection from NCC (Highways). Referring to the number of vehicles involved in the process subject to this application and knowledge of the local road network, NCC (Highways) have stated that there is not cause for particular concern. The number of vehicles involved with the APP process could be controlled by condition, in addition to still falling within the limits established in the 1999 Agreement.
77. Therefore the development would adhere to Nottinghamshire and Nottingham Waste Local Plan Saved Policy W3.14 (Road Transport), that the development could satisfactorily be accommodated by the highway network and would not cause unacceptable disturbance to local communities, by falling within the existing maximum vehicle movements specified for the West Burton site and being limited to certain routes by EWLs in place in areas around the power station site.
78. In addition, the applicant has stated that there is an opportunity to use the rail line to export PFA from the site after being processed by the proposed APP. Using rail as a method of PFA export would fulfil Nottingham and Nottinghamshire Waste Core Strategy Policy WCS11 as an alternative to road transport.
79. Access to the application site is via a well-managed entry road to the wider West Burton Power Station site.

Noise

80. Should permission be given for the facility, conditions will be imposed to reduce potential noise impact, in accordance with Nottinghamshire and Nottingham Waste Local Plan Saved Policy W3.9. Following consultation with NCC (Noise Engineer) (informed by the West Burton A Power Station Annual Noise Monitoring 2015 Report), noise impacts are not anticipated when operated within the specified times. Therefore a condition restricting operation of the APP within these times is an appropriate measure in accordance with saved Policy W3.9 (a) (Noise).
81. NCC (Noise Engineer) has been consulted regarding noise produced by vehicle movements, including 24 hour access, with no adverse impact anticipated

above levels which have already been present through the power station's operational life.

Air Quality/Dust

82. The applicant currently carries out dust abatement measures on the proposal site and the wider West Burton site, which they state are a 'matter of operational routine' in handling PFA/FBA. These measures include:
- Conditioning ash with approximately 15% moisture,
 - Regular visual inspections, especially in hot and/or dry conditions,
 - Dampening stockpiles,
 - Dampening haul roads,
 - Vehicle speed restrictions on haul roads
 - Existing operational arrangements have the potential to temporarily suspend operations in dry and very windy instances.
83. These measures are seen to be in accordance with saved Policy W3.10 (Dust), which states that measures such as those stated above are imposed by condition. This is also the view taken by Via EM Landscape and Reclamation in their consultation response.

Ground and Surface Water / Flood Risk

84. Ash processing is a consented activity under Environmental Permit SP3935LW. PFA and FBA are relatively inert and of a non-leachable nature. This along with there being no chemicals in use as part of the process indicate the risk of groundwater pollution is minimal, according with saved Policy W3.5 (Water Pollution).
85. The site is at present carpeted by a foundation of ash providing a stable base for the APP to operate on and a non-leachable, impermeable base. Therefore any potential to impact nearby water bodies is limited, in accordance with saved policy W3.6 (Water Resources).
86. As part of the site (areas of Zone B) reside in Flood Zone 2, the development type has been viewed against Flood Risk Vulnerability Classification. As 'less vulnerable' development the proposal is acceptable in Flood Zone 2.
87. In the submitted planning statement the applicant states that there are no realistically available alternative locations for the proposed development in Flood Zone 1 within the wider West Burton site and that the requirements of the sequential test are met (Planning Statement 5.7.7).
88. They also state that the location has been chosen due to its suitability as an existing operational area, well within the footprint of the power station and

overall has a low environmental sensitivity. In viewing the application and the wider power station site, the sequential test summary and land use type in Flood Zone 2 leads to the conclusion that the proposed location is an acceptable one.

89. A flood risk assessment has been included with the application that has been reviewed by the Environment Agency. The flood risk assessment dealt with stockpiling of ash in the application site, which has been an established lawful practice in the application site for many years. As this application seeks to add mobile plant to areas used for stockpiled ash, the Environment Agency has not raised an objection to the application and have confirmed that the site is regulated by an Environmental Permit authorising treatment of ash in this area.

Contamination

90. PFA is a relatively inert waste, with NCC (Reclamation) stating that the mobility of any potential contaminant within the PFA being low. Therefore, should moisture conditioning and dust suppression measures to stockpiles be applied there is no anticipated impact. Adherence to dust suppression measures can be controlled by planning condition.

Operating Hours

91. The operating hours of the ash processing plant have been stated as being between 0700-1800 Monday to Saturday, with no noise impact anticipated due to sensitive receptors being at a distance from the application site and it being situated within the power station site. As stated in paragraphs 71-72, deliveries may occur outside these hours, but there is no anticipated impact of these movements and they are in line with an Agreement established for the site over the past 18 years.

Other Options Considered

92. The report relates to the determination of a planning application. The County Council is under a duty to consider the planning application as submitted. Accordingly no other options have been considered.

Statutory and Policy Implications

93. 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.

Human Rights Implications

94. 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), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

Sustainability and the Environment

95. The proposed development is sustainable in that it seeks to re-use waste material (both new and historic) produced by the West Burton coal-fired power station. It would support the aims of the Waste Hierarchy by reducing (through recovery) material that would otherwise result in waste going to landfill (at the existing Bole Ings site). It also provides a recycled product available to the construction industry.

Crime and Disorder Implications

96. Though the site is open, it lies within the secure West Burton site, which is regularly monitored by security measures across the site. Site entry is restricted to those with permission to access the West Burton site, with CCTV and security teams working to ensure the site is secure.
97. There are no Human Resources Implications, Safeguarding of Children Implications, Financial Implications, Equalities Implications, Implications for Service Users.

Conclusion

98. The proposed development seeks to use mobile mechanical ash processing plant to enable the applicant to process Pulverised Fuel Ash (PFA) that may have been compacted, enabling it to have the same properties as fresh PFA, making it a more attractive product to potential customers.
99. The proposed development is supported by Policy WCS6 of the Nottingham and Nottinghamshire Waste Core Strategy stating 'Proposals to temporarily stockpile ash within or on land adjacent to coal fired power stations will be supported where this will help maximise recycling or re-use over a foreseeable period.'
100. Given that there are no anticipated significant impacts on the environment or sensitive receptors, the proposed development adheres to Policy WCS13 of the Nottingham and Nottinghamshire Waste Core Strategy, which states that:

New or extended waste treatment facilities or disposal facilities will be supported only where it can be demonstrated that there would be no unacceptable impact on any element of environmental quality or the quality of life of those living or working nearby and where this would not result in an unacceptable cumulative impact.

101. Measures such as the 1999 Agreement (between West Burton Power Station and Nottinghamshire County Council) and Environmental Weight Limits restrict potential impacts on the local highways network. Conditions could be applied in addition to these measures to ensure control over the number of HGV movements potentially associated with the development and to reinforce knowledge of Environmental Weight Limits in the area to HGV drivers.

Statement of Positive and Proactive Engagement

102. In determining this application the Waste Planning Authority has worked positively and proactively with the applicant by assessing the proposals against relevant Development Plan policies, all material considerations, consultation responses and any valid representations that may have been received. This approach has been in accordance with the requirement set out in the National Planning Policy Framework.

RECOMMENDATIONS

103. It is RECOMMENDED that planning permission be granted subject to the conditions set out in Appendix 1. Members need to consider the issues set out in the report and resolve accordingly.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments

Planning & Licensing Committee is the appropriate body to consider the contents of this report.

[RHC 8/6/2017]

Comments of the Service Director - Finance

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

[RWK 08/06/2017]

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(s) and Member(s) Affected

Tuxford

Councillor John Ogle

Report Author/Case Officer

Robert Portman

0115 9774291

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

F/3581

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RECOMMENDED PLANNING CONDITIONS

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 of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development.

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

3. Except 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:

- (i) Planning application forms received by the WPA on 21 September 2016;
- (ii) Supporting Statement (including Design & Access Statement and Environmental Report) received by the WPA on 21 September 2016;
- (iii) Drawing No. 08-13-01-0007 – Figure 1. Site Plan received by the WPA on 21 September 2016;
- (iv) Drawing No. 08-13-01-0007 – Figure 2. Development Site Plan received by the WPA on 21 September 2016;
- (v) West Burton A Power Station, Annual Noise Monitoring 2015 received by the WPA on 21 September 2016;
- (vi) Flood Risk Assessment received by the WPA on 21 September 2016.

Reason: For the avoidance of doubt as to the development that is permitted.

4. Except where otherwise agreed in writing by the WPA there shall be a maximum of 540 two way HGV movements (270 HGVs into the site and 270 HGVs out of the site) in any one week (Monday to Saturday, 24 hours per day) associated with the development hereby permitted. Written records shall be maintained of all HGV movements including the time of day such movements take place. Copies of the HGV vehicle movement records (weighbridge receipts) shall be made available to the WPA within 7 days of a written request being made by the WPA.

Reason: To limit vehicle movements to a level that is deemed appropriate to the surrounding highway infrastructure in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

5. HGV drivers shall be regularly notified of Environmental Weight Limits on surrounding roads and to only approach West Burton Power Station from the A620 via Bole roundabout, avoiding the villages of North Wheatley, South Wheatley, Bole and Sturton le Steeple. Existing signage at the site exit confirming the required HGV route shall be maintained for the life of the development.

Reason: In the interest of general highway safety and the amenity of nearby residents.

6. No vehicles transporting PFA from the power station site shall leave the site in a condition whereby mud, clay or other deleterious materials are carried onto the highway.

Reason: In the interests of highway safety and to accord with Policy W3.11 of the Nottinghamshire and Nottingham Waste Local Plan.

7. All HGVs transporting Pulverised Fuel Ash from the site shall be sheeted prior to leaving site.

Reason: In the interests of general highways safety.

8. Only pulverised fuel ash (PFA) and furnace bottom ash (FBA) derived from West Burton Power Station shall be blended under the development hereby permitted. No PFA or FBA shall be imported into the power station site for blending.

Reason: To minimise the impact of the development on the local highway network in accordance with Policy W3.14 of the Nottinghamshire and Nottingham Waste Local Plan.

9. The use of the site for ash processing operations (apart from deliveries of feedstock from within the power station site) shall only take place between 07.00 hours to 18.00 hours Mondays to Saturdays.

There shall be no working on Sundays, Public and Bank Holidays.

Reason: In the interests of the amenity of nearby occupiers.

10. Appropriate measures shall be employed throughout the development hereby permitted to ensure that dust emissions from the site are controlled and that no dust is allowed to escape from the working areas. Such measures shall include all or any of the following measures, as appropriate:

- (a) A daily assessment of weather conditions to ascertain the need for dust prevention measures and the recording of the prevailing weather conditions and the actions taken to prevent dust blow on a daily log sheet;
- (b) The use of water bowzers and/or automatic water spray equipment to dampen working areas and haul roads as weather conditions dictate;
- (c) The provision of a piped water supply to the site to ensure water can be supplied to bowzers, pumping or automatic water sprays;
- (d) The maintenance of all internal haul roads to a satisfactory condition;
- (e) The temporary cessation of PFA deposition during periods of excessively dry and windy weather if requested to do so by the WPA; and
- (f) The immediate investigation of any complaints received regarding dust and the implementation of corrective measures without delay.

In the event that dust management measures fail to prevent dust from causing undue disturbance to neighbouring properties and other dust sensitive receptors, then screening operations and the loading of materials for export during periods of dry and windy weather shall temporarily cease.

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

11. Floodlighting associated with the development hereby permitted shall only be used on the temporary PFA stockpiles in the areas indicated as Zones A and B as detailed on Drawing Number 08-13-01-0007 (Figure 2. Development Site Plan). Any floodlighting erected in these areas shall be designed so as to be orientated and shielded to minimise light spillage or the likelihood of glare onto areas outside the temporary PFA stockpile area. The floodlighting shall only be used between the hours of 7am and 6pm.

Reason: To enable the WPA to control the development and to minimise the impact on the amenity of nearby residents and protected species in accordance with Policy W3.3 of the Nottinghamshire and Nottingham Waste Local Plan.

12. If operations approved under this permission temporarily cease for a period in excess of 6 months, then, within three months of the receipt of a written request from the WPA, details of a scheme for the removal of any mobile plant shall be submitted to the WPA for its approval in writing.

Reason: To ensure that the site is maintained in a satisfactory condition whilst not in use.

1999 HGV MOVEMENT AGREEMENT

S 36 - S



Mr Andrew Hood
Nottinghamshire County Council,
Environment Dept,
Bolham Lane,
Retford,
Nottinghamshire
DN22 6SU

Wherstead Park
PO Box 40
Wherstead
Ipswich
Suffolk IP9 2AQ
Direct tel: (01473) 01473 552968
Direct fax: (01473) 01473 555505
E Mail: PJSimmons@compuserve.com
Mobile: 07771 844555

12th July 1999

Dear Andrew,

**WEST BURTON FGD PROJECT
HEAVY GOODS VEHICLE TRAFFIC**

At our meeting of 7th June I undertook to investigate and make a proposal for a number of heavy goods vehicles visiting the site in a day. It is intended that this will form a key part of the traffic management plan for the project.

The principal concern of Notts County Council is to be assured that new categories of road transport are not created to handle the Limestone and Gypsum required for the FGD plant. We have given these assurances throughout the development of the project and have now agreed to show NCC copies of the relevant sections of the bulk limestone and gypsum contracts which will specify the use of non-road transport (i.e. rail or water). The only circumstances when road transport of bulk limestone or gypsum would be required would be in the event of a breakdown of the rail /water option for a reason which is beyond the control of Eastern Generation, i.e. a Force Majeure situation. If such a situation arises we are prepared to undertake to inform NCC and agree a plan to meet the needs of the circumstances as they appear at the time.

The only known situation in which gypsum will be transported by road is if it fails to meet the specification for the main contract. We have indicated in submissions to NCC that this should be less than 5% of gypsum production, which amounts to around 4 lorries per day. These lorries would be subject to the restrictions outlined below.

The number of lorries we propose are as follows.

85th Percentile of HGV's per day = 260
Average number of HGV's per day = 210

Both should be measured on an annual basis.

This estimate is based on the average number of coal and ash lorries required to meet the maximum monthly average movements of ash and coal in the last few years, notably 1995. The average number did not include the routine deliveries of oil and chemicals etc. and so the average is a slight under estimate of past traffic. If the average has been 210 the 85th percentile must have been substantially higher and 260 lorries per day is a reasonable estimate.

We have tried to project future requirements which is difficult since we are not sure of the station load factor or, most importantly how much ash it will be possible to sell and the rate at which it will be delivered. The ash business responds to customer demand and when large orders can be obtained stored ash can be used to meet them. Leading to peaks in the use of transport which will exceed the rate at which ash is produced.

Ash is used in the construction industry which has a substantial peak in activity in the summer months. The FGD construction project will also have a peak of activity in the summer months. Thus the greatest traffic flows will occur in the summer whilst the FGD project is in progress.

Although managing within these limits will be challenging during FGD construction it should be possible and therefore we have proposed the above framework. We will develop arrangements to minimise coincidence of construction and ash traffic peaks, but it will be impossible to eliminate such occurrences totally. If the need arises for these relatively short peak periods we may need to negotiate a relaxation of the above limits for a defined period. We undertake to agree any departure from the above numbers with NCC in writing prior to permitting the situation to arise.

Deliveries to and from the FGD site and for power station fuel or chemicals etc will be restricted to the following hours

Weekdays 0700 - 2000

Saturdays 0800 - 1400

Sundays No FGD/ Power Station Fuel Deliveries

As has been the case for many years, the lorries associated with the movement of ash will operate outside the hours indicated above, whilst staying within the daily totals. This practice allows ash to be delivered to construction projects when it is required by the customer. Failure to be able to achieve this would mean that other sources of ash or other aggregates would be used.

As you are aware Eastern Generation have agreed to develop a roundabout at Bole Comer on the A620, provided that the land can be purchased and the necessary consent obtained. The roundabout will ease the flows of traffic close to the station and improve road safety. Eastern Generation will also incorporate an agreed routing plan for use by HGV's into a formal Traffic Management Plan for the FGD contract. A routing plan will require lorries to use the A620 and to approach the station via the proposed roundabout at Bole corner. The route will prevent the HGV traffic passing through any villages until it is on the main A road network.

As a further control contractors will be required to agree to the routing plan

as a condition of contract. To police this we propose to establish a video camera at the junction of the station approach road with Sturton Road. This will allow a record to be made of lorries which turn in the wrong direction. The near certainty of being caught should guarantee compliance with the routing requirements. A system of recording of daily lorry numbers will be established as part of a traffic management plan.

In addition Eastern Generation accept the need to provide signs to warn drivers that FGD construction traffic should not turn into North Wheatley from the A 620 and should not turn into Bole Village from Sturton Road.

We are not able to finalise the traffic management plan until the plant supply contractor is appointed. We anticipate being able to give you a draft of the traffic management plan for your comment by early October.

The sources of the traffic all relate to projects which seek to benefit the environment and the locality in one way or another.

1. The largest proportion are ash for ash transport which utilises material which would otherwise be sent to landfill at Bole lngs. Ash sales prolong the life of the on-site disposal facility and reduce the potential need for a further landfill site.
2. The relatively small amount of coal delivered comes from local sources where the operation is creating or preserving employment. The fuel is frequently recovered from colliery sites and would be landfilled as waste if it could not be burned to produce power. The fuel is often of poor quality and would be unlikely to be useable for any other purpose.
3. The FGD project is designed to abate pollution in the area and will create local employment in its construction and preserve the input of the station to the local economy

I trust that the above arrangements will prove satisfactory to you and look forward to your continued assistance in the development of the traffic management plan. If you have any queries or comments please contact me.

Yours sincerely,

Phil Simmons
Environmental Projects Manager

Your Ref
Our Ref T.BIBIAH/213/6/03977
Please ask for Mr A Hood
Tel (01777) 704851 Ext 139
Fax (01777) 709663
Date 20 July 1999

Nottinghamshire  County Council
Environment
Director Louis Victory
Bolham Lane, Retford
Nottinghamshire DN22 6SU
Website www.nottscc.gov.uk/environment

Eastern Power Generation Ltd
Wherstead Park
PO Box 40
Wherstead
Ipswich
Suffolk
IP9 2AQ



Proposed FGD Project – West Burton Power Station

Thank you for your letter of 12 July 1999 concerning the traffic associated with the construction and operation of the above plant.

I would confirm that your calculations and proposals are in principal acceptable to the Highway Authority and will form the basis of the relevant legal agreements. All the discussions and considerations have been on the basis that the roundabout at Bole Comer is provided prior to the commencement of the main construction works on the plant. The penultimate paragraph on page 2 of your letter has the caveat "provide that the land can be purchased and the necessary consent obtained" the roundabout is an integral part of the development consequently if it is not provided this Authority will object to the FGD plant. I should be grateful if you would confirm that you appreciate the situation.

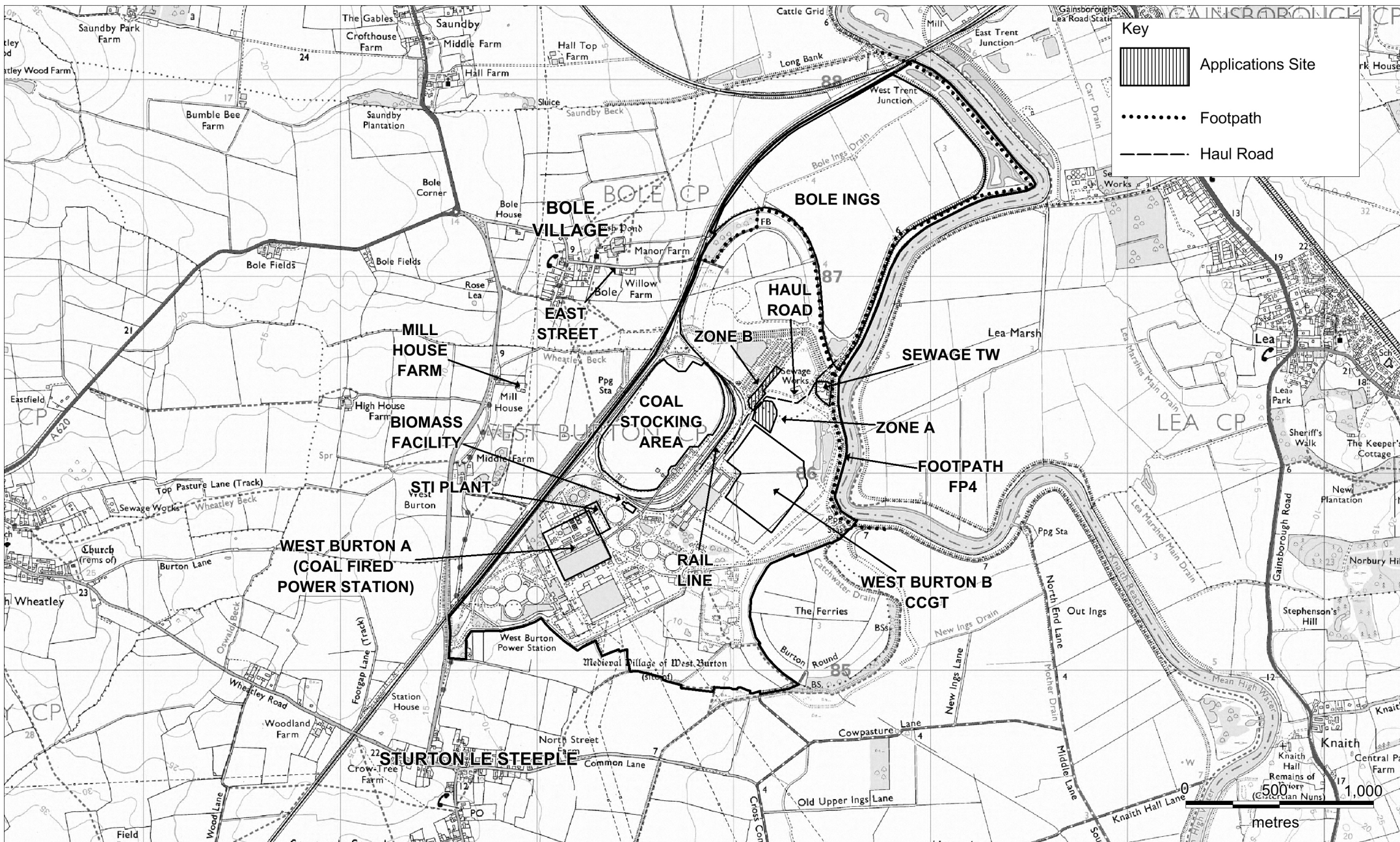
I await the traffic management plan to be supplied by your contractor (once one has been appointed).

I have forwarded a copy of your letter to the County Council and District Planning Authorities.

Yours Sincerely

A Hood
Principal Officer (Development Control)

cc Head of Planning Services, Bassetlaw
District Council Amanda Hack,
Environment Department, Trent Bridge
House
03977.20



**Nottinghamshire
County Council**

Use of ash processing plant equipment.
West Burton Power Station, North Road, West Burton
Planning Application No. 1/16/01441/CDM

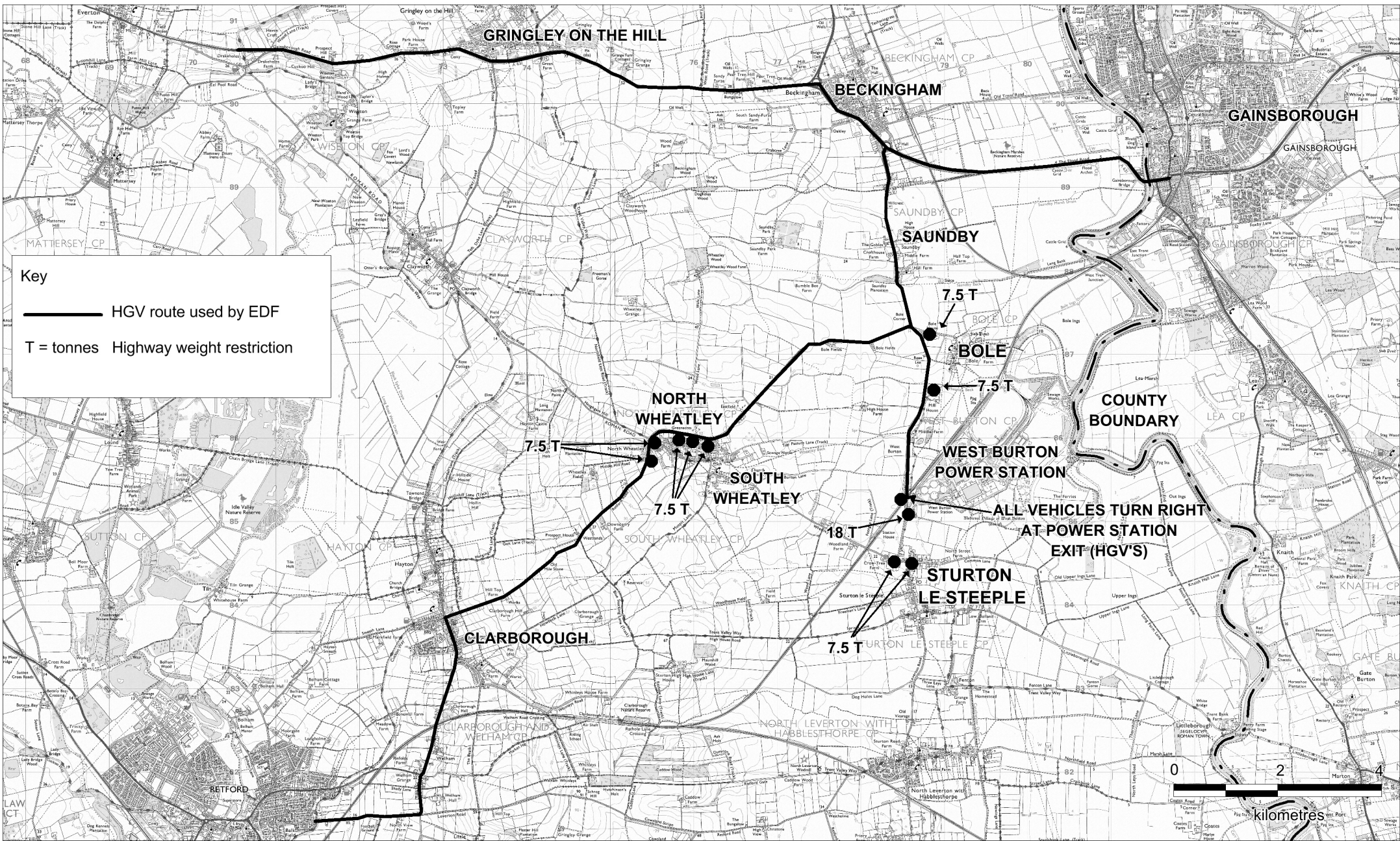
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PLAN 1



**Nottinghamshire
County Council**

Use of ash processing plant equipment
West Burton Power Station Road, West Burton
Planning Application No. 1/16/01441/CDM

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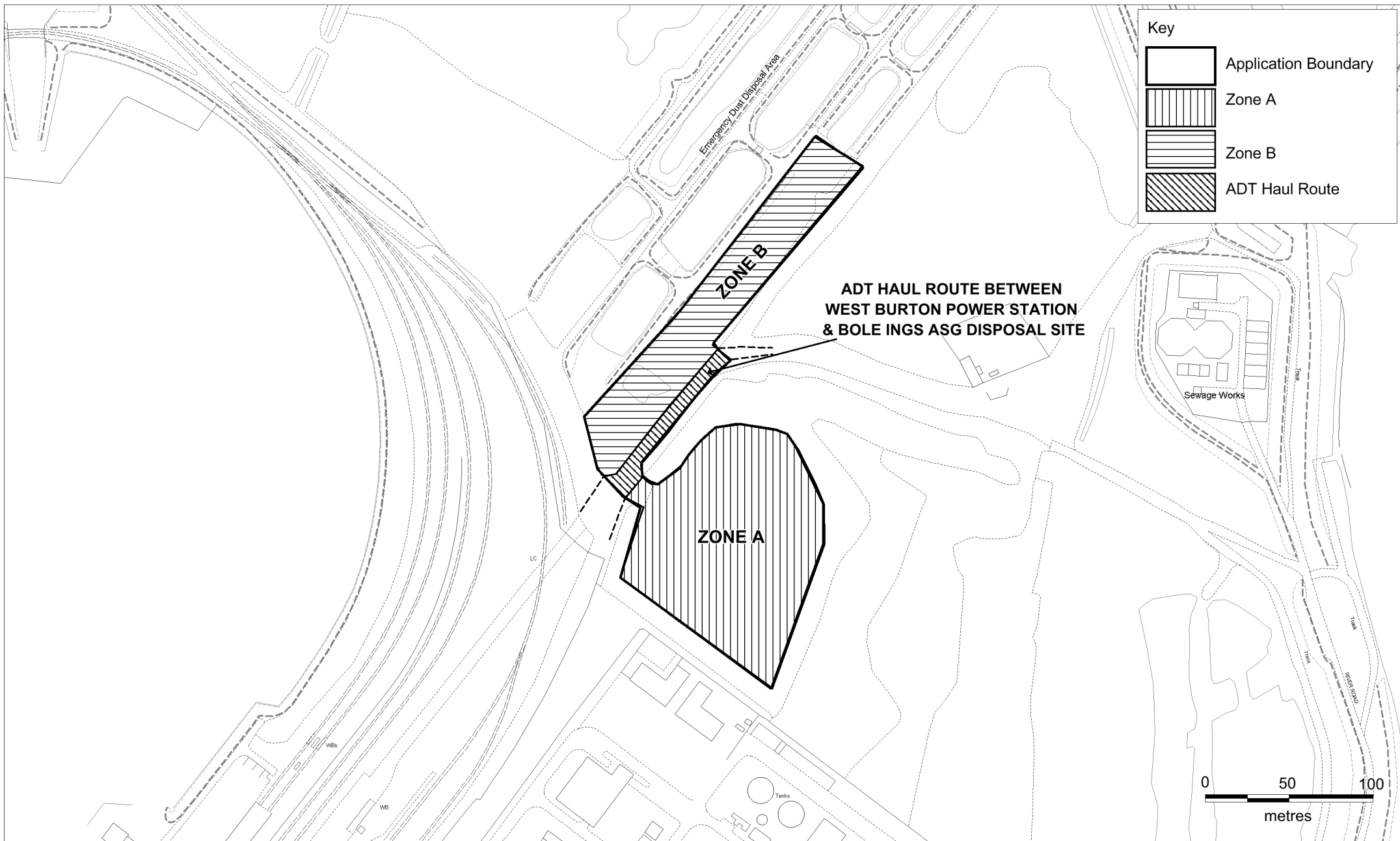
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Nottinghamshire County Council, 100019713, 2017.

PLAN 2



**Nottinghamshire
County Council**

Use of ash processing plant equipment.
West Burton Power Station, North Road, West Burton
Planning Application No. 1/16/01441/CDM

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PLAN 3

11th July 2017**Agenda Item:****REPORT OF CORPORATE DIRECTOR – PLACE****UPDATE ON THE COUNCIL'S SCHEME OF DELEGATION FOR MAKING DECISIONS ON
PLANNING APPLICATIONS****Purpose of Report**

1. To inform Members about the Council's scheme of delegation which is used for the determination of planning applications and in particular the method by which decisions are made and to approve some minor changes to the existing scheme.

Background information

2. The terms of reference of the Council's Planning and Licensing Committee are set out in the Council's constitution, and includes the delegation to officers of powers for which committee is responsible. The scheme of delegation sets out details of the types of planning applications that must be referred to Committee for a decision. All other applications can be determined by officers using powers delegated to them. The current scheme of delegation was last reviewed in October 2015. At that time Members asked that the scheme be monitored and that, following this, they be updated on the need for any changes. This report covers which applications have come before Members for a decision since the review and any action necessary.
3. The existing scheme setting out which applications must be reported to Planning and Licensing Committee for a decision is as follows:
 - (a) Applications involving a site area greater than 25 hectares or extraction/input in excess of 30,000 tonnes per annum or new development with a floor space in excess of 10,000 square metres;
 - (b) Applications involving a departure from the Development Plan and which meet the criteria for applications being referred to the Secretary of State before granting planning permission, plus development in a Flood Risk Area to which the County Council, as Lead Local Flood Authority, has made an objection. Departure applications which do not meet the criteria for referral to the Secretary of State will only be determined under delegated powers with the prior agreement of the Local Member;
 - (c) Applications accompanied by an Environmental Impact Assessment;

- (d) Applications which have Section 106 agreements/Planning obligations and those which have other financial implications for the County Council;
 - (e) Applications which have received valid planning objections, in writing, from the District/Borough or Parish Council or local Member within the statutory consultation period or within an extended period as agreed by the County Council, or where the local Member has requested that the application be referred to Planning and Licensing Committee for determination;
 - (f) Applications which have been referred to Committee by a local Member;
 - (g) Applications which are recommended for refusal unless the refusal is on the grounds of insufficient information;
 - (h) Applications which have received significant* objections, within the statutory consultation period or other such period as agreed with the County Council, from consultees or neighbouring occupiers (* for clarification, 'significant' objections requiring referral must i) raise material planning considerations, ii) be unresolvable by amendment to the scheme or imposition of planning conditions, iii) involve more than three objections from separate properties);
 - (i) Applications which are submitted by Place Department (or any subsequent Department following any future restructuring where the applicant is in the same Department as the Development Management Team) where these are the subject of any objections;
 - (j) Applications which raise issues of regional or national importance or relate to proposals involving emerging technologies;
 - (k) Applications involving the determination of new conditions for mineral sites and those involving the making and serving of orders for revocation, etc where compensation is likely to become payable.
4. Between November 2015 and April 2017 inclusive there were **138** decisions made on planning applications by the County Council. Of these, **90 (65%)** were delegated decisions and **48 (35%)** were decisions made by Planning and Licensing Committee. Details of the applications which were reported to Committee, together with the reasons for referral to committee and the decisions made are set out in **Appendix A** to this report. Of the **48** Committee decisions, **33** related to county matter applications and **15** were County Council developments. Two applications were reported to Committee twice having been deferred at the first meeting and taken back for a second time for a decision. Three further reports were taken to Committee for Members' information.

Issues

5. As set out above, between November 2015 and April 2017 the majority of decisions on planning applications were delegated to officers. During this time **49%** (33 out of 67) of County matter applications and **21%** (15 out of 71) County

Council applications were referred to Committee for a decision. The current scheme appears to be working well and sets the right balance of continuing to involve Members in the most significant and controversial applications whilst allowing a degree of delegation to help the Council in meeting statutory determination times set by central government. The most recently issued statistics, covering the annual period up to the year ending March 2017, show that the County Council determined 86% of County Matter applications within the statutory 13 week target, or within an extended period of time agreed with the applicant. The Government regularly reviews and increases the percentage of applications that need to be determined within 13 weeks. For applications currently being determined the figure stands at 60%. Failure to meet this target could result in the Council becoming “designated” and losing some of its planning functions.

6. Planning and Licensing Committee is the democratic element of the planning process. Reporting the most contentious planning applications to Committee gives objectors and applicants the opportunity to make their representations directly to Members, as well as enabling Members to debate proposals before decisions are reached. Notwithstanding this, bringing applications to Committee does inevitably lengthen the time taken to determine them. It is therefore appropriate that officers continue to determine under delegated powers those planning applications which raise little or no concerns to enable the County Council to meet its performance targets set by the Government.
7. **Appendix B** to this report sets out how often each of the criteria in the scheme of delegation was the reason that applications were referred to Committee. As expected, the most common criteria were the scale of the proposal, those which were the subject of objections and those accompanied by a legal agreement. In most instances applications fell into more than one category of the scheme of delegation, such as relating to a large scale development and being the subject of significant objections.
8. From examining the details of the planning applications submitted by Place Department it seems that some applications were inadvertently reported to Committee for a decision even though they were not subject to any objections (as per criterion (i) in the scheme of delegation). In future it is suggested that all Place Department applications be determined by officers unless they are the subject to any objections or meet one of the other scheme of delegation criteria. In the spirit of transparency this will allow Members to make decisions on any large scale or controversial Place Department applications.
9. Between November 2015 and April 2017 the County Council determined 39 applications to vary conditions attached to planning permissions (‘Section 73 applications’). Of these, 18 were delegated decisions and 21 were reported to Planning and Licensing Committee for a decision. Officers consider it beneficial to continue to report any variation applications which meet any of the criteria in the scheme of delegation as they can relate to potentially controversial issues, such as extending the life span of a quarry or changes to the hours of operation.
10. However, a further criterion is recommended relating to Section 73 applications involving the variation or removal of a condition which Members of Planning and

Licensing Committee have requested be brought back to Committee for determination (see criterion I below). This could for instance relate to matters, such as increasing the number of HGV movements etc, which Members attached particular importance to when the application was first determined. Any such condition would be highlighted as an informative attached to the original planning permission which officers would refer to should any variation application be subsequently submitted.

11. One further minor change involves amending criteria (h) which relates to objections to read “four or more”, in place of “more than three”. This does not alter the number of objections needed to trigger a committee decision but it is felt that it is less ambiguous. In the event that fewer than four objections are received from separate properties, any of the individual objectors can request their local member refers the application to committee for determination, see criterion (f) below.
12. The revised Scheme of Delegation proposed is as follows (changes shown in bold):
 - (a) Applications involving a site area greater than 25 hectares or extraction/input in excess of 30,000 tonnes per annum or new development with a floor space in excess of 10,000 square metres;
 - (b) Applications involving a departure from the Development Plan and which meet the criteria for applications being referred to the Secretary of State before granting planning permission, plus development in a Flood Risk Area to which the County Council, as Lead Local Flood Authority, has made an objection. Departure applications which do not meet the criteria for referral to the Secretary of State will only be determined under delegated powers with the prior agreement of the Local Member;
 - (c) Applications accompanied by an Environmental Impact Assessment;
 - (d) Applications which have S106 agreements/Planning obligations and those which have other financial implications for the County Council;
 - (e) Applications which have received valid planning objections, in writing, from the District/Borough or Parish Council or local Member within the statutory consultation period or within an extended period as agreed by the County Council;
 - (f) Applications which have been referred to Committee by a local Member;
 - (g) Applications which are recommended for refusal unless the refusal is on the grounds of insufficient information;
 - (h) Applications which have received significant* objections, within the statutory consultation period or other such period as agreed with the County Council, from consultees or neighbouring occupiers (* for clarification, ‘significant’ objections requiring referral must i) raise material planning considerations, ii) be irresolvable by amendment to the scheme or

imposition of planning conditions, iii) involve **four or more** objections from separate properties);

- (i) Applications which are submitted by Place Department (or any subsequent Department following any future restructuring where the applicant is in the same Department as the Development Management Team) where these are the subject of any objections;
 - (j) Applications which raise issues of regional or national importance or relate to proposals involving emerging technologies;
 - (k) Applications involving the determination of new conditions for mineral sites and those involving the making and serving of orders for revocation, etc where compensation is likely to become payable;
 - (l) Applications for variations (Section 73 applications) to planning permissions which involve the variation or removal of a condition which Members of Planning and Licensing Committee requested be brought back to committee for determination.**
13. It is not anticipated that the changes will result in a significant change to the number of applications being reported to committee. However, in line with the previous review of the scheme of delegation, officers will continue to monitor the scheme and report back to Members should any further amendments be considered after further review.

Other Options Considered

14. As members requested a period of monitoring and review, if necessary, of the scheme of delegation no alternative options have been considered.

Statutory and Policy Implications

15. 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.

Implications for Service Users

16. The proposed minor amendments to the scheme of delegation are considered to add clarity and reduce ambiguity for service users, including applicants, agents and consultees, as well as planning officers and Members alike. It is not anticipated that the changes will result in a significant change to the number of applications being reported to committee.

Human Rights Implications

17. 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), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

RECOMMENDATIONS

It is RECOMMENDED that Members note the details of the planning applications reported to Planning and Licensing Committee during the period of monitoring of the scheme of delegation and approve the proposed minor changes to the Scheme of Delegation.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments [RHC 8/6/2017]

18. Planning & Licensing Committee is the appropriate body to consider the contents of this report.

Comments of the Service Director - Finance [RWK 07/06/2017]

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

Background Papers Available for Inspection

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

Electoral Divisions and Members Affected

All

Report Author
Jane Marsden-Dale
0115 9932576

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

Appendix A – Planning applications referred to Planning and Licensing Committee between November 2015 and April 2017

Date of Committee	Address	Summary of proposal	Reason for referral to Committee	Committee decision
17 th November 2015	Yellowstone Quarry, Linby	Extend life of quarry for additional 20 years and vary condition limiting HGVs from daily to weekly cap.	<ul style="list-style-type: none"> - Parish council objections - 4 objections - S106 	Approved as per recommendation.
	Sherwood Forest Country park and Visitor Centre	Demolition of visitor centre and associated works	<ul style="list-style-type: none"> - 35ha site area - EIA development 	Approved as per recommendation.
8 th December 2015	Besthorpe Quarry, Newark	Variation of conditions to allow an extension of time to extract remaining sand and gravel and to allow wharf facility, including conveyor.	<ul style="list-style-type: none"> - 105 hectares site area - EIA development - 250,000 tonnes per year (800,000 still to be extracted) - S106 agreement 	Approved as per recommendation
19 th January 2016	Land off Springs Road, Misson	Installation of ground water monitoring boreholes	<ul style="list-style-type: none"> - Significant number of local objections - Parish council objections 	Approved as per recommendation
	College House Junior School	Erection of single storey classroom	<ul style="list-style-type: none"> - 9 letters received (3 not raising objections) - Application by Place Department 	Approved as per recommendation

	Muskham Lakes, Great North Road, Newark	Excavation of two stock pond, construction of a central bank in Bridge Lake through importation of inert materials etc	- 39,000m3 of material (equates to 57,800 tonnes)	Approved as per recommendation
	Wigwam Lane, Hucknall	Construction of new Waste Transfer Building to reduce dust and noise, including overflow picking station	- 75,000 tonnes per annum - S106 agreement	Approved as per recommendation
	Springwater Golf Club, Calverton	Improvements to practice range and relocation and raising of the 10 th tee	- 170,000 tonnes of imported waste - S106 agreement	Approved as per recommendation
23 rd February 2016	Stud Farm, Rufford (application1)	Amendment to the design of the previously approved anaerobic digesters, increasing their height to 16.5m	- Rufford and Bilthorpe Parish Councils object to the application - 2 Members requested referral to P&L Committee - S106 agreement	Approved as per recommendation
	Stud Farm, Rufford (application2)	Installation of gas pipeline to supply biogas from anaerobic digester	- Rufford and Bilthorpe Parish Councils object to the application - 2 Members requested referral to P&L Committee	Approved as per recommendation

	Rufford Colliery, Rainworth	3 separate applications, two to vary planning conditions and one to increase the coal fines stocking and blending area	<ul style="list-style-type: none"> - Site area 22.3ha - Increase in coal deliveries from 6,000 to 10,000 tonnes per week 	Approved as per recommendation
	Misson Sand and gravel, Bawtry Road, Misson	Extension to existing Misson grey sand quarry	<ul style="list-style-type: none"> - output 33,000 per annum 	Approved as per recommendation
	Clayfields House, Stapleford	Demolish and replace existing residential block and construct a linked vocational block with associated external works	<ul style="list-style-type: none"> - 22 letters of objection 	Approved as per recommendation
	County Hall, West Bridgford	Demolition of clasp office accommodation, and associated works	<ul style="list-style-type: none"> - Place Department application 	Approved as per recommendation
	Manor Park Infants and Nursery School, Calverton	Single storey foundation classroom extension with canopy and landscaping	<ul style="list-style-type: none"> - Parish Council objection 	Approved as per recommendation
22 nd March 2016	Bilthorpe Highways Depot, Bilthorpe Business Park, Eakring Road	Erection of a modular building with link canopy	<ul style="list-style-type: none"> - Place Department application 	Approved as per recommendation
	Scrooby South Quarry, Great North Road,	Variation of Condition 1 to enable minerals	<ul style="list-style-type: none"> - Output 72,000tpa 	Approved as per recommendation

	Scrooby	development to be completed by 31/12/2023		
26 th April 2016	Coneygre Farm, Hoveringham	Variation of conditions to extend the life of the waste recycling facility for further 5 years and allow stockpiles to be increased to 8m	- Material imputed into the site 47,000 tonnes per annum	Approved as per recommendation
	Land off Welshcroft Close, Kirkby in Ashfield	New waste transfer station	- Throughput of 75,000 tonnes of waste per annum	Approved as per recommendation.
24 th May 2016	Horsendale Primary School	Erection of two, two-classroom freestanding buildings and use of maintenance gate as a pedestrian entrance.	- Ten letters received commenting /objecting to the application	Approved as per recommendation.
	Sherwood Forest Golf Club and former Mansfield Colliery Tip, Eakring Road, Mansfield	Remodelling of golf club using imported waste and construction waste	- Six letters of representation received	Approved as per recommendation.
	Land adjoining Stoke Bardolph Sewerage treatment works, Stoke Bardolph	Extension to existing anaerobic digestion facility utilising energy crops	- Processing of 35,000 tpa	Approved as per recommendation.
	Harworth Colliery spoil tip, Blyth	Vary condition 3 to extend the time for	- Parish council objection	Approved as per recommendation

	Road, Harworth	restoration for further 12 months		
	Stanhope Primary and Nursery School, Keyworth Road, Gedling	Erection of single storey classroom, enlargement of staff carpark and new play area	<ul style="list-style-type: none"> - 5 letters of objection/representation received - Place Department application 	Approved as per recommendation.
28 th June 2016	Summary of the Housing and Planning Act 2016 and its implications for the County Council's planning work	Report for Members' information only	<ul style="list-style-type: none"> - To inform Members of the likely impacts on planning work 	Comments noted.
	Grove Leisure Centre, Newark	Prior notification of proposed demolition of sports centre, leisure and community centre.	<ul style="list-style-type: none"> - Place Department application 	Approved as per recommendation.
	Worksop Bus Station	Installation of vertical bar railings at back of footway	<ul style="list-style-type: none"> - Place Department application 	Approved as per recommendation.
	John Brooke sawmills, Fosseway, Widmerpool	<p>2 applications-</p> <p>Placement of a biomass boiler, with flue, and construction of a new enclosure to cover 2 dryers and change of use of the existing building to a dry pellet</p>	<ul style="list-style-type: none"> - increase in throughput from 20,000 tonnes to 60,000 tonnes throughput of waste per annum - Objection from Parish Council to both applications 	Approved as per recommendation.

		store. And second application for, Additional hardstanding, construction of wall for noise attenuation and the re-orientation of the wood shredding building.		
	Bunny materials recycling facility, Bunny	Section 73 to vary conditions to extend operational hours to allow for 12 outbound pre-loaded HGV movements from the site	- Nine objections received	Item deferred
19 th July 2016	Newstead and Annesley Country Park, Newstead Village	Improvement works to the country park, involving infilling of lake and landscaping requiring the importation of 17,000 cubic metres of inert materials.	- Refusal due to unacceptable highway safety and amenity impacts (as a consequence of failure to complete a legal agreement)	Refused as per recommendation
	King Edward Primary School, St Andrew Street Mansfield	New 8 class building and ancillary works	- Six letters of objection received	Approved as per recommendation
20 th September 2016	Sherwood Forest Center Parcs	Installation of combined heat and power plant land at	- Parish Council objection	Approved as per recommendation.

		Sherwood Forest		
	Stud Farm, Rufford	Construction of a digestate storage lagoon for an anaerobic digestion plant	- Parish Council objection	Approved as per recommendation.
	Staple Landfill, Grange Lane Cotham	To vary Condition 46 of planning permission, revision to approved restoration scheme	- S106 agreement (deed of variation)	Approved as per recommendation
5 th October 2016	Land off Springs Road, Misson	To develop a hydrocarbon wellsite and drill up to two exploratory hydrocarbon wells by use of drilling rig and ancillary works.	- Significant objections - Parish Council - S106 - EIA - Emerging technology	Meeting adjourned to enable legal advice to be sought on matter relating to a legal covenant
18 th October 2016	Prospect Hill Infants and Nursery School, Worksop	Retrospective application to retain a pole mounted CCTV camera	- Referred to Committee by local Member	Approved as per recommendation
	All wards	Response to DCLG on the technical consultation on improving the use of planning conditions	- Members' approval needed to endorse comments to DCLG	Approved as per recommendation
	Bunny Materials recycling facility, Bunny	Section 73 application to vary conditions to extend permitted	- Objections from Bunny and Bradmore parish Councils	Withdrawn from agenda

		operational hours and allow 10 outbound pre-loaded HGV movements from the site	<ul style="list-style-type: none"> - Two objections and petition with 268 signatures - Legal agreement 	
15 th November 2016	Land off Springs Road, Misson	To develop a hydrocarbon wellsite and drill up to two exploratory hydrocarbon wells by use of drilling rig and ancillary works.	<ul style="list-style-type: none"> - Significant objections - Parish Council - S106 - EIA - Emerging technology 	<p>Meeting reconvened to discuss item adjointed at 5th October Committee</p> <p>Approved as per recommendation</p>
	Ashlea school, Cotgrave	Two storey extension replacing 2 mobile buildings, 3 car parking spaces etc	<ul style="list-style-type: none"> - Application reported to Committee because conditions recommended by Rushcliffe BC are not fully reflected in the recommendation 	Approved as per recommendation
	Beeston Library, Beeston	Relocation of entrance and refurbishment works	<ul style="list-style-type: none"> - Place Department application 	Approved as per recommendation
20 th December 2016	Bunny Materials recycling facility, Loughborough Road	<p>Section 73 application to vary conditions to extend permitted operational hours and allow 10 outbound pre-loaded HGV movements from the site</p> <p>(withdrawn from</p>	<ul style="list-style-type: none"> - Objection from Bunny Parish Council /comments from Bradmore PC - 11 letters of objection received - Departure application - S106 legal 	Approved as per the recommendation.

		October's meeting)	agreement	
	Walker Street, Eastwood	Erection of two storey primary school and nursery school and ancillary works.	<ul style="list-style-type: none"> - Departure application - Five letters of representation received 	Approved as per the recommendation
	East Leake Quarry, Rempstone Road, East Leake	Variation of conditions to extend duration of extraction and restoration	<ul style="list-style-type: none"> - Departure application - S106 agreement 	Approved as per the recommendation
	Canalside Industrial Park, Cropwell Bishop	Update Members on the outcome of the appeal decision which was to grant planning permission	<ul style="list-style-type: none"> - For Members' information 	Members noted the information
17 th January 2017	Oxton Composting facility, Oxton	New access road, vary 9 conditions and increase capacity to 75,000 tpa	<ul style="list-style-type: none"> - Increased capacity from 55,000 to 75,000 tpa - Parish Council concerns 	Approved as per recommendation with amendments
	Government proposal to extend the designation regime for underperforming authorities	Report for Members' information only	<ul style="list-style-type: none"> - To inform Members of the possible implications for the County Council 	Members noted the report
21 st February 2017	Marblaegis mine, Gotham Road, East Leake	<p>3 separate applications;</p> <p>1 and 2 to vary conditions attached to two</p>	<ul style="list-style-type: none"> - Members' approval needed for variation of permissions involving extending the life 	Approved as per recommendation

		<p>permissions to extend operation of mine until 2042 and</p> <p>3 Periodic review of minerals permissions (ROMP)</p>	of the quarry	
21 st March 2017	Land West of Drove Lane, Newark	Temporary use of land for recycling of material, including processing, crushing and screening	- Refusal	Refused as per recommendation
	Two Oaks Quarry, Sutton in Ashfield	Variation of condition to increase limits for annual HGV movement	- Over 30,000 per annum	Approved as per recommendation
	Tinker Lane, near Retford	Exploratory vertical well for shale gas exploration for a three year period	<ul style="list-style-type: none"> - Significant objections - EIA - S106 agreement - Parish Council objection - Emerging technology 	<p>Approved as per recommendation</p> <p>with some changes to a proposed condition</p>
18 th April 2017	Eurotech Environmental Ltd, Newark	Erection of 3 storage tanks, variation of Conditions 4,5,6 and removal of Conditions 12 and 13 of pp 3/97/0654	<ul style="list-style-type: none"> - EIA - 75,000 tpa 	Approved as per recommendation
	Carlton Forest Quarry, Blyth	Variation of Conditions 2 and	- 50,000tpa	Approved as per recommendation

	Road, Worksop	5 of pp to extend times		
	Girton Quarry, Girton, Newark	2 separate applications :- Variation of Conditions to extend duration of quarry and restoration scheme	<ul style="list-style-type: none"> - S106 agreement - Output 200,00tpa 	Approved as per recommendation

Appendix B – Existing scheme of delegation and number of applications per criterion referred to Planning and Licensing Committee between November 2015 and April 2017

Applications involving a site area greater than 25 hectares or extraction/input in excess of 30,000 tonnes per annum or new development with a floor space in excess of 10,000 square metres	18
Applications involving a departure from the Development Plan and which meet the criteria for applications being referred to the Secretary of State before granting planning permission, plus development in a Flood Risk Area to which the County Council, as Lead Local Flood Authority, has made an objection. Departure applications which do not meet the criteria for referral to the Secretary of State will only be determined under delegated powers with the prior agreement of the Local Member	3
Applications accompanied by an Environmental Impact Assessment	5
Applications which have S106 agreements/Planning obligations and those which have other financial implications for the County Council	13
Applications which have received valid planning objections, in writing, from the District/Borough or Parish Council or local Member within the statutory consultation period or within an extended period as agreed by the County Council, or where the local Member has requested that the application be referred to Planning and Licensing Committee for determination	15
Applications which have been referred to Committee by a local Member	3
Applications which are recommended for refusal unless the refusal is on the grounds of insufficient information	2
Applications which have received significant* objections, within the statutory consultation period or other such period as agreed with the County Council, from consultees or neighbouring occupiers (* for clarification, 'significant' objections requiring referral must i) raise material planning considerations, ii) be irresolvable by amendment to the scheme or imposition of planning conditions, iii) involve more than three objections from separate properties)	14
Applications which are submitted by Place Department (or any subsequent Department following any future restructuring where the	5

applicant is in the same Department as the Development Management Team) where these are the subject of any objections	
Applications which raise issues of regional or national importance or relate to proposals involving emerging technologies	3
Applications involving the determination of new conditions for mineral sites and those involving the making and serving of orders for revocation, etc where compensation is likely to become payable.	0

11th July 2017**Agenda Item:12****REPORT OF CORPORATE DIRECTOR – PLACE****REVIEW OF THE COUNTY COUNCIL'S PRE-APPLICATION PLANNING ADVICE
CHARGING SCHEDULE****Purpose of Report**

1. To advise Members of the proposal to update and relaunch the County Council's pre-application planning advice service, including a proposed increase in fee levels.

Background information

2. In June 2014 Members of the Planning and Licensing Committee gave approval for the introduction of a charging regime for providing a pre-application advice service for minerals, waste and Regulation 3 (Council's own) developments. The Council started charging for this service on July 1st 2014.
3. Planning officers within the County Council's Development Management Team provide pre-application advice to all potential applicants upon request. The purpose of pre-application advice is to improve the quality of planning applications and provide relevant guidance and engagement which, in turn, increases the efficiency of the subsequent planning application process. Prior to July 2014 the pre-application advice service was provided free of charge.
4. When the charging regime was introduced it was anticipated that the service could potentially generate up to £18,000 over a three year period. The introduction of charging was considered to be justified in the light of the Council's financial situation in an attempt to recoup some of the costs associated with providing this service and bring the authority in line with similar authorities. Nationally almost all counties, districts and unitary authorities have now introduced charges for their pre-application advice service. A number of statutory bodies, such as the Coal Authority, Environment Agency and Natural England also now charge for their advice at pre-application stage.
5. Total income generated from providing this service is £5,480 over the three year period since its introduction, which is well below the anticipated level. This is due to a number of factors, including the failure of developers to engage with the service, for instance on large scale proposals which are subject to screening/scoping as required under the Environmental Impact Assessment Regulations, or where the proposed developments fall below the charging

thresholds. A review of the service, including an adjustment of the thresholds and an increase in fee levels, is therefore considered to be timely and appropriate. It is anticipated that the proposed fee levels will generate an income of around £2000 per annum.

Legislative context and Policy Framework

6. Section 93 of the Local Government Act 2003 gave powers to Local Authorities to charge for “discretionary activities” i.e. those which they do not have a mandatory duty to provide. This provision enabled Local Planning Authorities to charge for, inter alia, providing pre-application advice. The Act stipulated that fees should not, however, exceed the cost of providing the service.
7. The effectiveness and importance of the pre-application process was endorsed by the Planning Act 2008. This Act introduced a statutory requirement for applicants to engage in consultation with local communities, local authorities and other parties who would be directly affected by proposals in relation to nationally significant infrastructure projects. This requirement was further consolidated in 2011 by the Localism Act which introduced a requirement for applicants to engage with local communities in advance of submitting planning applications for certain developments.
8. Underpinning the whole Development Management approach is the need for good communication and collaboration between relevant parties and front-loading the process. The National Planning Policy Framework (NPPF) published in 2012 also encourages pre-application discussions; it states early engagement has the potential to improve the efficiency and effectiveness of the planning application system. The Framework further states that local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. The accompanying Guidance to the NPPF was published in March 2014 and in respect of pre-application advice states the following:

“Pre-application engagement by prospective applicants offers significant potential to improve both the efficiency and effectiveness of the planning application system and improve the quality of planning applications and their likelihood of success. This can be achieved by:

- *providing an understanding of the relevant planning policies and other material considerations associated with a proposed development,*
- *working collaboratively and openly with interested parties at an early stage to identify, understand and seek to resolve issues associated with a proposed development,*
- *discussing the possible mitigation of the impact of a proposed development, including any planning conditions,*
- *identifying the information required to accompany a formal planning application, thus reducing the likelihood of delays at the validation stage.*

The information requested must be reasonable.

The approach to pre-application engagement needs to be tailored to the nature of the proposed development and the issues to be addressed.”

9. In line with this policy framework, it is considered appropriate to continue to charge for providing pre-application advice. The County Council's Policy on Validation Requirements for Planning Applications (the Local List) also encourages applicants and their agents to seek pre-application advice.

The need for pre-application advice charges

10. Engagement prior to submitting any planning application can be extremely important and enables the applicant and local planning authority to gain a clear understanding of the objectives and constraints associated with a particular development. It also provides an opportunity for wider engagement with other stakeholders, where appropriate. This can in turn deliver better outcomes for all parties.
11. The scope of the current pre-application service provided by the Development Management Team is extremely diverse. It ranges from ad hoc emails/telephone calls about new boundary treatment around a school, for instance, to more in-depth and formal meetings about a proposed open cast mine involving prospective developers and other interested parties. Providing this comprehensive service is expensive in terms of resources and officer time.
12. Justification for this charging regime arises from the need to recover at least some of the costs incurred by the County Council for providing this service. The proposal needs to be considered in the light of the significant financial constraints currently being experienced by the County Council. Costs for this service are transferred from the "public purse" to those using, and therefore benefiting from, the service.
13. Charging developers for pre-application advice on minerals and waste proposals brings in new income for the County Council however, charging for the Council's own developments (Regulation 3) applications sometimes involves transferring money from one department's budget to another. Notwithstanding this, there are logical reasons for continuing to include Reg. 3 applications in the proposed charging regime, these include:
 - To ensure consistency and transparency in the applications process i.e. it would seem fairer to treat internal and external applicants alike and the Local Government Ombudsman often cites the need to treat internal applicants no differently from external applicants.
 - For larger scale Reg. 3 developments it is likely there will be some element of external, i.e. private sector, funding e.g. PFI schools.
 - Reg. 3 applications are not exempt from nationally set planning fees.
 - There is already the precedent for cross-charging between departments, for example, funding routinely comes from the Planning Group's budget to pay for advice provided by the County Council's noise engineer, landscape architects and contaminated land officers.
 - Advice given directly to schools for instance on whether planning permission is required for a proposal will continue to be provided for free.

Proposed new fee levels and summary of the proposed changes

14. The table below sets out the proposed fee levels for pre-application charges

Category	Definition	Fee level
Significant	<p>Significant minerals and waste schemes:</p> <ul style="list-style-type: none"> • All new and extensions to opencast coal sites. • All new quarries or landfill sites. • Any extensions (site area, mineral reserve, void area or life) to existing quarries or landfill sites where extraction or deposit exceeds 30,000 tpa • Any waste management facility processing over 30,000 tpa. • Major energy, minerals or infrastructure proposals, including all stages of hydro-carbon development. <p>Any development involving creation or change of use of 500 sq.m or more floorspace</p>	£1000, plus VAT (meeting/s and written advice)
Major	<ul style="list-style-type: none"> • Any extensions (site area, mineral reserve, void area or life) to existing quarries or landfill sites where extraction or deposit is between 5,000 and 30,000 tpa • Any waste management facility processing between 5,000 and 30,000 tpa. • Any development involving the 	£600 plus VAT (meeting/s and written advice)

	creation or change of use of between 150 and 500 sq.m floorspace.	
Minor	<ul style="list-style-type: none"> Minor minerals and waste proposals, not listed in the significant or major categories, such as minor variations / non- compliance to existing schemes /installation of plant and machinery. Any development involving the creation or change of use of floorspace less than 150sqm or development involving no new floorspace. 	£300 plus VAT (meeting/s and written advice)
Other	<ul style="list-style-type: none"> Informal, office-based meeting up to one hour to discuss any proposal 	£100, plus VAT (no written advice)
Free	<ul style="list-style-type: none"> Confirmation as to whether planning permission required. Any proposal for which there is no planning fee. Any proposal relating to the needs of people with disabilities 	Free Free Free

15. The main changes proposed to the existing fee levels are as follows;

Significant category

- Increasing the fee level for advice on significant development from £500 to £1000 (plus VAT),

- Reducing the threshold of any development involving the creation or change of use of floor space from 2,000sqm to 500sqm (this will now capture new schools and significant school extensions for instance),
- Reducing the waste management facility criteria from 50,000 tpa to 30,000 tpa to be consistent with mineral sites.

Major category

- Increasing the fee level for advice on major development from £300 to £600 (plus VAT),
- Reducing the threshold for any development involving the creation or change of use of floor space from between 1,000sqm and 2,000sqm to between 150sqm and 500sqm (this will now capture medium sized developments on school sites such as a double classroom extension for instance),
- Reducing the waste management facility criteria to 30,000 tpa as the upper limit.

Minor category

- Increasing the fee level for advice on major development from £150 to £300 (plus VAT),
- Reducing the threshold for any development involving the creation or change of use of floor space from between 500sqm and 1,000sqm to any development less than 150sqm or development involving no new floor space (this will now capture small developments on school sites such as a mobile classroom or new car park for instance).

Other category

- A new proposal involves the introduction of an informal, office based meeting for up to one hour to discuss any proposal for £100 (plus VAT). No written advice would be provided for this fee. This fee would be deducted from any future fee if further more detailed, written advice is sought.

All the other categories above (i.e. significant, major and minor) would involve a meeting, either office or site based, and comprehensive written advice.

Free category

- Planning officers will continue to provide advice for free confirming whether planning permission is required and for advice relating to proposals for which there is no planning fee.

Reasons for the changes

16. The current pre-application charging schedule has now been in place for three years and it is therefore considered timely to review whether the existing fee levels and thresholds within the categories are still appropriate. As part of this, a benchmarking exercise was carried out against other planning authorities who deal with

similar applications. A summary of the results from the authorities who responded to us for this information is set out in the table below. (Note the Unitary authorities included in the table deal with all applications in their area including residential and commercial developments and therefore have significantly more applications and hence distort the figures).

The table below shows comparative figures for pre-application charging at similar planning authorities.

County	Amount raised from pre-application fees	Fee levels summary
Essex County Council	About £10,000 per annum	<p>£750 Large scale major £500 Major £300 Minor For written advice and meeting on site</p> <p>Also separate schedule for just written advice and also just written advice and meeting with officer at County Hall</p>
Surrey County Council	<p>£660 - 22/09/2104 to 31/03/15</p> <p>£2870 - 1/04/2015 to 31/03/2016</p> <p>£9090 – 1/04/2016 to 31/03/2017</p>	<p>First 30 minutes verbal advice –Free Major development –site visit £1335/officer meeting £1065/written advice£665</p> <p>Minor development- site visit £660/officer meeting £390/written advice£450</p> <p>Further meetings £200 per hour</p>
Cumbria County Council	£5,000 for 2016/2017	<p>Major development £489.60</p> <p>Minor development £244.80</p>
Cornwall Council (Unitary Authority)	<p>£311,102 for 2016/2017</p> <p>£53,868 (from requests for Do I need planning permission?) for</p>	<p>£640 Major £385 Medium scale £200 Small scale</p> <p>Also, reduced scale of</p>

	2016/2017	charges for just desktop response
West Sussex County Council	£7,750 -2013 £2,600 -2014 £2,800- 2015 £3,650- 2016	£2000 –Major £1250 –Large £800 – Medium £500 – Small
Gloucestershire County Council	£6,480 for 2016	£2700 Large scale major £1800 Major £900 Minor
Bradford Metropolitan District Council (Unitary Authority)	No information provided	Large scale/usually EIA £1,404 Medium sized £780 Small scale £480
Derbyshire County Council	Reduced amount last financial year, previous years around £10,000 per annum	£500 Large scale £300 Major £150 Minor Other free For additional meetings the following additional amounts are charged £250/150/75/£0

17. The proposed new fee levels more truly reflect the cost of providing this service. Even with the proposed increases this Authority would still be in the mid-range of fee levels charged by other counties. A typical example of the pre-application advice would include meeting with the applicant/agent, either in the office or on site, a search of planning history of the site, provision of a summary of relevant policies and details of any likely planning constraints, such as ecological designation or flood risk potential. Any follow up meetings with the applicant/agent or correspondence to them relating to the same proposal on the same site would not be charged for. The objective is to produce comprehensive pre-application advice to enable any subsequent planning application to be fit for purpose and progress through the planning application stage with minimum delay. In some circumstances advice may be given confirming that a proposal is likely to be contrary to planning policies or that the site has such significant constraints that planning permission is unlikely to be granted. This can help avoid a considerable amount of costly and abortive work.
18. Changes to the thresholds are proposed to ensure that the pre-application scheme is more consistent and captures some of the smaller scale development which can often be controversial.

19. It is anticipated that the take up of the proposed new category offering an informal office based meeting for up to one hour to discuss any proposal is likely to be relatively high. This would pick up many of the more ad-hoc meetings that regularly take place at present without being charged for. This would cost £100, plus VAT which would be deducted from the fee if further, more detailed written advice were sought from any of the significant, major or minor categories.

Statutory and Policy Implications

20. 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.

Implications for Service Users

21. The proposed revised scheme with charging rates at a more realistic level will enable to provision of a continued professional pre-application advice service available to applicants and agents. It is anticipated that this will assist in the formulation of comprehensive and fit for purpose planning applications that progress through the planning application process with fewer potential delays.

Human Rights Implications

22. 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), Article 1 of the First Protocol (Protection of Property) and Article 6 (Right to a Fair Trial) are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

Equality Impact Assessment

23. An Equality Impact Assessment was undertaken and approved for this proposal in September 2013. It concluded that the proposal would impact on all sectors of the community equally with no disproportionate impact on people with protected characteristics.

RECOMMENDATIONS

24. It is RECOMMENDED that Members approve the revised fee schedule for the pre-application advice service as set out in this report to come into effect on 1st September 2017.

ADRIAN SMITH

Corporate Director – Place

Constitutional Comments [RHC 21/06/2017]

Planning and Licensing Committee is the appropriate body to consider the contents of this report.

Comments of the Service Director - Finance [RWK 21/06/2017]

It is estimated that the revised fee schedule proposed in the report will result in income to the County Council of £2000 per annum

Background Papers Available for Inspection

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

Electoral Divisions and Members Affected

All

Report Author

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



11 July 2017

Agenda Item:13

REPORT OF CORPORATE DIRECTOR - PLACE

DEVELOPMENT MANAGEMENT PROGRESS REPORT

1. To report on planning applications received by the Development Management Team between 1 April 2017 to 30 June 2017, and to confirm the decisions made on planning applications since the last report to Members on 18 April 2017.

Background

2. Appendix A highlights applications received since the 1st April 2017, and those determined in the same period. Appendix B highlights applications outstanding for over 17 weeks. Appendix C provides information on a proposed Nationally Significant Infrastructure Project at West Burton Power Station. Appendix D highlights the latest quarterly and annual planning statistics provided by Department for Communities and Local Government.
3. 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.
4. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol are those to be considered. In this case, however, there are no impacts of any substance on individuals and therefore no interference with rights safeguarded under these articles.

RECOMMENDATIONS

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

ADRIAN SMITH

Corporate Director - Place

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 – 03/07/2017]

Comments of the Service Director - Finance

The contents of this report are duly noted – there are no direct financial implications.

[SES– 03/07/2017]

Background Papers Available for Inspection

None

Electoral Division(s) and Member(s) Affected

All

For any enquiries about this report please contact:

Report Author / Case Officer
Ruth Kinsey
0115 9932584

Planning Applications Received and Determined
From 1st April to 30 June 2017

Division	Member	Received	Determined
BASSETLAW			
Tuxford	Cllr John Ogle	To vary condition 8 of planning permission 01/49/06/00009 to include the option to use the facility for "Coal pond fines" in addition to biomass fuel materials. Cottam Power Station and Adjoining Land, Outgang Lane, Cottam, received 12/04/2017	
Worksop North	Cllr Alan Rhodes		Variation of conditions 2 and 5 of planning permission 1/14/00214/CDM to extend the timescale for the completion of sand extraction until 25th August 2018 and restoration by 25th August 2019. Carlton Forest Quarry, Blyth Road, Worksop. Granted 18/04/2017 (Committee)
Tuxford	Cllr John Ogle	Variation of condition 6 of planning permission 1/12/10/00001 to include the option to use the facility for coal pond fines in addition to biomass fuel materials. Cottam Power Station, Outgang Lane, Cottam. Received 04/05/2017	

Division	Member	Received	Determined
Misterton	Cllr Tracey Taylor		<p>To develop a hydrocarbon wellsite and drill up to two exploratory hydrocarbon wells (one vertically and one horizontally) by use of a drilling rig together with associated ancillary works. The proposed development will be carried out in four phases:</p> <p>Phase 1 - Wellsite construction;</p> <p>Phase 2 - Drilling of up to two exploratory wells for hydrocarbons including potential shale gas (the first one vertical and the second one horizontal);</p> <p>Phase 3 - Suspension of wells and assessment of drilling results;</p> <p>Phase 4 - Site decommissioning, well abandonment and restoration. Land off Springs Road, Misson. Granted 24/05/2017 (Committee)</p>

Division	Member	Received	Determined
Misterton	Cllr Tracey Taylor	<p data-bbox="1003 1412 1236 1444">Page 117 of 142</p>	<p data-bbox="1429 150 1968 1150">The exploratory well would be a vertical multi-core well to target the Bowland Shale and Millstone Grit geological formations to assist with the assessment of the shale gas basin in the area. In addition, three sets (with each set containing up to 3 boreholes) of monitoring boreholes would be installed to sample and monitor groundwater and ground gas during the drilling of the exploration well. The proposed development would involve permission for the security cabins already on the site, together with the construction work associated with the development of the well site, the drilling (using a drill rig of a maximum height of 60m) and evaluation of the well and monitoring boreholes and then the decommissioning and restoration of the site back to agricultural use. The development would be for a proposed three year period. Land off A634, Between Blyth and Barnby Moor, Near Retford. Granted 24/05/2017 (Committee)</p>

Division	Member	Received	Determined
MANSFIELD			
Mansfield East	Cllr Vaughan Hopewell Cllr Martin Wright		Erection of single storey courtyard extension to provide hygiene facility and calming room for Foundation Year 1 and Year 2. Holly Primary School, Holly Drive, Forest Town. Granted 11/04/2017
Mansfield South	Cllr Stephen Garner Cllr Andy Sissons		Retrospective application for the retention of a temporary classroom and entrance steps. King Edward Primary School, St Andrews Street, Mansfield. Granted 03/05/2017
Mansfield South	Cllr Stephen Garner Cllr Andy Sissons		Proposed Replacement Facilities Cabin, Providing office accommodation, WC and restroom. Bleak Hill Sidings, Mansfield. Granted 11/05/2017.
NEWARK & SHERWOOD			
Farndon & Trent	Cllr Mrs Sue Saddington	Relocation of main recycling building, re-organisation and reduction in site area and variation of Condition 10 of permission 3/11/00197/CMA to extend hours of operation. Skipit Limited, Quarry Farm, Bowbridge Lane, Newark. Received 03/04/2017	

Division	Member	Received	Determined
Collingham	Cllr Maureen Dobson		Erection of 3 external bunded storage tanks; new roller shutter doors; installation of internal plant/equipment including odour control unit with external flue; and variation of conditions 4, 5 (waste storage and treatment operations); 6 (to allow 24/7 access for vehicles); and removal of conditions 12 and 13 (permitted development restrictions) of planning permission 3/97/0654 to enable the site to treat domestic and commercial liquid wastes. Eurotech Environmental Limited, Northern Road, Newark. Granted 18/04/2017 (Committee)
Collingham	Cllr Maureen Dobson		To vary conditions 2, 4, 24 and 25 of planning consent 3/02/02403CMA to facilitate an extension of time to 31 December 2022 for the extraction of the remaining sand and gravel reserves with restoration to be completed within 12 months thereafter and also amendment of the approved restoration and working plans. Besthorpe Quarry, Collingham Road, Collingham. Granted 28/04/2017 (Committee)
Ollerton	Cllr Mike Pringle	Installation of Motor Control Centre (MCC) Kiosk. Boughton Sewage Treatment Works, Boughton. Received 04/05/2017	

Division	Member	Received	Determined
Ollerton	Cllr Mike Pringle	Winning and working of clay, shales, mudstones, sandstones and siltstones comprising a western extension to the existing Kirton north quarry workings. Restoration to open water, woodland and grassland. Retention of temporary railway bridge crossing and haul road. Clay and soil stockpiling and variation to the restoration of Kirton North. Kirton Brickworks and Quarry, Station Road, Kirton. Received 08/05/2017	
Muskam & Farnsfield Sherwood Forest	Cllr Bruce Laughton Cllr John Peck	Revised layout and design of buildings, surface water lagoon and related structures/plant of approved. Land at Stud Farm, Rufford. Received 09/05/2017	
Newark East	Cllr Stuart Wallace	To Retain a modular education building. Chuter Ede Horticultural Unit, Main Street, Balderton. Received 19/05/2017	
Muskam & Farnsfield	Cllr Bruce Laughton	Use of Land for the importation, storage and processing of construction and infrastructure inert waste. Land Adjacent to Railway Line (Former Highways Depot), Off Great North Road, North Muskham. Received 06/06/2017	

Division	Member	Received	Determined
ASHFIELD			
Kirkby North	Cllr John Knight		Erection of 2.4m weldmesh fencing around an Existing Multi-Use -Games Area, (MUGA) and provision of DDA access ramp and stairs to MUGA. The Bracken Hill School, Chartwell Road. Kirkby in Ashfield. Granted 06/04/2017
Sutton Central & East	Cllr Samantha Deakin		Installation of timber cladding to building external elevations and retention of solar photovoltaic panels to the roof. Mill Adventure Base, Kingsmill Reservoir, Sherwood Way South, Sutton in Ashfield. Granted 25/04/2017
Kirkby North	Cllr John Knight		Erection of a single story detached 2-classroom modular building, with associated minor landscaping works and 2m high security fencing. Abbey Hill Primary & Nursery School, Abbey Road, Kirkby in Ashfield. Granted 27/04/2017
Sutton North	Cllr Helen-Ann Smith	Proposed installation of a gas meter cabinet for the importation of natural gas. Kings Mill Hospital, Mansfield Road, Sutton in Ashfield. Received 19/06/2017	

Division	Member	Received	Determined
BROXTOWE			
Beeston Central & Rylands	Cllr Kate Foale	Single storey ground floor extension to provide additional toilet facilities. Round Hill Primary School, Foster Avenue, Beeston. Received 04/04/2017	Granted 10/05/2017
Stapleford & Broxtowe Central	Cllr Dr John Doddy Cllr William Longdon		Variation of condition 3 of planning permission 5/16/00837/CCR to amend the design of the canopy. William Lilley Infants and Nursery School, Halls Road, Stapleford, Granted 11/05/2017
Nuthall & Kimberley	Cllr Philip Owen	Extend car parking area by converting 85m2 of lawn and shrub beds into a porous tarmac parking area. Larkfields Infant School, Coronation Road, Nuthall. Received 30/05/2017	
Toton Chilwell & Attenborough	Cllr Richard Jackson Cllr Eric Kerry		Submission made under Clause 18.2 of the Section 106 Agreement attached to planning permission CM8/0307/184 granted by Derbyshire County council which brought control of the plant site under the S106. Attenborough Plant Site, Long Lane, Attenborough. Approved 07/06/2017

Division	Member	Received	Determined
Greasley & Brinsley	Cllr John Handley	Provision of a stand alone pre-fabricated temporary classroom, Brinsley County Primary School, Moor Road, Brinsley. Received 22/06/2017	
GEDLING			
Newstead	Cllr Chris Barnfather	4.5 hectare eastern extension to existing sand quarry with restoration to nature conservation. Bestwood II Quarry, Mansfield Road, Papplewick. Received 11/05/2017	
Carlton East	Cllr Nicki Brooks	Change in use of land to accommodate a sewage pumping station. Land to the north of Stoke Lane, Stoke Bardolph. Received 31/05/2017	
Carlton East	Cllr Nicki Brooks	Retention of underground drainage storage tanks, above ground storage tanks emergency generator and sub station building outside of approved site area under planning reference 7/2011/0548NCC. Unit 6 Leec Development Site, Road No 2, Colwick. Received 13/06/2017	
RUSHCLIFFE			
Radcliffe on Trent	Cllr Mrs Kay Cutts		Retention of temporary classroom, Radcliffe on Trent Junior School, Cropwell Road, Radcliffe on Trent. Granted 10/04/2017

Division	Member	Received	Determined
Leake & Ruddington	Cllr Reg Adair Cllr Andrew Brown		Variation of conditions 4 and 5 of planning permission 8/11/00157 to extend the duration of extraction until 31/12/2016 and restoration until 31/12/2017 and amend the phasing details. East Leake Quarry, Rempstone Road, East Leake. Granted 28/04/2017 (Committee)
Radcliffe on Trent	Cllr Mrs Kay Cutts	Erection of 90 place single storey three-classroom building with associated landscaping works, car parking, hardstanding for fire appliance, and relocation of trim trail. Radcliffe on Trent Junior School, Cropwell Road, Radcliffe on Trent. Received 09/05/2017	
West Bridgford North	Cllr Liz Plant	To retain mobile classroom, Abbey Road Primary School, Abbey Road, West Bridgford. Received 23/06/2017	
Leake & Ruddington Keyworth	Cllr Reg Adair Cllr Andrew Brown Cllr John Cottee		Application to consolidate previous planning permissions and extension of existing quarry involving the extraction of sand and gravel with restoration to agriculture and conservation wetland. Retention of existing aggregate processing plant, silt lagoon and access/haul road. East Leake Quarry, Rempstone Road, East Leake. Granted 27/06/2017 (Committee)

Applications outstanding over 17 weeks at 30 June 2017

Division	Member	Description	Weeks Out Standing	Comments
BASSETLAW				
Tuxford	Cllr John Ogle	Use of ash processing plant equipment. West Burton Power Station, North Road, West Burton	40	Can be found elsewhere on the agenda
Worksop South Warsop	Cllr Kevin Greaves Cllr Andy Wetton	To vary conditions 1 and 85 of planning permission 1/64/96/2 to allow the continuation of the extraction and processing of limestone until 2035 with restoration complete by 2037 (currently permitted until 28th October 2017 with restoration by 28th October 2019) and removal of condition 77 so to retain the access road. Nether Langwith Quarry, Wood Lane, Nether Langwith, NG20 9JQ	33	Request for additional information which will require further consultations to be carried out.
MANSFIELD – None				

Division	Member	Description	Weeks Out Standing	Comments
NEWARK & SHERWOOD				
Farndon & Trent Balderton	Cllr Mrs Sue Saddington Cllr Keith Walker	To vary condition 46 of planning permission 3/14/91/1237, revision to approved restoration scheme. Staple Landfill, Grange Lane, Cotham	61	Presented to Committee 20/09/2016 and was resolved to grant permission upon the agreeing and signing of S106 Legal Agreement
Rufford	Cllr John Peck	The retention and continued operation of the coal mine methane electricity generation plant. Former Thoresby Colliery Site, Edwinstowe	37	Delegated report being prepared.
Collingham	Cllr Maureen Dobson	Vary conditions 8 and 9 of planning consent 3/98/0800 to allow an extension to the duration of quarry workings until 31st December 2035 (currently 31st August 2016) with full site restoration to be completed by 31st December 2036. The submission also incorporates an interim restoration scheme relating to land to the south of the plant site. Girton Quarry, Gainsborough Road, Girton.	47	Presented to Committee on 18/04/2017 where it was resolved to grant permission upon the agreeing and signing of a S106 Legal Agreement

Division	Member	Description	Weeks Out Standing	Comments
Collingham	Cllr Maureen Dobson	Vary conditions 7 and 8 of planning consent 3/04/00394/CMM to allow the continued retention/use of the plant site/access road at Girton Quarry until 31st December 2035 (currently 31st August 2016) with full site restoration to be completed by 31st December 2036. Girton Quarry, Gainsborough Road, Girton.	47	Presented to Committee on 18/04/2017 where it was resolved to grant permission upon the agreeing and signing of a S106 Legal Agreement
Collingham Muskham & Farnsfield	Cllr Maureen Dobson Cllr Bruce Laughton	Proposed southern and western extensions to existing quarry with restoration to water, nature conservation and agriculture together with revised restoration of existing workings and retention of existing plant site and site access. Land at Langford Quarry, Newark Road, Near Collingham.	39	Request for Additional Information under Reg 22, concerning archaeology which will require further consultation.

Division	Member	Description	Weeks Out Standing	Comments
ASHFIELD				
Hucknall North	Cllr Ben Bradley	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	254	Meetings between the applicant and NCC has resulted in the applicant reconsidering the use of the site
Sutton in Ashfield East	Cllr Steve Carroll	Variation of Condition 13 on existing planning consent to increase the limits for annual HGV movements. Two Oaks Quarry, Coxmoor Road, Sutton in Ashfield, Mansfield, NG17 5LZ.	39	Presented to Committee on 21/03/2017 and was resolved to grant permission upon the agreeing and signing of S106 Legal Agreement.
BROXTOWE				
Stapleford & Broxtowe Central	Cllr Dr John Doddy Cllr William Longdon	Change of use to waste timber recycling centre including the demolition of existing building and construction of new buildings. Shilo Park, Shilo Way, Cossall	231	To arrange a meeting with the agent to discuss the progress of the application. Awaiting a further consultation response on contamination issues

Division	Member	Description	Weeks Out Standing	Comments
GEDLING - None				
RUSHCLIFFE				
Leake & Ruddington	Cllr Andrew Brown Cllr Reg Adair	Request for none compliance of condition 6 of planning permission 8/12/01488/CMA to extend the time period necessary to restore land. East Leake Quarry, Rempstone Road, East Leake	Not Counting	Held in abeyance by the applicant. Officer seeking withdrawal of the application

Division	Member	Description	Weeks Out Standing	Comments
Leake & Ruddington	Cllr Andrew Brown Cllr Reg Adair	Section 73 planning application to vary condition 3 of planning permission 8/12/01028/CMA, condition 7 of planning permission 8/96/79/CMA and condition 9 of planning permission 8/94/00164/CMA to extend the permitted operational hours from 0730 hours to 0600 hours Mondays to Saturdays to allow 12 outbound pre-loaded HGV movements from the site and to bring forward the operating time on the IBA waste transfer area from 0730 hours to 0700 hours Mondays to Saturdays. Bunny Materials Recycling Facility, Loughborough Road, Bunny	85	Presented to Committee on 20/12/2016 where it was resolved to grant permission upon the agreeing and signing of a S106 Legal Agreement.

Division	Member	Description	Weeks Out Standing	Comments
Keyworth	Cllr John Cottee	Placement of a 950KW Pytec biomass boiler within the existing building "C" incorporating a 10m high flue. Construction of a new enclosure to the south side of the existing building to cover two Fliegi dryers. And change of use of the existing building to a dry pellet store. John Brooke Sawmills Limited, The Sawmill, Fosseway, Widmerpool	73	Presented to Committee on 20/10/2015 and was resolved to grant permission upon the agreeing and signing of S106 Legal Agreement.
Leake & Ruddington	Cllr Andrew Brown Cllr Reg Adair	The proposed construction of an inland leisure marina; associated ancillary building, infrastructure, car parking and landscaping with incidental mineral excavation. Redhill Marina, Redhill Lock, Ratcliffe on Soar	36	Applicant wishes to provide further supporting information under Reg 22 which would require further consultation

New Gas-Fired Power Station at West Burton

EDF Energy (West Burton Power) Limited are proposing the construction and operation of a gas-fired power station with a capacity of up to 299MW at the existing West Burton power station site. The project is intended to provide back-up generating capacity to the electricity network, to operate flexibly and respond quickly and efficiently to both short term variation in demand and intermittent generation from other sources.

The generating capacity of the proposed power station would be in excess of 50MW and is, therefore, classed as a Nationally Significant Infrastructure Project (NSIP) under the Planning Act 2008. This means that a Development Consent Order (DCO) is required to build and operate the power station, and consent will be sought by EDF, from the Secretary of State for Business, Energy and Industrial Strategy (BEIS).

When the DCO is submitted by EDF to BEIS, Nottinghamshire County Council will be a consultee. EDF propose to begin informal consultation with the community on the development in the Summer of 2017 and have recently consulted the County Council on their proposed approach, which is set out in the Statement of Community Consultation.

Appendix D shows two tables of Government statistics for England giving the results for the County Council dealing with county matter and regulation3 applications.

Table P143 shows the last quarter from January to March 2017 and how many county matter applications were received, decided and granted permission and how long those applications took to be determined. It also shows how many regulation 3 applications were received during that quarter.

Nottinghamshire determined 100% of county matter applications within the statutory timeframe or an extension agreed with the applicant, and was equal 6th out of 27 for the amount of decisions made on applications.

Table P144 shows the year ending March 2017 results for county matter applications received, decided and granted within the agreed time limits and regulation 3 decisions made. The last column is for decisions issued under ROMPS (Review of Old Mineral Permissions) of which Nottinghamshire made 2 decisions. Nottinghamshire has dealt with 86% of applications within the statutory timeframe or an extension agreed with the applicant within that 12 month period, and was equal 6th highest out of 27 for the amount of decisions made. The County Council came 11th out of 27 for dealing with the amount of regulation 3 applications.

Table P143: 'County matters' planning authorities - planning applications received, decided and granted, speed of decisions and Regulation 3 and 4 decisions, by local planning authority

January to March 2017 ^P

Number/ <i>per cent</i>											
Planning authority	Applications				Decisions ¹				Decisions made ²		Decisions issued under ROMPS ³
	ONS Code	Received	Decided	Granted	Within 13 weeks or agreed time		Within 16 weeks or agreed time		Regulation 3	Regulation 4	
					Number	%	Number	%			
England	E92000001	345	263	245	236	90	241	92	274	-	5
County councils		247	198	184	176	89	180	91	259	-	4
Buckinghamshire	E10000002	6	7	6	7	100	7	100	3	-	-
Cambridgeshire	E10000003	4	4	4	4	100	4	100	9	-	-
Cumbria	E10000006	12	7	7	7	100	7	100	12	-	-
Derbyshire	E10000007	16	8	7	8	100	8	100	13	-	2
Devon	E10000008	17	11	10	8	73	8	73	8	-	-
Dorset	E10000009	2	7	7	7	100	7	100	6	-	-
East Sussex	E10000011	3	2	1	2	100	2	100	5	-	-
Essex	E10000012	18	8	7	8	100	8	100	8	-	-
Gloucestershire	E10000013	5	7	6	7	100	7	100	9	-	-
Hampshire	E10000014	4	11	10	11	100	11	100	15	-	-
Hertfordshire	E10000015	2	3	1	3	100	3	100	1	-	-
Kent	E10000016	10	10	10	10	100	10	100	15	-	-
Lancashire	E10000017	15	10	9	9	90	9	90	16	-	-
Leicestershire	E10000018	12	7	7	7	100	7	100	12	-	-

Lincolnshire	E10000019	17	15	14	15	100	15	100	17	-	-
Norfolk	E10000020	21	14	13	3	21	4	29	14	-	-
North Yorkshire	E10000023	8	4	4	4	100	4	100	17	-	1
Northamptonshire	E10000021	12	3	3	1	33	2	67	3	-	-
Nottinghamshire	E10000024	2	10	9	10	100	10	100	9	-	1
Oxfordshire	E10000025	10	8	8	7	88	7	88	5	-	-
Somerset	E10000027	9	7	6	6	86	6	86	4	-	-
Staffordshire	E10000028	6	7	7	7	100	7	100	5	-	-
Suffolk	E10000029	9	12	12	10	83	11	92	27	-	-
Surrey	E10000030	16	7	7	6	86	7	100	10	-	-
Warwickshire	E10000031	7	3	3	3	100	3	100	4	-	-
West Sussex	E10000032	3	4	4	4	100	4	100	9	-	-
Worcestershire	E10000034	1	2	2	2	100	2	100	3	-	-

Table P144: 'County matters' planning authorities - planning applications received, decided and granted, speed of decisions and Regulation 3 and 4 decisions, by local planning authority

England, year ending March 2017 ^P

Planning authority	ONS Code	Number/per cent									
		Applications			Decisions ¹				Decisions made ²		Decisions issued under
		Received	Decided	Granted	Within 13 weeks or agreed time		Within 16 weeks or agreed time		Regulation 3	Regulation 4	ROMPS ³
					Number	%	Number	%			
England	E92000001	1,264	1,096	1,034	993	91	1,008	92	1,036	4	25
County council		923	805	763	722	90	735	91	998	4	17
Buckinghamshire	E10000002	24	21	18	19	90	19	90	12	4	-
Cambridgeshire	E10000003	21	20	20	18	90	18	90	38	-	-
Cumbria	E10000006	46	35	35	33	94	34	97	30	-	-
Derbyshire	E10000007	41	28	26	25	89	26	93	53	-	4
Devon	E10000008	43	35	34	31	89	31	89	21	-	1
Dorset	E10000009	23	17	17	14	82	14	82	22	-	1
East Sussex	E10000011	12	14	13	11	79	11	79	30	-	-
Essex	E10000012	43	39	34	39	100	39	100	54	-	-
Gloucestershire	E10000013	28	17	16	17	100	17	100	36	-	-
Hampshire	E10000014	53	54	50	54	100	54	100	66	-	-
Hertfordshire	E10000015	15	13	8	13	100	13	100	16	-	-
Kent	E10000016	32	36	36	35	97	35	97	87	-	-
Lancashire	E10000017	38	35	34	34	97	34	97	49	-	1
Leicestershire	E10000018	35	33	33	32	97	33	100	26	-	-
Lincolnshire	E10000019	60	54	49	51	94	51	94	52	-	-
Norfolk	E10000020	69	59	57	35	59	39	66	38	-	-
North Yorkshire	E10000023	26	15	15	12	80	12	80	62	-	1

Northamptonshire	E10000021	35	26	26	22	85	23	88	19	-	-
Nottinghamshire	E10000024	34	36	33	31	86	32	89	35	-	2
Oxfordshire	E10000025	38	32	32	29	91	30	94	18	-	-
Somerset	E10000027	33	24	22	21	88	21	88	25	-	1
Staffordshire	E10000028	33	32	29	30	94	30	94	17	-	4
Suffolk	E10000029	52	52	52	43	83	44	85	79	-	1
Surrey	E10000030	40	26	25	21	81	23	88	41	-	1
Warwickshire	E10000031	23	16	16	16	100	16	100	16	-	-
West Sussex	E10000032	19	24	24	24	100	24	100	40	-	-
Worcestershire	E10000034	7	12	9	12	100	12	100	16	-	-

REPORT OF CORPORATE DIRECTOR, RESOURCES**WORK PROGRAMME****Purpose of the Report**

1. To consider the Committee's work programme for 2017.

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, Resources

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 (NS)

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

Schedule of future planning applications to be reported to Planning and Licensing Committee

19 th September 2017	1/17/0735/CDM	Cottam Power Station and Adjoining Land, Outgang Lane, Cottam, DN22 0EU	To vary condition 8 of planning permission 01/49/06/00009 to include the option to use the facility for "Coal pond fines" in addition to biomass fuel materials
19 th September 2017	F/3667	Land to the north of Stoke Lane, Stoke Bardolph, NG14 5HQ	Change in use of land to accommodate a sewage pumping station.
19 th September 2017	3/17/01084/CMA	Land at Stud Farm, Rufford, NG22 9HB	Planning Application - Revised layout and design of buildings, surface water lagoon and related structures/plant of approved Anaerobic Digestion Plant
19 th September 2017	1/16/01616/CDM	Nether Langwith Quarry, Wood Lane, Nether Langwith	To vary conditions 1 and 85 of planning permission 1/64/96/2 to allow the continuation of the extraction and processing of limestone until 2035 with restoration complete by 2037 (currently permitted until 28th October 2017 with restoration by 28th October 2019) and removal of condition 77 so to retain the access road.
31st October 2017	3/17/00897/CMM	Kirton Brickworks and Quarry, Station Road, Kirton, NG22 9LG Development:	Winning and working of clay, shales, mudstones, sandstones and siltstones comprising a western extension to the existing Kirton north quarry workings. Restoration to open water, woodland and grassland. Retention of temporary railway bridge crossing and haul road. Clay and soil stockpiling and variation to the restoration of Kirton North.
12 th December 2017	3/16/01689/CMA	Land at Langford Quarry, Newark Road, Newcraighall, Nottingham	Proposed southern and western extensions to existing quarry with restoration to water, nature conservation and agriculture together with

			revised restoration of existing workings and retention of existing plant site and site access.
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Planning Applications currently being considered by NCC which will be reported to future meetings of Planning & Licensing Committee.

Planning App: 8/16/02736/CMA
Location: Redhill Marina, Redhill Lock, Ratcliffe on Soar
Development: The proposed construction of an inland leisure marina; associated ancillary building, infrastructure, car parking and landscaping with incidental mineral excavation

Planning App: 3/17/00850/CMA
Location: Skipit Limited, Quarry Farm, Bowbridge Lane, Newark, NG24 3BZ
Development: Relocation of main recycling building, re-organisation and reduction in site area and variation of Condition 10 of permission 3/11/00197/CMA to extend hours of operation