



minutes

Meeting PLANNING AND LICENSING COMMITTEE

Date Tuesday 18 September 2012 (commencing at 10.30 am)

membership

Persons absent are marked with 'A'

COUNCILLORS

Chris Barnfather (Chair)
Sybil Fielding (Vice-Chair)

A	Jim Creamer	Bruce Laughton
	John M Hemsall	Rachel Madden
	Stan Heptinstall MBE	Sue Saddington
	Rev Tom Irvine	Mel Shepherd MBE
		Keith Walker

OFFICERS IN ATTENDANCE

Steven Baker - Solicitor
Keith Ford – Senior Governance Officer
Sally Gill – Group Manager – Planning
Oliver Meek – Planning Officer
Jerry Smith – Team Manager, Development Management
Jonathan Smith – Principal Planning Officer

MINUTES OF LAST MEETING

The minutes of the meeting held on 22 May 2012, having been circulated to all Members, were taken as read and were confirmed and signed by the Chair.

APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Jim Creamer (apologies received – other reasons).

The Chairman welcomed Councillor Mel Shepherd, who had replaced Councillor Victor Bobo on the Committee.

DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

Councillor Madden declared a private interest in agenda item 8 as a resident in the nearby vicinity of Derby Road, Kirkby-in-Ashfield, which did not preclude her from speaking or voting on that item.

Councillor Laughton declared a disclosable pecuniary interest in agenda item 5, as a number of employees of Thoresby Colliery were members of Rufford Park Golf Club which he owned.

Councillor Laughton declared a disclosable pecuniary interest in agenda items 6 and 7 as he was involved in waste disposal in Derbyshire via North East Derbyshire District Council and Derbyshire County Council.

Councillor Laughton left the meeting prior to agenda item 5 commencing and did not return, thereby taking no part in any of the subsequent agenda items.

DECLARATIONS OF LOBBYING OF MEMBERS

None

AMENDMENT AND EXTENSION OF SPOIL DISPOSAL SCHEME AT THORESBY COLLIERY, EDWINSTOWE

Jerry Smith introduced the report and outlined the main elements of the application, including representations received.

With reference to agenda item 6, which concerned another application from the same applicant (UK Coal Mining Limited), the potential for exporting waste spoil from Thoresby Colliery to Welbeck Colliery had been explored. The applicant felt that the costs involved in moving the spoil from Thoresby by rail would impact upon the financial viability of the operations. It was noted that Newark and Sherwood District Council had also registered concerns regarding the movement of spoil by road. It was considered that the proposed scheme offered the most suitable environmental option.

Mr John Hind, Company Surveyor and Minerals Manager for UK Coal Mining Limited, spoke in support of the application, highlighting the aims of the extension (which would support further mining of the remaining reserves in the Colliery's deep soft seam); the outcomes of the Environmental Impact Assessment and proposed mitigation measures; the phased approach to the spoil tip and restoration and resulting increased benefits in terms of habitat creation, community access and management of restored areas; and the overall benefits in terms of the environment and local employment and businesses.

In response to Members' queries, Mr Hind clarified that the phasing approach to the restoration would ensure that at no point would the entire 'footprint' of the tip be exposed. This approach would also enable direct placement of soil rather than this having to be stored elsewhere on the site.

During discussions, Members generally welcomed the proposals and hoped that the end result would be a positive recreation area for the local residents.

In response to Members' queries, Mr Smith clarified that the original planning condition permitted activity on the site up until 2042. The applicant now believed that the workable coal reserves would be exhausted by 2022 but was likely to continue to reassess reserve levels on an ongoing basis.

RESOLVED 2012/021

That planning permission be granted subject to the conditions set out in appendix 1 to the committee report.

PROPOSED RESTORATION OF THE NORTHERN PART OF WELBECK COLLIERY SPOIL HEAP, MEDEN VALE, MANSFIELD

Jerry Smith introduced the report and outlined the main elements of the application, including the objection received from Rufford Parish Council (on the grounds of the adverse environmental impact of the proposed transportation of material by road) and the e-mail received in support of the application from the 'Meden Vale – The Future' organisation (on the basis of improved visual appearance and leisure opportunities).

In response to queries from Members, Mr Alan Hanna, of co-applicant Tetron Point LLP, clarified:-

- the remedial work to the railway line was likely to cost approximately £25,000 (with total development costs in the region of £35-40,000) and that once the scheme was up and running this was likely to deter the continued incidence of metal theft from the line;
- with regard to the proposed lorry route, a provisional agreement had been reached with EDF Energy to import pulverised fuel ash and a traffic management scheme was being developed between the two operators. It was highlighted that a long access road was available at Welbeck, capable of accommodating numerous lorries, and vehicles would not be released during the school run hours at the local school. Lorries would be monitored closely to ensure that they followed the agreed route. However, it was underlined that the applicants planned to maximise use of the railway, which was welcomed by 'Meden Vale – The Future' in terms of other potential employment opportunities this could offer.

During discussions, Members highlighted the visual impact of the site on local residents currently and the potential for this to be a positive impact following restoration. In response to Members' queries, Mr Smith clarified:-

- the restoration of the site was estimated to take between 3-5 years to complete, although this would be dependent upon the availability of materials;

- the maximum number of daily HGV visits (150) was significantly lower than historical traffic levels to the site (HGV and employee cars) which potentially reached between 750-850 two-way movements;
- the types of inert materials to be imported into the site were specified within the description of the development.

RESOLVED 2012/022

That planning permission be granted subject to the conditions set out in appendix 1 to the committee report.

DISPOSAL OF PULVERISED FUEL ASH AT COTTAM POWER STATION, NEAR RETFORD

Jerry Smith introduced the report and outlined the main elements of the application.

Mr Michael Robinson, agent for the applicant, spoke in support of the application, highlighting the reasons for the application (which aimed to ensure the sustainability of the Power Station's ash disposal strategy through increased capacity and flexibility); the consultation undertaken; the environmental impacts and mitigating measures; the benefits of the proposal to dispose of pulverised fuel ash on the South Lagoons (in relation to the alternative option of significant lorry movements to transport this ash); the need to reflect operational changes on the North Lagoons within a variation to the existing planning permission; and the conservation and landscape enhancements resulting from the restoration proposals.

In response to Members' queries, it was clarified that:-

- new proposals would involve the Treswell Bridleway being temporarily closed for a six week period to enable soils to be removed from 'Area 4' of the site to transfer to the lagoons. The small vehicle access bridge would also need to be improved and there were likely to be enhancements to the bridleway in the long run;
- in light of the fluctuating demand for the ash, the potential height of the mounds would be reviewed prior to work commencing on the second mound;
- as the Power Station was not set up for rail deliveries it limited its ability to support the restoration of the Welbeck Colliery site, as discussed earlier in the previous agenda item. Another EDF site at West Burton was set up for rail disposal.

RESOLVED 2012/023

Variation application with respect to the North Lagoons (1/12/12/00001)

- 1) That the Corporate Director for Policy, Planning and Corporate Services be instructed to enter into a legal agreement under Section 106 of the Town and

Country Planning Act 1990 to secure an additional five year period of aftercare with respect to the planning application for the North Lagoons.

- 2) That subject to the completion of the legal agreement, the Corporate Director for Policy, Planning and Corporate Services be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 to the committee report.

Full application with respect to the South Lagoons (1/38/12/00001)

- 3) That the Corporate Director for Policy, Planning and Corporate Services be instructed to enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure an additional five year period of aftercare with respect to the planning application for the South Lagoons.
- 4) That subject to the completion of the legal agreement, the Corporate Director for Policy, Planning and Corporate Services be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 2 to the committee report.

RECEIPT, PROCESSING, SCREENING/CRUSHING AND DISPOSAL OF INERT WASTE MATERIAL AND RESTORATION OF LAND TO ECOLOGICAL AND RECREATIONAL USE - LAND ADJACENT TO SHENTON LODGE, DERBY ROAD, KIRKBY-IN-ASHFIELD

Jerry Smith introduced the report and outlined the main elements of the application, including the conflict with the Waste Local Plan and Draft Waste Core Strategy policies (in terms of landfill of Greenfield sites not being an appropriate use for Green Belt land) and the loss of part of a Site of Importance for Nature Conservation (SINC).

Mr Fletcher, agent for the applicants, spoke in support of the application, highlighting that the proposal would address the shortfall of disposal sites in Nottinghamshire; the site would work in partnership with an established operator (who had an existing recycling facility in Bunny and had gained several major clearance projects, including NET Line 2) by providing a facility which would minimise waste journey miles; the proposed site was likely to be filled over a four year period; the widespread consultation undertaken had not raised a single objection in terms of visual impact, highways access to the site, noise, dust, smell, traffic or drainage; the restoration scheme would result in an enhancement post-development and appropriate surveys had been undertaken to safeguard protected species before, during and after the development by way of a translocation exercise, in light of the site's SINC status; the lack of inert disposal sites and continuing demand in the County meant the application met the criteria of very special circumstances necessary to locate such developments in the Green Belt; the proposal would secure valuable local jobs and help sustain the growth of a local business.

In response, Mr Smith acknowledged the lack of objections from local residents and Highways and Landscape colleagues but underlined the policy objection in terms of developments in the Green Belt. He agreed there was an identified shortfall in inert

waste disposal sites but countered that this was not at a critical level and underlined that the Waste Core Strategy approach was to pursue a sequential approach to disposal sites, with Green Belt sites low down the scale.

During discussions, Members raised the following issues:-

- the actual level of demand for such disposal sites was queried;
- the attractive nature of the site was highlighted and the potential impact for the reptiles on this and other sites was underlined, with reference to Nottinghamshire Wildlife Trust's consultation response and the success rates of other translocation schemes elsewhere;
- although Highways officers had not raised objections, the proposal would result in more lorries using the A611 and the speed and volume of existing traffic before and after the bend in the road near the site was underlined;
- It was understood that the length of the scheme had been increased from two to four years. Mr Smith clarified that the scheme was for four years but the traffic assessment had been carried out on the basis of it being completed in two years (as a worst case scenario in terms of traffic volume).

RESOLVED 2012/024

That planning permission be refused for the reasons set out in appendix 1 to the committee report.

VARIATION OF PLANNING CONDITION TO INCREASE LORRY MOVEMENTS FROM 50 TO 75 PER DAY AT NEWINGTON SOUTH QUARRY, LAND SOUTH OF BAWTRY ROAD AND SLAYNES LANE, MISSON

Jerry Smith introduced the report and outlined the main elements of the application.

During discussions, Members underlined the need for discussions with Misson Parish Council about the proposed 'Hauliers Code of Conduct'.

RESOLVED 2012/025

- 1) That the Corporate Director for Policy, Planning and Corporate Services be instructed to enter into a deed of variance to the extant legal agreement under Section 106 of the Town and Country Planning Act 1990 to ensure that the existing controls set out in Appendix 2 to the report be transposed to apply to this Section 73 (variation of planning condition) application for planning permission.
- 2) That subject to the completion of the legal agreement, the Corporate Director for Policy, Planning and Corporate Services be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 to the committee report.

WORK PROGRAMME

The Chair emphasised that the targeted Committee meeting dates for the applications included in the appendix were only indicative, due to issues that could arise during the planning application process. The timetable would therefore be reviewed and updated on an ongoing basis.

Sally Gill highlighted a letter recently received from the Department for Communities and Local Government that outlined a new requirement (from 1 December 2012) for decision notices to include a statement to show how the Authority had worked proactively with applicants, in line with the Planning Policy Framework.

RESOLVED 2012/026

That the committee's work programme be noted.

The meeting closed at 12.18 pm.

CHAIR

M_18Sept12