

Meeting PLANNING AND LICENSING COMMITTEE

Date 19 January 2016 (commencing at 10.30 am)

membership

Persons absent are marked with `A`

COUNCILLORS

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

Roy Allan
Andrew Brown
Richard Butler
Steve Calvert
Jim Creamer

Stan Heptinstall OBE
Rachel Madden
Andy Sissons
Yvonne Woodhead

ALSO IN ATTENDANCE

Councillor Liz Yates

OFFICERS IN ATTENDANCE

David Forster – Resources Department
Alison Fawley – Resources Department
Tim Gregory – Corporate Director Place
Sally Gill - Place Department
Jonathan Smith – Place Department
Mike Hankin – Place Department
Ruth Kinsey – Place Department
Sue Bearman – Resources Department
Rachel Clack - Resources Department
Jane Marsden-Dale – Place Department
Joel Marshall – Place Department

MINUTES OF LAST MEETING HELD ON 8 DECEMBER 2015

The minutes of the meeting held on 8 December 2015 having been circulated to all Members were taken as read and were confirmed and signed by the Chairman.

MEMBERSHIP OF THE COMMITTEE

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

APOLOGIES FOR ABSENCE

There were no apologies for absence.

DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

None

DECLARATIONS OF LOBBYING OF MEMBERS

The Chair made a declaration for all members who had been emailed and written to by local groups and protesters.

INSTALLATION OF GROUNDWATER MONITORING BOREHOLES – LAND OFF SPRINGS ROAD MISSON

Mr Smith introduced the report and gave a slide presentation. During his introduction he highlighted the following:-

- The site is part of a former missile site situated 3 kilometres outside of Misson Village.
- There are four locations on the site that are proposed for borehole drilling with up to 3 boreholes drilled in each location.
- Each set of 3 boreholes will take approximately two weeks to install
- Groundwater monitoring is proposed for a minimum of 12 months.
- Of the 314 objections received half of them refer to fracking but it was reiterated that this application is for the installation of Groundwater Monitoring Boreholes and is not for exploratory drilling for shale gas.
- The application is not for the extraction of Minerals therefore there are no policies in the adopted or emerging Minerals Local Plan that directly relate to the principle of drilling groundwater monitoring boreholes. Similarly, whilst the National Planning Policy Framework (NPPF) gives great weight to the benefits of mineral extraction, this is not applicable to this application
- Levels of HGV movements will be at a minimum and a lorry routing condition is included in the list of conditions attached to the report.
- The Environment Agency (EA) has no objection to the application
- The risk of causing any additional problems with regard to flooding is minimal
- Noise levels have been predicted and they fall below the 65dB (A) recommended under the Code of Practice for Noise and Vibration Control on Construction and Open Sites.
- There are no heritage issues with regard to this application
- Conditions attached also prevent any works, including restoration work taking place during bird breeding seasons.

Following the introductory remarks of Mr Smith there were a number of speakers who were given an opportunity to speak and **summaries** of those speeches are set out below.

John Mann MP spoke against the application being approved on this site. He highlighted the following:-

- Whilst acknowledging that determining this application the County Council is constrained by Government policy which is supportive of fracking, he considered that the County Council did have control over the location of this type of development
- There is only one road through the town of Misson and with the aggregates and mushroom farm one side and this potential Fracking site the other the village is in danger of becoming industrialised.
- Urge members to dismiss the application on the grounds that it will lead onto a more industrial use therefore trapping the village.

In response to a question Mr Mann responded that the former use of the site was not industrial and would not be considered industrial currently as it is a storage site.

Mr Larder, Chair of Bassetlaw Against Fracking, spoke against the application. He highlighted the following:-

- These are not ordinary boreholes but can be considered a "foot in the door" boreholes leading to the possibility of Fracking.
- The site could already be contaminated by its former use as a missile site.
- The company IGas are not financially viable to take on the proposed works and could leave the tax payers to foot any bill due to contamination of the works carried out.
- David Smythe, Emeritus Professor of geophysics considers that there is a serious threat to the drinking water in the immediate area.
- There needs to be independent monitoring of the site and the work to be undertaken.

In response to questions Mr Larder responded as follows:-

- There needs to be independent monitoring to ensure that the results taken are true and the appropriate tests are carried out, as happened in Lancashire recently.

Mr Smith made comments on the presentation as follows:-

- The EA would monitor works undertaken and if they felt there were issues take the necessary action.
- The EA is the body that deals with any pollution issues in the UK so it is in their best interest to monitor any works that are carried out that may have an effect on the drinking water of the region.

Mrs R Clack, Solicitor, advised Committee that with regard to the issue of any financial visibility of the applicant was consideration which members could take into account when voting on this application.

Ms Mitchem, or Frack Free Notts, spoke against the application and highlighted the following:-

- The site is close to a number of Sites of Special Scientific Interest (SSSI) including Misson Training Ground, Misson (managed by Nottinghamshire Wildlife Trust), Line Bank and Idle Washlands.
- There has been significant habitat improvement works and investment undertaken at the Misson Training Ground to allow water levels to be raised to help the habitation at the site.
- Trial pits have showed some contamination of the soils on the site with a range of chemicals including Total Petroleum Hydrocarbons, Phosphorous, Nickel and Cadmium.
- There is no information provided to demonstrate that the construction of the boreholes would not disturb these chemicals.
- No impact assessment has been undertaken with regard to drilling and the effect on breeding birds in the area.
- No assessment has been undertaken on the possible effects on changes in water quality on any amphibians in the area.
- There needs to be strict monitoring of all tests undertaken in this area to ensure they are carried out correctly.

There were no questions

Mr Smith informed Members that paragraphs 142-182 of the report set out the ecological considerations regarding the application and noted that Natural England did not object to the application.

Mr Warren, Heaton Planning representing IGas, spoke in favour of the application and highlighted the following:-

- The scheme is small scale involving the drilling of 12 ground water monitoring boreholes using a mobile rig which is no more than 5½ metres in height.
- The Government is seeking to amend the Permitted Development Order to allow the hydrocarbon industry the ability to undertake early investigation and monitoring of groundwater without the need for planning permission.
- This application is to enable the monitoring of groundwater prior to any further separate application in the future to allow hydraulic fracturing to take place.
- There have been no objections raised by either the EA or the local Water Company or any other statutory consultees.

In response to questions Mr Warren responded as follows:-

- The boreholes are not to collect water but to collect data at low levels.
- The monitoring is sub-contracted so is independent of IGas

- The methodology for the monitoring is approved by the EA.
- The results would be analysed by independent scientists and the approved by the EA.
- The goal is to look at the viability of shale gas extraction in the future and if the results do not add up then the company would move away from the area.
- The tests that will be carried out are measuring the water level gradient, the establishment of characteristics of the sample gas through borehole and water quality isotopes
- EA audit the methodology being undertaken during the testing and that information is all in the public domain
- The noise levels have been checked and do come under the recommended levels reported in the item before committee today.

Mr Smith responded to the comments and informed members that paragraph 247 of the report sets out the predicted noise levels during drilling periods.

Mrs Watson, Misson Parish Councillor, spoke against the application and highlighted the following:-

- Policy MP12 of the Emerging Nottinghamshire Minerals Local Plan should be considered in this case due to providing evidence that exploration could not be achieved elsewhere.
- There has been no evidence provided that this is the only site suitable.
- Can this application be looked at in isolation because the outcome of these boreholes will have an effect on the next stage of the proposed development of the site
- The borehole depth is not considered deep enough to have a significant effect on monitoring the possibility of any unacceptable impacts early on.
- The Parish Council would like the application to be deferred on the grounds that the monitoring and the enforcement of the site will not be effective.

In response to questions Mrs Watson responded as follows:-

- It is not all the professional advice that IGas receives it is down to the distance the site is from the village and whether or not appropriate information is available to ensure the consultants can make informed decisions.
- The reason Policy MP12 was referred to is because this application cannot be seen as a standalone application but a link to the eventual application for Shale Gas exploration.

Mr Smith responded to comments and informed members that the application is for the installation of groundwater monitoring boreholes and not Hydrocarbon Minerals Exploration which Policy MP12 refers too. There are ongoing discussions with the EA and any outcome of those discussion will form part of a report to a future meeting.

Councillor Liz Yates, Local Member, spoke on the application and highlighted the following:-

- The application has to be determined on its own merits
- She has received some letters of support
- She recognises the concerns of objectors
- It is hoped that all the concerns raised by individual objectors have been taken into consideration and have been responded too.
- The report is comprehensive and conditions also cover most of the concerns of the objectors
- If the application is approved could there be a condition that any artificial lighting is directed to the ground and not across the fields.
- That all conditions are adhered to and are rigorously enforced.

There were no questions.

Members made the following comments:-

- This is a difficult decision to make given borehole linings have a tendency to break or fracture
- Could this site be of historical interest as it was a Bloodhound Missile site
- This site is potentially on a flood risk zone and could have an effect on the villages around it.
- This is not a “fracking” application it’s a groundwater monitoring application and is stand alone.
- In the future applications like this will not need to come to a planning committee as they will be permitted development
- There is to be monitoring of the site by the EA
- Could the Drilling rigs be clad with noise reducing cladding
- This is exploratory groundwater investigations and not fait accompli for other developments.
- Could additional conditions regarding light and noise can be added to the list of conditions.

Mr Smith in response to comments informed members:-

- The reference to cladding at the site visit was with respect to the application for exploratory wells, not groundwater monitoring boreholes and so is proposed in this application
- Conditions could be drawn up with regard to both noise levels and any artificial lighting that may be used on site.
- Exploration Boreholes have to reach up to 3000 metres not the 40 metres these are proposing.
- The Planning Authority has to trust the appropriate agencies to carry out the appropriate monitoring on the work being undertaken.

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

RESOLVED 2016/001

That planning permission be granted, subject to conditions being added with regard to noise levels and artificial lighting above, and set out in Appendix 1 attached to the report

COLLEDGE HOUSE JUNIOR SCHOOL ERECTION OF SINGLE STOREY THREE CLASSROOM KS1 AND 2 CLASSROOM KS2

Mr Smith introduced the report and gave a slide presentation. During his introduction he highlighted that any potential Highways issues are covered by the conditions attached to the application.

Members commented on the report and asked that consideration be given to the use of the tram when the school next considers its Travel Plan.

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

RESOLVED 2016/002

That planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992 subject to the conditions set out in Appendix 2 attached to the report.

MUSKHAM LAKES GREAT NORTH ROAD SOUTH MUSKHAM NEWARK

Mr Smith introduced the report and gave a slide presentation. During his introduction he highlighted that the Nottingham Piscatorial Society wish to develop the site further to help reduce the erosion to the banks caused by waves on the lakes.

The issue around the work being undertaken during the Sugar Beet season, which is to be extended, will be dealt with through the conditions attached to the application regarding the increase in Lorries on the road.

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

RESOLVED 2016/003

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

CONSTRUCTION OF A NEW WASTE TRANSFER BUILDING TO REDUCE DUST AND NOISE INCLUDING AN OVERFLOW PICKING STATION WIGWAM LANE HUCKNALL

The Chairman informed members that as he was the local member and he would withdraw from the Chair and the Vice-Chairman would take the Chair for this item only.

Mr Smith introduced the report and gave a slide presentation and responded to a question regarding the direction of the prevailing wind and the fact that it was in the direction of the golf course and not the surrounding housing.

On a motion by the Vice- Chairman seconded by the Councillor Madden it was:-

RESOLVED 2016/004

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 secure a lorry routeing agreement to restrict large HGVs associated with the development from travelling along Hucknall High Street and
2. that subject to the completion of the legal agreement before 19 April 2016 or another date which may be agreed by the Team Manager Development Management in consultation with the Chairman and the Vice Chairman, the Corporate Director – Place be authorised to grant planning permission for the above development subject to the conditions set out in Appendix 1 attached to the report. In the event that the legal agreement is not signed by 19 April 2016 or within any subsequent extension of decision time agreed with the Waste 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.

The Chairman returned to the Chair

SPRINGWATER GOLF CLUB MOOR LANE CALVERTON IMPROVEMENTS TO PRACTICE RANGE AND RELOCATION AND RAISING OF 10TH TEE

Mr Hankin introduced the report and gave a slide presentation and highlighted that the golf course would stay open during the works. That with regard to the site being situated in the greenbelt a judgement has to be taken into account and policies WCS 1 and 3 covers this type of application.

He also reported that there were no financial comments reported but can report that there are no financial implications to report.

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

RESOLVED 2016/005

1. That the Corporate Director – Place be instructed to enter into a legal agreement under section 106 of the Town and Country Planning Act 1990 to impose controls over lorry routeing so as to ensure HGV's do not enter or leave the site from Calverton village towards the west and
2. that subject to the completion of the legal agreement before the 31st March 2016 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 of this report. In the event that the legal agreement is not signed by the 31st March 2016, or within any subsequent extension of decision time agreed with the Waste 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.

LOCAL REQUIREMENTS FOR THE VALIDATION OF PLANNING APPLICATIONS

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

RESOLVED 2016/006

That the review of the Council's Guidance Note on the Validation of Planning Applications - Local List, be noted and that the intention to undertake a consultation exercise and report back the findings along with a proposed updated Local List to the next Planning and Licensing Committee for approval be presented to a future meeting.

DEVELOPMENT MANAGEMENT PROGRESS REPORT

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

RESOLVED 2016/007

That the Development report be noted

WORK PROGRAMME

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

RESOLVED 2016/008

That the Work Programme be noted

The meeting closed at 1.50 pm.

CHAIRMAN