



Meeting **PLANNING AND RIGHTS OF WAY COMMITTEE**

Date **Tuesday 8 March 2022 (commencing at 10am)**

**Membership**

Persons absent are marked with `A`

**COUNCILLORS**

Richard Butler (Chair)  
Sybil Fielding (Vice-Chair)

Andre Camilleri	Philip Owen
Robert Corden	Francis Purdue-Horan
Jim Creamer	Sam Smith
Paul Henshaw	Tom Smith
Andy Meakin - Apologies	Daniel Williamson - Apologies
John Ogle	

**OFFICERS IN ATTENDANCE**

Daniel Ambler – Place Department  
Pete Barker – Chief Executive’s Department  
Rachel Clack – Chief Executive’s Department  
Sally Gill – Place Department  
Mike Hankin – Place Department  
David Marsh – Place Department  
Jonathan Smith – Place Department

**1. MINUTES OF PREVIOUS MEETING HELD ON 14 DECEMBER 2021**

The minutes of the meeting held on 14 December, having been circulated to all Members, were taken as read and were confirmed, and were signed by the Chair.

**2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Meakin and Councillor Williamson (both Other Reasons).

**3. DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS**

Councillor Sam Smith declared a private interest in Item 6, ‘Variation of Conditions, MUGA, Carlton Digby School’, as he has a nephew who trains on the site with the Mapperley All Stars, which did not preclude him from speaking or voting on that item.

#### **4. DECLARATIONS OF LOBBYING OF MEMBERS**

All members confirmed that they had been lobbied regarding Item 5, 'EMERGE, Energy from Waste Facility, Ratcliffe on Soar Power Station', which did not preclude any member from speaking or voting on that item.

#### **5. EMERGE, ENERGY FROM WASTE FACILITY, RATCLIFFE ON SOAR POWER STATION**

Mr Hankin introduced the report and reminded members that at the Planning and Rights of Way Committee meeting on 21 June 2021 Members had resolved to support a grant of planning permission for the EMERGE Energy Recovery Facility at Ratcliffe on Soar Power Station subject to the decision being referred to the Secretary of State for Housing, Communities and Local Government and the applicant entering into a Section 106 legal agreement. The Council has now received confirmation from the Secretary of State that he does not wish to call the planning application in for determination and also that the Section 106 agreement has been signed by the applicant.

Mr Hankin informed Members that in the 9 months since the planning application was considered by Committee there had been a number of updates to planning policy and legislation as well as some further representations received which are relevant to the merits of the planning decision. The purpose of the report is to update Members of these recent publications, summarise their content and appraise whether the documents raise any issues which materially affect the original planning assessment of the EMERGE planning application.

In addition to summarising the contents of the report Mr Hankin informed Committee that since publication the Council had received 5 more representations from interested parties, 4 of which had been received in time to allow circulation to members and 1 that had been sent direct to planning officers.

Mr Hankin stated that the supplementary representations requested that members give close consideration to the updated planning policy and information which had been published since the original planning committee and which they consider change the original planning balance towards a refusal of planning permission. The publications identified in the supplementary representations comprise:

- The publication of the consultation draft replacement Nottingham and Nottinghamshire Waste Local Plan, specifically its revised data on waste arisings and treatment which indicate that there is an overcapacity of Energy from Waste facilities in the Nottinghamshire area and therefore there is not a need for the EMERGE facility.
- The energy recovery capacity gap in the plan period identified in Policy WCS 3 is covered by ongoing contract arrangements up to 2033.
- The publication of the new Environment Act which legislates more action on waste reduction and recycling.

- The Government's consultation on a new National Energy Policy for Renewable Energy Infrastructure, specifically para 2.10.5 which states that any new plants must not result in over-capacity of EfW waste treatment at a national or local level.
- The Committee on Climate Change advice on meeting the "Sixth Carbon Budget", specifically the caution expressed by the committee where they state that if EfW usage continues to rise unchecked, then its emissions will exceed the committee on climate changes pathway for reducing carbon emissions for the years 2033-2037 while potentially undermining recycling and re-use efforts.
- The publication of UKWIN's Good Practice Guidance for Assessing the Greenhouse Gas impacts of Waste Incineration which challenge the methodology used for calculating the climate change emissions from the development and argue that energy from waste should be assessed as "high carbon" not "low carbon".
- Conflict with the objectives of the proposed East Midlands Freeport which seeks to be a centre of excellence for zero carbon technology.

The objectors argued that the publication of this new information changes the assessment of planning policy compliance, specifically:

- There is not a need for the waste recovery capacity provided by the EMERGE facility to manage Nottinghamshire's waste and therefore the development does not comply with WCS Policy WCS4.
- Compliance with Green Belt Policy was originally demonstrated on the basis a need for additional recovery capacity represented a very special circumstance to justify inappropriate development in the Green Belt. Because there is no longer a need for the development, the facility should be refused on Green Belt grounds.
- The EMERGE facility fails to support the 70% recycling target set out within Policy WCS3.
- It is argued there is a national oversupply of incineration capacity and therefore the facility fails to comply with Policy WCS12.
- The development will result in adverse climate change impacts and therefore fails to comply with Policy WCS14.

Mr Hankin informed Committee that Officers have reviewed these latest representations noting that the updated planning policy and information which has been referenced within the representations generally reference the same documents which have been appraised by officers and set out within the update report and do not raise any new information of substance which would materially change the planning balance resulting in a different decision in connection with the planning application.

Mr Hankin referred to the proposed Freeport and informed Committee that officers had noted the recent announcement by Her Majesty's Customs and Revenue Office which was published on the 25<sup>th</sup> February 2022, after the drafting of the committee report. The announcement related to the dates for when companies investing in the Freeport will be able to access economic benefits and did not relate to land-use planning. The announcement therefore does not materially change the planning assessment of the implications of the Freeport on the EMERGE planning application set out within paragraphs 456 and 457 of the original committee report wherein the Freeport was not given any material weight in the overall planning balance because it does not have planning permission and is not identified within the Development Plan or a designated Local Development Order.

Mr Hankin also informed Committee that since the date of the original committee report Rushcliffe Borough Council had undertaken a first-round consultation on establishing a Ratcliffe Local Development Order aimed at developing new industry and business on the Ratcliffe on Soar Power Station site following its planned closure in 2024. Mr Hankin stated that this local development order is still at an early stage of establishment and therefore Officers remain of the view that its potential future designation should not be given significant weight in this planning decision. Mr Hankin informed Committee that officers had reviewed the objectives of the proposed Local Development Order concluding that they do not seek to develop solely renewable energy as suggested in the representations recently received from interested parties, noting that the aim is to create 7-8,000 new jobs based around advanced engineering and energy production including on-site low carbon energy generation which the development of the EMERGE Facility would be consistent with.

Following Mr Hankin's introduction, Monica Pallis was given the opportunity to speak and **a summary** of that speech is set out below:

- We have been told that to have less landfill we need more incineration. This is what Uniper and your officers project.
- In contrast, the new Waste Needs Assessment has forecast that by 2038 we may have overcapacity in energy recovery.
- You may have noticed that the ranges suggested for residual waste in the Officer's report and the Waste Needs Assessment do not overlap. I was a research scientist and when I read discrepancies this big I ask what any scientist would ask 'Where is the data?'

- Last November's Environment Act legislated on waste management, so of course DEFRA has carried out thorough modelling.
- Their details indicate that recycling will increase dramatically. Separate food waste collections will happen and will be a huge opportunity to divert up to a third of household waste to facilities for making biofertiliser and biogas, just the sort of thing we need for truly sustainable waste management.
- Your officer's report suggest why the waste needs Assessment should be ignored: the consultation has not finished, the assessment got a few things wrong. But let me push back.
- What if the Needs Assessment is not in fact too optimistic on recycling but too pessimistic?
- Their so-called high recycling scenario is modelled on 65% recycling in Notts in 2038.
- Wales achieved this in 2020 and has declared a moratorium on incineration. Why can they have that in Wales but not us here?
- Well we can as long as we support the progress set in motion by the Environment Act.
- And what could go wrong if you allow more incineration? You risk long term contracts being made that would demand high levels of residual waste, that would de-incentivise recycling, including food waste to biogas and fertiliser.
- 65% by 2038 is not really a high recycling rate. The Climate Change Committee is asking us to reach 70% by 2030.
- Ladies and gentlemen, as a mother and grandmother I implore you to give weight to the recent Environment Act, Carbon Budget Order and the local Waste Needs Assessment and tip the planning balance towards that future for all our children where resources are preserved and do not go up in smoke and greenhouse gases.
- If you're not ready to go that far, as a scientist, I recommend that you commission independent reports to shed light on the unacceptable discrepancies between local residual waste forecasts. Thankyou.

There were no questions.

In a private capacity, County Councillor Penny Gowland, on behalf of Borough Councillor Jen Walker, was then given the opportunity to speak and a **summary** of that speech is set out below:

- I am very grateful for the opportunity to speak to committee again. Grateful for a system that allows the opportunity for debate on the issues that matter. Grateful to be revisiting the application of a rubbish incinerator I have always been against since the moment it was first announced. Opportunities like this do not come around very often. I very much hope that some of what has come out in the media this past year will come to bear on the voting councillors will make today. The hunches that you voiced when this was last brought to this group have not changed:
  - The case for rejection because there is no need in our county – remains true
  - The shipping in of rubbish from further afield (yet to be confirmed) – remains true
  - The evidence that it acts to bring down recycling levels – remains true
- What has changed is that there has been a notable shift in mood and by agreeing to allow an incinerator in our county you will be moving against the tide now. A tide that has no political colour but rather one that makes sense not only for the good of public health but also in economic terms:
  - MPs Geraint Davies and Iain Duncan Smith unite in their opposition to the expansion of the Edmonton incinerator.
  - The Conservative-led Hampshire Council has just rejected plans for a new incinerator stating there is “no need” for this plant and a local farmer added “that the incinerator would be devastating, both professionally and for our business.” A view backed-up by the findings of dioxins in chicken eggs up to 10km from incinerators that emit them.
  - In Northwich the aptly named Lostock incinerator has been ‘kicked into history’ where Cllr Sam Naylor suggested ‘this is an indication of the underlying problems facing the whole outdated incinerator industry and perhaps an opportunity for LSEP to reflect and pull the plug on this unwelcome, unwanted, outdated and highly polluting project.’
  - Cardiff Council have rejected plans for an incinerator in January stating there was ‘insufficient need and conflicted with the Welsh Government waste strategy.’
- I have sympathy for the difficult decisions this committee must make that will have a legacy and impact on future generations being a councillor myself. What I am hoping to convey is that this committee has a legitimate right to refuse this plan and that the precedent has been set by others before you. Not along party lines but rather the public opinion on incineration has moved from being seen as a necessary evil to a polluting, outdated solution to our waste problem and it has done so at an incredible pace - even since we last

met to discuss it in this chamber. I would also add that the online petition now has well over 3000 signatures.

- So, I would ask you first to reject the application, but if there still remains uncertainty, at a minimum to put a moratorium on incineration and hold fire on this plan until more research and information comes to light.

There were no questions.

Shlomo Downen was then given the opportunity to speak and **a summary** of that speech is set out below:

- I have more than fifteen years' experience of the waste sector.
- As you know, planning decisions are a matter of balance, and the weight to be given to the various pros and cons is where this Committee's power lies. Just two weeks ago, an incinerator proposed for Hampshire was voted down by their Planning Committee, despite the Officer's recommendation to approve. As one Hampshire County Councillor put it: "There's simply no need for it...the main focus should be recycling, not burning". Press coverage hailed the refusal as a 'victory for democracy'. You too have an opportunity to take a different view to your Officer as to the weight to be given.
- An incinerator proposed for green belt land in New Barnfield was refused by the Secretary of State, who found the benefits and disbenefits of the scheme were equal, and because national policy says that the benefits must clearly outweigh the potential harm to the green belt and any other harm, the application had to be refused, in line with Paragraph 148 of the NPPF.
- I believe this is also the case here, where the benefits of the scheme do not clearly outweigh the disbenefits.
- Since June, the Government has: strengthened policy wording intended to avoid incineration overcapacity, new laws have been passed to reduce residual waste, and a consultation Waste Plan has been published, with the evidence base showing how there is already more than enough incineration capacity in Nottinghamshire. New evidence has also been published showing that incineration has a high carbon intensity, on a par with coal, and so is not low carbon as previously assumed.
- It is now clear that the proposal goes against the following policies from the adopted Waste Core Strategy, thus providing robust grounds for refusal:
  - WCS3, because, in light of the latest waste data, the proposal clearly goes against current recycling targets.
  - WCS4, because this constitutes inappropriate development in the Green Belt and the benefits do not clearly outweigh the harm.

- WCS12, because the proposal does not meet the criteria for treating non-local waste.
  - and WCS14, because this would be a high-carbon development.
- There is no urgent need for new incineration capacity in Nottinghamshire. There is already around 6 and a half million tonnes of operational incineration capacity within a 2-hour drive of the application site, with yet more under construction.
  - Refusal is necessary to protect the green belt, to defend Nottinghamshire's recycling ambitions, to support the decarbonisation of the electricity grid, and to stave off incineration overcapacity.
  - Make today a great day for democracy in Nottinghamshire – by refusing this application.

There were no questions.

Andy Read, on behalf of the applicants, was then given the opportunity to speak and **a summary** of that speech is set out below:

- Thank you for the opportunity to talk to you again. I would like to begin by thanking your officers for the professional way they have handled this.
- The report they have produced is thorough.
- We agree that the new information does not give any grounds to change your previous decision.
- We are confident that there will continue to be a surplus of non-recyclable waste in the region in the long term. This needs to be dealt with in a better way, a more sustainable way, than exporting it, or sending it to landfill.
- I would also like to assure this committee that Uniper is doing exactly what we said that we would do - pursuing viable options to use the heat generated by the EMERGE Centre for industrial processes. This is part of the wider vision to attract advanced manufacturing and employment to the Ratcliffe site. Something that will deliver jobs and investment in Nottinghamshire.
- Many industrial processes need heat. Using heat from EMERGE would avoid the need to use natural gas, giving an additional environment benefit.
- The vote to approve planning last year prompted investors to come forward and we hope to make further announcements later in the year on this.
- While I can't name potential investors today, discussions are confidential, I can summarise other positive steps taken to develop this site:

- First, the East Midlands Freeport, of which the Council is a member. Secondary legislation granting Freeport Tax Site designation was laid before parliament last week and will come into force this month. This gives a strong financial incentive for inward investors.
- Second, the Local Development Order being developed by Rushcliffe Borough Council with our support. This will give outline planning approval for the whole Ratcliffe site and has already been through a first stage of public consultation, with positive feedback.
- Finally, the environmental permit for the EMERGE Centre was granted by the Environment Agency last week. With the Section 106 agreement also signed, we can now move forward quickly.
- The EMERGE Centre will be the first step towards our vision to create a low carbon future for the whole Ratcliffe site.
- I believe you made the right decision last June and we have made real progress since then. I ask you to confirm that decision today and allow us to continue. Thank you.

The following points were clarified:

- The Section 106 agreement has been signed so vehicle movements are now regulated. There will be sanctions, including suspensions, for drivers and the hauliers if this is ignored. The agreement also regulates the use of the railhead.
- There is no legal requirement to implement carbon capture and this has been confirmed recently through government consultation.
- There has been no objection from the HS2 team – there is no overlap of land and the development will not affect construction.

Members then debated the item and highlighted the following:

- There is an error in the Financial Comments section of the original report dated 22 June 2021. The reference should be to paragraph 662 and not 646 as stated. The costs to the Council of issuing the decision have been covered as per the Section 106 agreement and the report to today's committee makes the financial implications for the Council clear.
- If the Section 106 agreement had been signed sooner there would have been no need to reconsider the original decision, but subsequent developments in planning policy and legislation may have affected the original planning assessment of the application, hence the need for the decision to be revisited. Officers are recommending that members affirm their previous resolution to grant planning permission.

- The waste to be used in the proposed plant is residual, and the carbon emissions from the plant compare favourably with diverting such waste to landfill.
- The site is classed as low carbon and will have the advantage over some other power sources, such as wind, in that there will be no variance in that power supply.

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

#### **RESOLVED 2021/024**

- 1) That the previous resolution to grant planning permission for the development be affirmed.
- 2) That Committee are content for officers to proceed with formally issuing the decision notice, in accordance with the previous resolution.

#### **6. VARIATION OF CONDITIONS, MULTI USE GAMES AREA (MUGA), CARLTON DIGBY SCHOOL**

Mr Marsh introduced the report that considered a planning application for the variation of conditions to allow portable lights to facilitate year-round use and an additional hour of use on Sunday mornings on the school Multi-Use Games Area (MUGA). Mr Marsh informed members that the key issues related to the associated traffic and amenity impacts.

Mr Marsh informed Committee that since the papers were published, a number of late representations have been received. Gedling Borough Councillor Andrew Ellwood had written stating that he has visited the site on an autumn Tuesday evening to view a session being held between 7:00-8:00pm to investigate whether a potential all-weather pitch in his ward, not at Digby Avenue, would be compatible with nearby houses. During his visit he advised that there was no noise from the football players which he would consider to be disturbing to the nearby houses and he did walk to the frontages of the houses on to the opposite side of Digby Avenue to gauge the sound from the football being played and the noise level was further reduced. During his visit he did not encounter any bad language or swearing from any of the football players.

Mr Marsh informed members that the Mapperley All Stars had also written drawing attention to the minimal impact of lighting and emphasising that the lights are removed after each evening session. They currently use the facility for evening sessions on Monday - Thursday finishing no later than 8:10pm. To stop using the lights would stop over 750 children and adults being able to access sport each week, having a catastrophic impact on physical and mental health. In addition to football, sessions for weight loss, parent toddler, and girls only sessions are offered. Free sessions are offered to children on free school meals, they run school holiday sessions for Gedling Borough Council and have recently been awarded runners-up in the Pride of Gedling Awards in the Inspirational Healthy Lifestyles category.

The 9:00am session has run on a Saturday for many years without any problems. The Sunday morning session would outweigh any negatives. Parents are asked to park considerately with respect to neighbours. Mapperley All Stars are currently in discussion with Westdale Junior School about being able to use the school car park.

Mr Marsh informed Committee that in addition to these submissions officers had received 25 representations by email supporting the application from parents of children who attend sessions at the site run by Mapperley All Stars. The representations have highlighted:

- improved physical and mental wellbeing,
- improved confidence,
- improved social skills, and
- the improved personal development that they have witnessed in their children as a result of them attending these sessions, particularly post-lockdown.

Allowing the facility to be lit would allow access to sport during winter months. The representations also praise the hard work and dedication of Mapperley All Stars and the important part they play in the Mapperley community. One parent also uses the facility themselves and appreciates the social interaction given that they work from home a lot.

Mr Marsh stated that whilst the representations from Mapperley All Stars, users and parents make reference to how the facility is currently used, a grant of planning permission would allow the facility to be used by other persons hiring the Multi-Use Games Area.

Mr Marsh informed members that the late representations expressing support were consistent with advice in the National Planning Policy Framework which at Paragraph 92 explains that planning....decisions should aim to achieve healthy, inclusive and safe places which amongst other criteria enable and support healthy lifestyles, and at Paragraph 93 to provide social and recreational facilities that the community needs, to enhance the sustainability of communities and residential environments, which is referenced in the consultation responses received from Sport England.

Following Mr Marsh's introduction, a local resident was then given the opportunity to speak and **a summary** of that speech is set out below:

- In May 2011, when granting planning permission, this committee felt it necessary to put in numerous conditions including restricting the use of the MUGA to starting at 10am on a Sunday and not allowing floodlighting.
- It was never intended for the MUGA to have floodlighting. Consultants working on behalf of the developer and NCC stated that lighting was not included in deference to residential neighbours.
- Committee stated that the reasons for the conditions were to safeguard the amenity that nearby residents could reasonably expect to enjoy.

- It also ensured that the development did not contravene Gedling BC's Local Planning Document by increasing noise, increasing the activity on site and increasing traffic going to the site during the hours of darkness.
- In 2018 when the Digby School applied to increase the numbers attending the school this committee reconfirmed those conditions.
- At the same 2018 meeting it was highlighted, to the disgust of the committee, that the development was not complying with the existing conditions. Regrettably they are still not complying.
- There is still no community user agreement in place 11 years after the development. The condition states that this facility should not be used until this is in place.
- There is a portaloo on site, in a residential environment, despite there being an externally accessible toilet at Digby School.
- The County Council are policing the County Council and it does not work. We have no enforcement taking place to ensure all of the conditions are being adhered to. We have had 11 years of non-enforcement.
- I ask this committee that all existing conditions are enforced with immediate effect. Traffic surveys have not been completed, noise monitoring has not taken place, travel plans are not in place. How do children safely get to the MUGA which is on the opposite side of the road. The list goes on.
- After 11 years the operator of the facility clearly has no intention of complying with the existing conditions and blatantly flaunts its own rules.
- No further changes to the planning permission should be made until all of the existing conditions are complied with and no temporary allowance be made to allow the continued use of floodlights without these conditions being met.
- I am unsure what has changed since 2011 and since 2018, that now allows this committee to grant permission for floodlighting, for earlier Sunday starts, to override their previous conditions. What material change has taken place to now allow these conditions to be removed?
- The answer is nothing, nothing has changed to suggest these conditions should now be removed.
- Increasing usage means increased noise.
- Increasing the activity means increased disturbance to the residents.
- Increasing usage equals increasing traffic – we have observed at change of sessions there are 30 cars arriving and 30 leaving, the cars arriving before the cars leaving so 60 additional cars are on Digby Avenue.

- Just because we do not have school traffic Monday to Friday does not make it OK for us to have it in the evenings, Saturdays and Sundays.
- These applications should not be agreed just because there is now a need for increased usage. There are alternative facilities available nearby.
- The 9am Sunday session takes place elsewhere removing the need for an earlier start at the MUGA. Mapperley Allstars Coaching Limited moved from Carlton Forum where there is parking and floodlighting.
- It is clear from the objections received that no local resident wants either of these permissions to be granted.
- How many letters of support have been received from local residents neighbouring the MUGA?
- The residents of Digby Avenue and the surrounding homes, as confirmed previously by this committee, have a right to safeguard the amenity that nearby residents could reasonably expect to enjoy.
- I therefore ask that you refuse these applications as they contravene Gedling BC's Local Planning Document – Part 2 Local Plan Policy LPD32 'Amenity' and Gedling Replacement Local Plan Policy ENV11 – Pollution generating development – by increasing noise, increasing the activity on site and increasing the traffic going to the site during the hours of darkness.

Another local resident was then given the opportunity to speak and **a summary** of that speech, which was read out on the resident's behalf by Ms Clack, is set out below:

- I live on Digby Avenue with my husband and 5 year old daughter.
- In July 2021 I rang the NCC Enforcement Team and spoke to Tim Turner to highlight the use of the MUGA before 10am on a Sunday, the use of the portaloos, anti-social behaviour (ASB), bad language and parking issues. Mr Turner confirmed our conversation in an email.
- Mr Turner did not deem the earlier start on a Sunday as unacceptable and would take up the toilet issue with the school. He informed me that ASB and parking were not planning concerns but that he would raise those with the school and the All Stars.
- I spoke to Mr Turner again to report the use of unauthorised floodlighting but Mr Turner stated that as the floodlighting was temporary its use was acceptable.
- The original planning permission did not allow floodlighting because of amenity issues for the residents and because of the local plan.
- In September football was being played at 8.30pm, it was a hot night, our windows were open and my daughter could not get to sleep because of the noise, I asked the coach to lessen the noise and stop using foul language, I was surrounded by players who told me they had paid and could do what they wanted. I reported the ASB and foul language to Gedling BC.

- The use of the lights mean that play continues at night with ASB, foul language and the noise of the ball being kicked against the side of the playing area. There is some respite in winter as our doors and windows are closed.
- In January I was walking past the MUGA with my daughter on the way to the shop, the MUGA was in use and foul language could clearly be heard. No child should have to hear that sort of language.
- If there were no lights the incidence of ASB and foul language would reduce considerably.
- In February my drive was blocked by a car when we needed to go out. The car belonged to the father of someone using the MUGA, he gave me a barrage of abuse.
- The All Stars have told uses to park further away from the MUGA but this just causes problems for residents further up the Avenue.
- There are 'H' bars on the drives near the school but they are ineffective.
- The All Stars are making a profit from the misery of Digby Avenue residents.
- There is no community user agreement in place.
- The application is just so that a private company can increase its commercial activity.
- The MUGA was never designed for the wider use of the community, it was for the use of school children and students in the day time with some occasional community use.
- The All Stars moved for a commercial site at Carlton Forum to Digby Avenue to increase their profits.
- Please refuse the application so that residents can enjoy their evenings and Bank Holidays again.

The following points were clarified:

- The 'H' bars are on driveways near the school but as they are unenforceable they have been ineffective.
- There are time slots available other than those used by the All Stars but as the school only has an agreement with the All Stars no other organisations, except the school, use the MUGA.

Following Mr Marsh's introduction Members then debated the item and highlighted the following:

- The impact of floodlighting was not assessed in the original application in 2011 as none was proposed because of cost. It is a sporting environment and at the time Sport England would have preferred the facility to have been lit.
- Applicants do have the right to apply for variations to planning conditions.
- The traffic associated with the use of the MUGA is less than that during day to day school use.
- The use of the school's toilet was tied into the community use agreement and was not intended to be an open-access facility.
- Although no community agreement is in place the facility is being used. It would be a cause for concern if it were not.
- Some issues associated with the use of the MUGA would be very difficult to control through the planning process eg bad language and ASB.
- The Authority is in discussions with the school about putting a community agreement in place. The agreement would set out the terms of hire. The All Stars are not party to that agreement.
- The community agreement would be a mechanism for dealing with the amenity issues eg swearing, ASB.
- If permission is granted the lights will be as described in the application ie portable and LED.
- Complaints of swearing on Sunday mornings have been made, though the Sunday sessions are for children in the morning and adults in the afternoon.
- The applicant is not asking for the hours of use to be changed but without lights it is not possible to use the MUGA for the entirety of the permitted periods.
- It is a Regulation 3 application, if planning permission were not granted there is no right of appeal.
- The refusal of permission would not stop the use of the MUGA.
- During the debate Members indicated their intention to refuse permission on the grounds of amenity.

On a motion by the Chair, duly seconded, it was:

**RESOLVED 2021/025**

- 1) That planning permission is not granted for the variation of Condition 32 of planning permission 7/2011/0268NCC.

- 2) That planning permission is not granted for the variation of Condition 11 planning permission 7/2018/1075NCC.

## **7. VARIATION OF CONDITIONS, WASTE RECYCLING FACILITY, SNAPE LANE, HARWORTH**

Mr Smith introduced the report that considered a planning application for a reconfiguration of the approved site layout at Luna Waste Services, Unit C6, Glassworks Way, Snape Lane, Harworth. Mr Smith informed Committee that the key issue related to potential noise impacts on local amenity.

Mr Smith informed members that there was a minor error in the wording of Condition 13. The beginning of the first sentence in the second paragraph should read:

“The maximum storage height of materials within the site shall be no higher than the 5m.....”

Following Mr Smith’s introduction Members then debated the item and highlighted the following:

- Members expressed their frustration that the application was for retrospective permission. The Chair sympathised with Members’ views and reminded them that the Authority had written to government stating their dissatisfaction with the present state of the law.
- Officers do monitor sites and this is how breaches of conditions are detected.
- Officers do encourage people to submit applications before breaching planning conditions.
- Condition 7 covers the issue of floodlighting on the site.

On a motion by the Chair, duly seconded, it was:

### **RESOLVED 2021/026**

That subject to correcting the wording of Condition 13, planning permission be granted subject to the conditions set out in Appendix 1 to the report.

## **8. ADOPTION OF NCC REQUIREMENTS FOR VALIDATION OF PLANNING APPLICATIONS**

Mr Smith introduced the report which advised Members of the consultation exercise undertaken on the proposed changes to the County Council’s Local Requirements for the Validation of Planning Applications, the responses received, and sought approval of the changes and the formal adoption of the revised document.

On a motion by the Chair, duly seconded, it was:

**RESOLVED 2021/027**

- 1) That Members note the responses to the consultation exercise and that the revised document, known as Nottinghamshire County Council's Guidance Note on the Validation Requirements for Planning Applications, be approved.
- 2) That officers be authorised, in consultation with the Chair and Vice Chair of Planning and Rights of Way Committee, to make minor changes to reflect any updates to the NPPF and other referenced documents, as appropriate, during the intervening period before the next Validation Guidance review, where these do not materially affect the validation document.

**9. DEVELOPMENT MANAGEMENT REPORT**

Mrs Gill introduced the report and confirmed that this was the usual report brought regularly to committee detailing the applications received, determined and scheduled.

Mrs Gill confirmed that the application to extract sand and gravel at Barton in Fabis had been withdrawn.

The Chair encouraged members to attend the site visit to Ratcher Hill quarry.

**RESOLVED 2021/028**

That the contents of the report be noted.

The meeting closed at 12.52pm

**CHAIR**