

Meeting: Planning and Rights of Way Committee

Date: Tuesday 5 November 2024 (commencing at 10:30am)

Membership:**COUNCILLORS**

Mike Quigley MBE (Chairman)
Jim Creamer (Vice-Chairman)

Mike Adams	Andy Meakin
André Camilleri	Nigel Moxon
Robert Corden	Philip Owen (Apologies)
Sybil Fielding (Apologies)	Francis Purdue-Horan
Paul Henshaw	Gordon Wheeler
Rachel Madden (Apologies)	

SUBSTITUTE MEMBERS

Councillor John Ogle for Councillor Philip Owen

OFFICERS AND COLLEAGUES IN ATTENDANCE:

David Arnold	-	Head of Planning and Environment
Wayne Bexton	-	Service Director, Green Growth, Investments and Assets
Tommi Cluley	-	Planning Monitoring and Enforcement Officer
Steven Eastwood, Sr-		Advanced Legal Practitioner
Rebecca Kirkland	-	Planning Support Officer
Katherine Harclerode-		Democratic Services Officer
Jaspreet Lyall	-	Barrister and Legal Advisor to the Committee
Joel Marshall	-	Planning Applications Senior Practitioner
Jonathan Smith	-	Team Manager, Development Management

PUBLIC SPEAKERS IN ATTENDANCE:

Councillor Tracey Taylor (Nottinghamshire County Councillor for Misterton)	-	Variation of condition 2 of planning permission 1-18-00217-CDM, variation of condition 3 of planning permission 1-18-00218-CDM, and variation of condition 2 of planning permission 1-18-00219-CDM for extension of time to allow for importation, stockpiling and recycling of
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inert construction and demolition waste as part of existing material recycling facility, Daneshill Landfill site, Daneshill Road, Lound

1. MINUTES OF THE LAST MEETING

The minutes of the last meeting held on 17 September 2024, having been circulated to all Members, were taken as read and were confirmed and signed by the Chairman.

2. APOLOGIES FOR ABSENCE

Councillor Philip Owen - other reasons
Councillor Rachel Madden - other reasons
Councillor Sybil Fielding - illness

3. DECLARATIONS OF INTERESTS

There were no declarations of interest.

4. DECLARATIONS OF LOBBYING

There were no declarations of lobbying.

5. VARIATION OF CONDITION 2 OF PLANNING PERMISSION 1-18-00217-CDM, VARIATION OF CONDITION 3 OF PLANNING PERMISSION 1-18-00218-CDM, AND VARIATION OF CONDITION 2 OF PLANNING PERMISSION 1-18-00219-CDM FOR EXTENSION OF TIME TO ALLOW FOR IMPORTATION, STOCKPILING, AND RECYCLING OF INERT CONSTRUCTION AND DEMOLITION WASTE AS PART OF EXISTING MATERIAL RECYCLING FACILITY, DANESHILL LANDFILL SITE, DANESHILL ROAD, LOUND

Jonathan Smith, Team Manager Development Management, introduced the application and gave a presentation which included the following information:

- The planning history of the site, the site layout details, site context, maps, photographs, restoration plan and planning policies which underpin the application.
- The site is part of a longstanding landfill site which has planning permission for the deposit of waste until 2048. The County Council will continue to review the implementation of the restoration master plan.
- The section 73 applications seek to extend the use of the materials recycling site until December 2029 and thereby defer restoration of this part of the wider landfill site.
- The site is managed by FCC Environment under a long-term lease from the County Council.

- The applications are being submitted to the committee for consideration because objections from a neighbouring parish council and from five members of the public had been received, all of which were addressed within the report.
- The wider landfill is occasionally active based on market demand, and the site was currently closed with the recent waste cells capped. The landfill site was most recently active from August 2021 to May 2023. The materials recycling site has most recently been used for stockpiling of restoration soils used for capping waste cells on the site.
- It was expected that activities at the site will resume operations as before, with recycling of materials such as rubble, soil, sand and gravel taking place in the open, without the addition of any buildings or fixed structures.
- Planning and Environmental health teams at Bassetlaw District Council raised no objection but Torworth Parish Council objected and believe the site should be restored by 2029 whilst also raising concerns regarding contamination, traffic, heritage and environment loss and ejected waste from vehicles.
- Five members of the public had made representations objecting to the continuation of operations at the site, citing negative effects of contamination, traffic, heritage and environment loss.
- The applicant stated that not extending the deadline would result in the permanent loss of an Environment Agency permitted recycling facility. This would mean that materials that would have previously been recycled on site would in future have to be managed at a more distant site, incurring associated emissions and costs. Granting planning permission would allow the facility to be available at immediate notice to react quickly to market conditions and commence recycling activities as and when required.
- Ecological, environmental and immediate impacts have been considered and will continue to be managed by controls in the planning conditions. The principle of using the site had been established in previous permissions, having been assessed under relevant local and national planning policies.
- The Waste Hierarchy sets out the national planning policy for waste, and the Waste Core Strategy identifies that recycling waste and preparing it for re-use is preferable to disposal. It was considered that the site could be used for beneficial and sustainable material recycling in line with the policy.
- It was recommended that the three applications were granted permission subject to the conditions appended to the report to allow continuation of the use of the material recycling site until 31 December 2029.

Councillor Tracey Taylor, the Nottinghamshire County Councillor representing the Misterton Division, spoke on the application and raised the following issues:

- The application was causing significant concern to residents in the community of Lound and neighbouring villages, including those on the transport route. Torworth suffers particularly from the HGV traffic, including vehicles in the roadside ditches and repeated debris shed from unsheeted loads; and this despite planning conditions on the extant permission(s).
- This extension of time was felt to be important, not only because it would allow the currently permitted operations to continue, but more significantly because it would keep the door open for operations which are not yet permitted.
- The committee had heard the site is currently mothballed, but simultaneously that the facility was too valuable to be lost if permission was not granted.
- This committee considered an application a few years ago for operations that would include the importation of potentially contaminated soils, specifically listing the possibility of asbestos particles in the loads. Whilst NCC approved that application in principle, that decision was called in by the Secretary of State in the absence of a full Environmental Impact Assessment, and permission was ultimately refused when the applicant did not proceed to submit the further required paperwork. The EA also subsequently refused permission for those particular operations.
- Since that time, the applicant has appealed the EA's refusal of the discrete application and has also sought to vary the terms of the current operating permit to allow inclusion of contaminated materials (including the possibility of asbestos). A confusion of EA opinions and decisions, including a refusal and some failures to consult with the public at appropriate times, then led to a full public enquiry to consider the applicant's appeals against the refusals. The outcome of that enquiry is currently awaited.
- The decision was felt to be very significant because this was not simply about extending the life of the existing operations, but of creating the circumstances where a site that should have ceased operating in December 2023 would remain open whilst the ongoing legal challenges over other more concerning activities and operations play out.
- The committee previously considered the request of IGas Energy, Plc to extend the restoration phase of the site at Misson Springs, during the moratorium on fracking. It was felt that members had sensibly applied the planning rules of the day, rather than making a decision based on the future possibility of the moratorium being lifted. This application also required a decision based on the prevailing planning rules, and it was hoped this would not inadvertently facilitate the future aspirations of an operator who has not been a trusted friend of the host community.
- It was felt to be time for this site to cease operations and for full restoration to proceed.

In response to these points, Officers clarified the following issues:

- The site was still required although 'currently mothballed' Since general landfilling ceased at the site, operations had been intermittent at the site. This was the last landfill site in the county, and although waste policy sought to move waste up the hierarchy, it was understood that there would always be some element of waste that could not be reused or recycled which would require some landfill capacity.
- It was likely that as recycling contracts come up the continued use of the site could continue, and the site was likely to be required for recycling at points in the future.
- It was acknowledged that another application had been received which involved hazardous waste such as asbestos bearing materials but this had been refused as no Environmental Impact Assessment had been provided. Officers were aware of the current Environmental Agency appeal process. There were controls for what could be brought into the site under the applications under consideration which did not include hazardous materials. A future application for those hazardous materials could be possible in the future, but this would be a separate matter which was not being considered at this time.

Further to the report and the presentations, Members did not require additional clarifications or express additional comments during debate.

RESOLVED (2024/17):

- 1) That the application be refused for the following reasons:
 - a) The site which is presently mothballed should be brought forward for its conservation restoration in line with Policy WCS13 – Protecting and Enhancing our Environment.
- 2) That, in accordance with the Council's Code of Best Practice, authority be delegated to officers to put the above reason for refusal in writing to allow the decision notice to be issued.

6. DEVELOPMENT MANAGEMENT PROGRESS REPORT

Jonathan Smith, Team Manager for Development Management, introduced the report.

RESOLVED (2024/18):

- 1) That the Development Management Progress Report be noted.

The Chairman closed the meeting at 11:14 am.

CHAIRMAN