

Meeting **PLANNING AND LICENSING COMMITTEE**

Date **Tuesday 23 April 2019 (commencing at 10.30 am)**

**Membership**

Persons absent are marked with `A`

**COUNCILLORS**

Chris Barnfather (Chairman)  
Jim Creamer (Vice-Chair)

Pauline Allan	John Longdon
Andy Brown	Rachel Madden - A
Neil Clarke MBE	Kevin Rostance
Sybil Fielding	Tracey Taylor
Paul Henshaw	Yvonne Woodhead
Bruce Laughton	

**OFFICERS IN ATTENDANCE**

Pete Barker - Chief Executive's Department  
Rachel Clack - Chief Executive's Department  
Sally Gill - Place Department  
Mike Hankin - Place Department  
Joel Marshall - Place Department  
Jonathan Smith - Place Department  
Debbie Wragg - Place Department

**1. MINUTES OF LAST MEETING HELD ON 12<sup>th</sup> MARCH 2019**

The minutes of the meeting held on 12<sup>th</sup> March 2019, having been circulated to all Members, were taken as read and were confirmed and signed by the Chair.

**2. APOLOGIES FOR ABSENCE**

Councillor Laughton replaced Councillor Walker and Councillor Woodhead replaced Councillor Wetton, both for this meeting only.

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

Councillor Clarke informed Committee that he would be speaking in his role as local member regarding Item 6, Canalside Industrial Park, Cropwell Bishop – Variation of Condition, as he wished to put forward the concerns of the electorate and would not therefore, take part in the debate or voting for that item.

Councillor Laughton declared a private interest in Item 7, Rufford Hills Farm, Rufford – Drill and Test Borehole, as he owns land adjacent to the application site, which did not preclude him from speaking or voting on that item.

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

No declarations of lobbying were made.

Committee agreed that the order of items be changed to consider Item 6, Canalside Industrial Park, Cropwell Bishop – Variation of Condition, first as one of the public speakers regarding the report on Bantycok Quarry had not yet arrived.

### **5. CANALSIDE INDUSTRIAL PARK, CROPWELL BISHOP – VARIATION OF CONDITION**

Mr Hankin introduced the report which concerned a Section 73 (variation of planning condition) application to vary Condition 20 of Planning Permission 8/14/01550/CMA to permit an increase in the maximum daily numbers of heavy goods vehicles (HGVs) accessing the site.

Mr Hankin informed members that the key issues related to the protection of highway safety and the significance of the impacts to local amenity and balancing these matters against NPPF policy which requires the planning system to proactively support the business community.

There were no questions.

Following the introductory remarks of Mr Hankin, Ms Hazell, a resident of Cropwell Bishop, was given the opportunity to speak and a **summary** of that speech is set out below:-

- This Committee rejected a previous application in September 2015 by the present applicant to refill a hole illegally dug on the site which is of importance for nature conservation.
- It can be assumed that the original hole was dug for profit and now the applicant will profit again from refilling the hole without any consideration for the village or the conservation of wildlife.
- Village residents were shocked and disappointed when the original Committee decision was over turned by the Planning Inspectorate and there is now disbelief that a variation to this controversial application has been submitted.

- This application should be rejected as allowing the proposed increase in HGV movements on a daily basis would have a huge effect on the village.
- The Planning Inspectorate's decision clearly stated that there would be many risks associated with HGVs going through the village.
- A safe number of HGV movements per day was specified along with safe timings for accessing the site.
- Allowing a drastic increase in the number of HGV movements will result in an increase in noise pollution for residents who live on the route to the site.
- These residents will also be affected by an increase in dust and diesel pollution from the higher number of HGV movements going past their properties.
- The dust could impact on the production of the award winning Cropwell Bishop Stilton which is very important to the village.
- The safety of pedestrians, horse riders, and cyclists using the same roads as the HGVs will be put at increased risk if there is an increased number of HGVs on those roads.
- As the site access road has a speed limit of 60mph the result of a collision with an HGV could be catastrophic.
- The Kinoulton Road / Nottingham Road junction does not have very good visibility and there would be an increased number of incidents at this site with the number of HGVs using it.
- I do not understand how an application to make a variation to a condition with clearly explained reasoning given by the Planning Inspectorate can even be considered by this Planning Committee.

There were no questions.

Councillor Philip Storer, a Member of Cropwell Bishop Parish Council, was then given the opportunity to speak and a **summary** of that speech is set out below:-

- My speech follows a previous address to this Committee on 22<sup>nd</sup> September 2015 by Councillor Jones of Cropwell Bishop Parish Council who objected to the entire Planning Application (F/3024) made by Chris Allsop Properties.
- That application requested that 30 HGV movements (15 in and 15 out) per day be permitted to access the site. Sadly, for the residents and businesses of Cropwell Bishop, planning permission was granted following a successful appeal.
- The appeal decision, however, limited HGV movements to 18 per day (9 in and 9 out), and not the 30 originally requested.

- The Planning Inspector must have taken into consideration the key concerns outlined previously by the Parish Council, in particular those relating to traffic, dust, noise, disruption and most important, safety. These conditions were accepted by Chris Allsop Properties at the time but now there is a request to increase the number of HGV movements to 40 per day.
- The requested increase in HGV movements is more than double that conditioned by the Planning Inspector following the appeal, and also a considerable increase to that requested in the original application.
- The situation in Cropwell Bishop has deteriorated massively before a single, extra HGV has arrived at the village, with frequent congestion, snarl ups and near misses.
- Many of the problems stem from the ill-received Co Op development, and the proposed building of over 80 new houses east of Church Street is likely to make the situation worse.
- Given the above, we feel it cannot be safe to have the requested number of HGVs on what is considered a tight, minor road, the junction of which is near a children's play area.
- We feel the disruption caused during peak times just for the applicant's financial benefit is totally unreasonable, especially as the applicant commenced commercial excavation of the land and continued crushing activities without any planning permission.
- We feel that the applicant is seeking to benefit further at the expense of Cropwell Bishop by seeking a variation to Condition 20.
- It is impossible to see how doubling the HGV traffic over and above that detailed in the original Schedule of Conditions can in any way respect the considered decisions made by the Planning Inspectorate, especially when it comes to health and safety and again, noting that the key road junction is directly opposite a children's play area.
- We would also call into question the wisdom of overturning what we would sincerely hope to be the expert opinion of the Planning Inspectorate and the consultation that they must have had with the relevant Highways Authority in making this decision.
- If Condition 20 is overturned and the applicant's request is granted then we would want to see the fine detail behind this decision including the relevant risk assessments, traffic impact assessments and correspondence with the relevant professional advisers.

Given the opportunity to comment, Mr Hankin stated that in the original application the request was for 18 HGV movements a day, 9 in and 9 out. Mr Hankin informed Committee that the only reference to 30 HGV movements a day was in a supporting statement produced for the appeal, but that at the appeal no discussion took place

regarding this higher figure, 18 HGV movements a day was the figure originally sought and approved.

The local Nottinghamshire County Council Member, Councillor Neil Clarke, was then given the opportunity to speak and a **summary** of that speech is set out below:-

- It is difficult for the community to understand how an application can be refused, then approved and that now there is a recommendation to approve a variation in contradiction to the findings of the planning inspector.
- It is acknowledged that there is no increase in HGV movements over the course of the permission, but when and how often does impact on residents.
- There is restricted visibility at the junction of Nottingham Road and Kinoulton Road. The brick wall means that visibility is affected even if the driver is in a commercial vehicle and at an increased height compared to a car driver. HGVs would also need to use both sides of the road when turning at this junction.
- There is a bus stop opposite the junction which the inspector refers to in his report. Behind the bus stop is a children's play area. The adjacent pavement carries a lot of pedestrian traffic. All of the preceding means that there is considerable potential for conflict with HGVs.
- Some of my comments are included in the Committee report – the increase in the number of HGVs will increase the hazard for pedestrians; pollution will increase; “only” 12 dwellings will be affected but the effects on them will be substantial in terms of noise from accelerating lorries and especially from empty lorries; dust and mud from the site will also cause a problem.
- The Planning Inspector only allowed the appeal on the basis of two main grounds being met:
  - Improve access and visibility
  - Restrict HGV movements to 18 per day

The original planning permission was granted in October 2016, no improvements have been carried out in the 2 ½ years that have passed since then. There are no conditions in the present application to ensure that those improvements will be carried out.

- In terms of dust, measures can be carried out, for example vehicles can be sheeted, but will they be? Has a dust management plan been submitted? If so, how will it be enforced?
- Paragraph 32 of the report refers to an increased level of 0.5db as having a ‘negligible’ noise impact. My experience in the business tells me that this does not accurately reflect the noise impact of HGVs.

- Paragraph 39 of the report refers to limiting HGV movements to 18 per day and this is because of the impact on residents.
- Paragraph 44 of the report refers to Policy W3.14 which states that 'Planning permission will not be granted for a waste management facility where the vehicle movements likely to be generated cannot be satisfactorily accommodated by the highway network or would cause unacceptable disturbance to local communities.' In the view of the community this application is unacceptable.

Given the opportunity to comment, Mr Hankin stated that with the exception of Condition 20, which had been amended to reflect the application for an increase in HGV movements, the conditions for this variation are identical to those approved by the planning inspector.

In terms of the conditions, Mr Hankin informed Committee that there was no requirement on the applicant to implement any conditions until the works began. Mr Hankin confirmed that Condition 12 did require the applicant to carry out junction improvements prior to the importation of any waste to the site.

Mr Hankin stated that Condition 13 regulated the issue of mud, Condition 15 regulated the operating hours of the site and Condition 16 restricted the movement of HGVs around school opening and closing times.

Mr Hankin informed Committee that the traffic survey undertaken in 2015 recorded 180 HGV movements per day along Kinoulton Road. If the variation were to be approved the weekday maximum number of HGV movements allowed per day would increase from 18 to 40 (20 in and 20 out), increasing the number of HGVs on Kinoulton Road to 220. In terms of the potential increase in noise generated, it is calculated this increase in HGVs would increase noise levels in the vicinity by approximately 0.5db over an 18 hour period, Mr Hankin stated that this level of change is assessed as having a 'Negligible' impact on the local noise environment.

Mr Hankin stated that if permission were to be granted, the maximum number of movements allowed in a 4 week period, and over the 3 year period of the permission in total, would not change, though the number of movements per day could fluctuate.

Mr Hankin informed Committee that when the applicant originally removed 60k tonnes of clay from the site there were no complaints received regarding the HGV movements, and that given the busy nature of the road in the area, the noise generated by the increased number of HGV movements would likely be absorbed.

Mr Hankin confirmed that the requirement to complete the operation in 3 years was still in force and that no delay or extension to this time limit was gained by applying for the variation.

Members then debated the item and the following comments and questions were responded to:-

- It was disappointing that 60k tonnes of clay had been removed from the site without permission and without NCC being made aware.

- NCC stated that the hole on site could be left but the inspector did not agree.
- No crushing or screening of material on site is permitted.
- Condition 2 requires the applicant to inform the County Council of the commencement of site preparation works and the commencement of the importation of inert material on to the site and the site will be visited regularly once those notifications have been received. The conditions are clear and enforceable.
- Condition 20 requires the applicant to record the registration numbers of the vehicles using the site and the County Council will request to see those records if it is suspected that the applicant is exceeding the permitted number of HGV movements.
- Monitoring officers will monitor the situation and take action if necessary, including dealing with any issues around HGV movements at school opening and closing times. The authority does rely on local residents highlighting any problems.
- Condition 12 requires the applicant to fund the cost of the required highway improvement works.
- A review of accident data held by the County Council shows no record of any accidents at the Main Road / Kinoulton Road junction.
- Condition 13 requires the applicant to have measures in place to prevent the deposit of mud and debris on the public highway before the importation of any waste on to site.
- Paragraph 109 of the National Planning Policy Framework (NPPF) states that: 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.' As the advice from the highways section is that traffic is normally less intensive at weekends, it was not possible to refuse the applicant's request to operate HGVs at weekends.
- The applicant has not contacted the County Council regarding the imposed timescales. If the application is approved a reminder of those timescales could be included when the applicant is informed of the decision.
- The Chair drew members' attention to Paragraph 2 of the report which stated that the NPPF requires the planning system to proactively support the business community. The Chair encouraged members to consider the application without taking into account personalities as the permission relates to the site and if approved could be implemented by someone other than the present applicant.

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

**Resolved 2019/009**

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

**6. BANTYCOCK QUARRY, NEWARK – VARIATION OF CONDITIONS**

Mr Smith introduced the report which sought to vary extant planning permission to amend the approved working and restoration scheme to facilitate the extraction of gypsum at Bantycok Quarry.

Mr Smith informed Committee that the proposals also sought to clarify the extent of the area adjacent to the public highway where mineral cannot be worked; and to amend the permitted hours of operation.

Mr Smith stated that the key issues related to blasting/vibration, noise, dust, traffic, ecology, restoration and overall residential amenity impacts.

Mr Smith informed members that following further discussions with the applicant, Conditions 4 and 14 of the permission had been amended, which if approved, would allow overburden and interburden to be stored outside the void area for a temporary period only ending on 31 December 2019, after which it shall only be deposited within the worked out void.

There were no questions.

The public speaker due to attend for this item and speak against the application was absent.

Jennifer Saunders, on behalf of the applicant, was then given the opportunity to speak and a **summary** of that speech is set out below:-

- Bantycok Quarry is an important supplier of gypsum raw materials for the manufacture of high quality plaster products.
- The quarry produces two types of gypsum – specialist industrial grade for use at the adjacent Jericho Works, and construction grade for improving the quality of gypsum mined underground at our Barrow-upon-Soar plaster plant in Leicestershire and our East Leake plaster and plasterboard plant in Nottinghamshire.
- The quarry and adjoining Jericho specialist plaster works are unique in the UK due to the high purity and whiteness of some of the gypsum seams. It is used in applications such as ceramics, the food industry, brewing, decorative work and dentistry. The site provides jobs for over 150 employees and contractors.
- Bantycok Quarry has benefited from a revival in gypsum quarrying in recent years. This is due to significant reductions in the availability of synthetic gypsum



(DSG) from coal-fired power stations due to the government's climate change agenda, which requires all UK coal plants to close by 2025.

- Quarrying in the Newark area has been continuous since the mid 1800's. This planning application to amend the working scheme in the north-eastern part of the quarry releases additional gypsum reserves which are sufficient for around two further years. At current extraction rates, the working of this area can be undertaken within the existing permission end date of 2027. If the revised scheme is not approved these reserves would not be worked at a later date and nationally important gypsum resources would be lost.
- We have undertaken a thorough public consultation exercise with local residents and stakeholders. Some of these have benefited from visits to the site to see the extraction and blasting operations. This has been beneficial in answering questions and addressing any concerns. Many people have been surprised at the low intensity of blasting operations following these visits.
- As a company we make significant direct and indirect economic and social contributions to the local community. 60% of our employees live within six miles of the site, and the company continually makes significant capital investments to modernise the manufacturing process.
- We also recognise the importance of restoration and biodiversity. The site has recently planted 29,000 native trees and seeded a wildflower meadow over an area of 25 acres. A further 16 acres are due to be seeded and planted later this year in 2019.
- Securing additional reserves of natural gypsum at Bantymock helps British Gypsum minimise the UK's reliance on imported gypsum. It will also help to protect the long term future of both the industrial gypsum grade manufacturing plant at Newark, and the plaster and plasterboard manufacturing plants at Barrow-upon-Soar and East Leake, both in the East Midlands.

Members then debated the item and the following queries and comments were responded to:-

- The restored area will feature a lake. At present there are crops in the area to be worked, but the soil is not 'best and most versatile' and on balance, given the biodiversity nature of the plan, the proposed restoration is deemed the most appropriate. The report only deals with the northern part of the site, other areas of the site have already been restored to agricultural land.
- A video of two recent blasts was shown to members. Those who attended the site visit confirmed that the video was representative of the blasting with little noise or vibration resulting from the process. A member of the Committee was in Fernwood Village and in telephone contact with colleagues during the blasting and was not aware of when the blasting occurred.
- Some local residents have claimed to have suffered damage to property as a result of the blasting but these claims have not been substantiated. The issue has been considered widely and on the Beaufort scale the air effect generated

by the blasting would only equate to a slight breeze. Any damage to residents' property must be coming from a source other than the quarry.

On a motion by the Chair, that included references to amended Conditions 4 and 14 and which was duly seconded, it was:-

### **RESOLVED 2019/010**

That planning permission be granted subject to the conditions set out in Appendix 1 of the report, and subject to the amendments to Conditions 4 and 14 to allow overburden and interburden to be stored outside the void area for a temporary period only ending on 31 December 2019, after which it shall only be deposited within the worked out void.

### **7. RUFFORD HILLS FARM, RUFFORD – DRILL AND TEST BOREHOLE**

Mr Smith introduced the report which considered a planning application for a new coal mine methane (CMM) gas extraction and electricity generation facility on land at Rufford Hills Farm, Rufford, which overlays workings of the former Ollerton colliery.

Mr Smith stated that the key issues related to impacts to the historic setting of the nearby Rufford Abbey Registered Parkland including associated landscape and visual impacts; the highways and amenity impacts resulting from the construction and eventual decommissioning of the proposal; the extent to which alternative sites have been considered in selecting the application site and whether the public benefits of the proposal outweigh any identified adverse or harmful impacts to those interests.

Mr Smith informed Committee that there had been an update to the list of approved plans under Condition 4.

Following Mr Smith's introductory remarks, Mr Neil Baker, on behalf of the applicant, was given the opportunity to speak and a **summary** of that speech is set out below:-

- Over the last 23 years my firm has been involved in the development of a number of Coal Mine Methane (CMM) projects within Nottinghamshire and elsewhere in the UK.
- We now work with the Midlands-based, Infinis Group, whose head office is in Northampton, following its acquisition of Alkane last year.
- We have taken pride in the way the current sites have been built and that they are kept in good order with few, if any, complaints from local residents.
- Alkane knew that some of the Ollerton Colliery mine gas was being extracted at the Bilsthorpe Borehole, but mine water flooding at Thoresby would eventually cut off the pathway for the gas. So, since 2014, we have been looking for a suitable site from which to access the Ollerton gas directly. Bilsthorpe is now seeing the first effects of that flooding.

- After considering all of the available alternatives, the abandoned Top Hard seam mine workings under Rufford Hills Farm were chosen as a target for a new borehole, as they will be just about the very last place to be affected by rising mine water, so ensuring the continued use of all of the available CMM, within Nottinghamshire, for years to come.
- No fracking or other forms of well simulation is required to get the gas. The coal was fractured when the mine was worked.
- As with the previous sites we have worked extensively with your Authority's mineral planning officers and the consultees to ensure the most appropriate site design has been put before you today.
- Very recent work with your officers has reduced the impact at New Park Wood, which will lessen further as the proposed planting flourishes.
- The proposed operational site area will be small, well screened from the nearest residential properties by landscaping and planting and by the natural lie of the land.
- Should planning permission be granted, the electricity generated will help to secure the future of the company and those who depend on it.
- We accept that there will be some very short term impact on the closest local residents where the access of Rufford Lane is being improved, but the proposed conditions and careful site control will mitigate those impacts to an acceptable level.
- We have demonstrated that utilising the existing farmer's access is the best solution, causing the least impact to nearby residents, especially considering that once the site is built there will only be minimal vehicle movements.
- The 'harm' caused by siting the development in open countryside can be mitigated by conditions and by the benefit of removing methane from underground to provide a compact, locally-based load power source for up to 25 years.
- Should Members deem to grant planning permission, Infinis Energy and my firm will continue to work with your Council's officers, as we have done over the years, to ensure it is delivered to the same high standard we have achieved at the other sites.

There were no questions.

Members then debated the item and the following queries and comments were responded to:-

- The Vice Chair stated that he intended to abstain from voting, not on planning grounds or any concerns about the extraction technique, but because of the consequent visual impact in a tourist area.

- Invited to comment, Mr Smith referred members to paragraph 31 of the report which assesses the visual impact of the development in great detail. Members were then shown a slide of the area which demonstrated that the original vistas no longer exist as the woodland is now continuous. Mr Smith also informed members that there is a very large, 4G phone mast already on site which has a greater visual impact than the current proposal. Mr Smith stated that officers recognise the effects of the proposal but consider that on balance permission for the development should be granted.

On a motion by the Chair, which included a reference to the updated list of approved plans under Condition 4 and which was duly seconded, it was:-

### **RESOLVED 2019/011**

That planning permission be granted, subject to the conditions set out in Appendix 1 of the report and subject to an update to the list of approved plans under Condition 4.

### **8. NEWINGTON QUARRY, MISSON – EXTENSION TO SAND AND GRAVEL EXTRACTION**

Mr Smith introduced the report which considered a planning application for the extraction of approximately 530,000 tonnes of sand and gravel (475,000 tonnes after processing) over a 3 year period at Newington Quarry.

Mr Smith informed Committee that the key issues related to ecology, heritage, rights of way, traffic, archaeology, noise, air quality and airport safeguarding.

Mr Smith stated that the recommendations were slightly amended to reference minor changes to Conditions 33 and 64. Mr Smith informed members that water levels could be controlled meaning that no new condition was required and that Condition 33 had been updated to reflect this. Mr Smith further informed members that there was a minor typo in Condition 64 which mistakenly cross-referenced Condition 66 instead of Condition 63 and the wording had been amended to correct this error.

Following the introductory remarks of Mr Smith members debated the item and the following comments and questions were responded to:-

- The applicants were in the public gallery but did not make a presentation to Committee.
- The concerns of the Parish Councils had been addressed by the proposed conditions.
- Officers were thanked for taking into account members' comments regarding HGV movements. The operators are long established and no problems are anticipated.

On a motion by the Chair, which included updated references to Conditions 33 and 64 and which was duly seconded, it was:-

**RESOLVED 2019/012**

That subject to the signing of a legal agreement to cover HGV routing, the maintenance of the Slaynes Lane byway, an extended aftercare period, and the establishment of a management committee, planning permission be granted subject to the conditions set out in Appendix 1 of the report and subject to minor changes to Conditions 33 and 64.

**9. DEVELOPMENT MANAGEMENT PROGRESS REPORT AND END OF YEAR PERFORMANCE**

Mrs Gill introduced the report and informed members of the following:

- In addition to the usual information, the report includes an annual summary of the work of the Committee and the Planning Team.
- Paragraph 8 of the report illustrates that performance is well in excess of government targets and demonstrates that members and officers are providing a quality service to the Nottinghamshire public.
- While Nottinghamshire is not quite rated as the highest (4<sup>th</sup>), the authority receives substantially more applications than most other County Councils.
- No complaints have been referred to the Local Government Ombudsman (LGO) in the reporting period.
- The report regarding Sandy Lane, Worksop may be deferred from the June meeting of the Committee as some information requested from the applicant is outstanding, but a site visit will be organised.

The Chair thanked officers for the support given to members of the Committee and referred to the successful outcome of the enforcement appeal regarding Bowbridge Road in Balderton. The Chair thanked the Monitoring and Enforcement Team for all of their hard work in this case.

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

**RESOLVED 2019/013**

That no further actions are required as a direct result of the contents of the report.

The meeting closed at 12.56pm

**CHAIR**