

Meeting: Planning and Rights of Way Committee

Date: Tuesday 7 November 2023 (commencing at 10:30am)

Membership:**COUNCILLORS**

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

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| Mike Adams | Andy Meakin (apologies) |
| André Camilleri | Nigel Moxon (apologies) |
| Robert Corden | Philip Owen |
| Sybil Fielding | Francis Purdue-Horan |
| Paul Henshaw (apologies) | Sam Smith |
| Rachel Madden | |

SUBSTITUTE MEMBERS

Pauline Allan for Paul Henshaw
Richard Butler for Nigel Moxon

OFFICERS AND COLLEAGUES IN ATTENDANCE:

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| Jaspreet Lyall | - | Solicitor and Legal Advisor to the Committee |
| Keith Ford | - | Team Manager - Democratic Services |
| Joel Marshall | - | Planning Applications Senior Practitioner |
| Jonathan Smith | - | Interim Group Manager - Planning |

PUBLIC SPEAKERS IN ATTENDANCE:

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| Emma Brooke | - | Southern Extension to Waste Wood and Green Waste Storage Yard (Part Retrospective) (item 5) |
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1. APOLOGIES FOR ABSENCE

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| Paul Henshaw | - | other reasons |
| Nigel Moxon | - | other reasons |
| Andy Meakin | - | other reasons |

2. DECLARATIONS OF INTERESTS

No declarations of interests were made.

3. DECLARATIONS OF LOBBYING

No declarations of lobbying were made.

4. MINUTES OF THE LAST MEETING

The minutes of the last meeting held on 19 September 2023, having been circulated to all Members, were taken as read and were confirmed and signed by the Chairman.

5. SOUTHERN EXTENSION TO WASTE WOOD AND GREEN WASTE STORAGE YARD (PART RETROSPECTIVE), JOHN BROOKE SAWMILL, OFF THE A46, NEAR WIDMERPOOL, NG12 5PS

Joel Marshall, Planning Applications Senior Practitioner, introduced the application and gave a presentation which included:

- the planning history of the site;
- the site layout, including changes for which retrospective permission was being sought and for which no ecological appraisal had been undertaken;
- the Authority's requests to the applicant for further information, which had yet to be provided, including about the ongoing dust concerns arising from the site and clarification of flood water drainage issues.

Emma Brooke, on behalf of the applicant (Waring Waste Limited – Mr John Brooke), spoke in support of the application and raised the following key issues:

- recent changes to the layout of the site had been made in response to Health and Safety Executive inspections, following the death of Ms. Brooke's brother as the result of an accident on the site. Changes included the introduction of a comprehensive traffic management plan to separate wagons, plant and pedestrians, resulting in the need for an extension to the yard to create more space;
- the extension would not result in more dust, as processing was not done in the area in question, tonnages were not increasing and the wood was not being handled in a different way;
- the changes proposed would enable the wood stockpiles to be smaller in size (4 metres high instead of 8 metres high), better controlled and managed, more easily accessed and less impactful on the landscape value of the countryside;
- the improved site layout would also create a better environment for fire prevention and dust control;

- the extension would require a variation to the existing environmental permit and, in preparation for this, work was underway to produce a Dust and Emissions Management Plan which would require both Environmental Agency and Nottinghamshire County Council approval;
- the planning application had stalled due to a change in the applicant's planning advisor. Work on this had also been overlooked due to competing demands created by the impending Health and Safety Executive trial and litigation action and Ms. Brooke's own health issues. The applicant's new planning advisor was working on providing information requested by the Council as soon as possible, including details of the management of surface water, ground investigation and ecological mitigation.

During the debate, Members raised the following issues:

- sympathy was expressed for the applicant's loss and the circumstances involved;
- concerns were raised about:
 - the impact on the countryside of the work which had already taken place without appropriate prior assessment;
 - the ongoing dust issues from activity at the site, the risks of contamination, and flooding, which had not been addressed as appropriate within the application;
- Members acknowledged the need for the Committee's decision to not be influenced by the fact that the application was part retrospective in nature.

In response to queries from Members, Mr Marshall clarified:

- that the height of the stockpiles proposed in the application was 8 metres but this could be controlled to a more manageable height via a planning condition;
- the proposed enforcement, if approved, would seek to restore the field on which the unauthorised development had taken place to its former condition, although any consequent water drainage issues would need to be assessed;
- it was not possible to judge whether the application would have been successful if submitted in advance of the work being undertaken and with all relevant information provided. Mr Lyall underlined the need for Members to avoid speculating on that outcome and to deal solely with the application before the Committee at this meeting.

RESOLVED (2023/020):

- 1) That planning permission be refused for the reasons set out in the appendix to the committee report.
- 2) That officers be authorised to take appropriate enforcement action, as may be deemed expedient, to remedy the breach of planning control.

6. DEVELOPMENT MANAGEMENT PROGRESS REPORT

Jonathan Smith, Interim Group Manager for Planning, introduced the report.

RESOLVED (2023/021):

- 1) That the Development Management Progress Report be noted, with no additional actions required in relation to its contents.

The meeting closed at 11:06am.

CHAIRMAN