



20th December 2016

Agenda Item:9

REPORT OF CORPORATE DIRECTOR – PLACE

RUSHCLIFFE DISTRICT REF. NO.: 8/14/01550/CMA

PROPOSAL: LAND RECLAMATION OF FORMER MINERAL WORKINGS THROUGH THE IMPORTATION OF INERT WASTE WITH RESTORATION TO NOTABLE NATIVE AND ALIEN PLANT SPECIES HABITAT, CHARACTERISTIC OF THE CROPWELL BISHOP GYPSUM SPOIL WILDLIFE SITE

LOCATION: CANALSIDE INDUSTRIAL PARK, KINOULTON ROAD, CROPWELL BISHOP

APPLICANT: CHRIS ALLSOP PROPERTIES

Purpose of Report

1. To update Members of Planning and Licensing Committee on the outcome of a planning appeal concerning the Councils decision to refuse planning permission for the importation of inert waste to infill excavated ground formed from unauthorised mineral extraction works on land adjacent to Canalside Industrial Park, Kinoulton Road, Cropwell Bishop.
2. The appeal decision is to grant conditional planning permission for the development.

Background

3. Members will recall that a planning application by Chris Allsop Properties for the reclamation of former mineral workings that were created from unauthorised clay extraction works by using imported inert waste with restoration to a notable native and alien plant species habitat characteristic of the Cropwell Bishop Gypsum Spoil Wildlife Site was refused planning permission by Planning and Licensing Committee on 22nd September 2015.
4. An appeal against this decision was subsequently lodged with the Planning Inspectorate. The appeal was considered on the basis of an informal hearing. Evidence was jointly presented to the hearing by Chair of Planning Committee Cllr John Wilkinson, the local member Cllr Richard Butler and an officer of the County Council. The hearing was held on the 4th October 2016.

5. The Planning Inspectorate has now considered the evidence presented at the Informal Hearing and reached a decision to allow the appeal, overturn the Councils decision to refuse planning permission and grant conditional planning permission for the development.
6. In reaching his decision the Planning Inspector agreed with the County Councils conclusion that the development was 'inappropriate development' within the Green Belt and therefore by definition harmful.
7. However, the Inspector did not agree with many of the other conclusions reached by the County Council. In particular the Inspector took the view that:
 - The development would enhance the openness of the Green Belt by restoring the site back to its previous condition and improving a despoiled site.
 - Whilst acknowledging Central Government Policy which seeks to ensure land-owners do not benefit from undertaking intentional unauthorised development in the Green Belt, the Inspector did not appear to give significant weight to the implications of the policy in his overall balance of the planning merits of the development.
 - The Inspector concluded there was a need for the development to address local waste disposal needs, contrary to the views of the Council.
 - The Inspector concluded that the development was environmentally acceptable and did not agree with the Councils conclusions that the development would adversely affect biodiversity, highway safety, noise and dust.
8. In balancing the planning merits of the development, the Inspector gave substantial weight to the inappropriateness of the development in the Green Belt, but he did not find any other harm from the proposal. On the other hand substantial weight was given the benefits of restoring the site, the local waste disposal capacity created by the development and improvements to the site access and biodiversity enhancements. He concluded that these benefits outweighed any harm and therefore concluded that very special circumstances had been demonstrated to justify the proposed development.
9. Conditional Planning Permission was therefore granted for the development. A copy of the planning decision is attached as appendix 1.

Recommendation

10. It is recommended that the contents of this report are noted.

ADRIAN SMITH

Corporate Director - Place

Constitutional Comments:- This report is for noting only. (SLB 05/12/2016)

Comments of the Service Director - Finance

Will be orally reported

Background Papers Available for Inspection

The application file available for public inspection by virtue of the Local Government (Access to Information) Act 1985.

Electoral Division(s) and Member(s) Affected

Cotgrave Cllr Richard Butler

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For any enquiries about this report, please contact the report author.