

MINUTES of a meeting of the **DELEGATION SUB-COMMITTEE** of the **REGULATORY – PLANNING COMMITTEE** held at County Hall, Matlock on 4 May 2018.

P R E S E N T

Councillor M Ford (in the Chair)

Councillors R A Parkinson and P J Smith (substitute Member).

Apologies for absence were received on behalf of Councillor R Mihaly

No Declarations of a Prejudicial Interest were received.

No Significant Lobbying had been received.

1/18 PROGRESSION OF MINERAL PLANNING AUTHORITY CASE IN APPEAL BY INEOS UPSTREAM LIMITED AGAINST NON DETERMINATION OF APPLICATION FOR PLANNING PERMISSION FOR VERTICAL HYDROCARBON EXPLORATORY CORE WELL AND ASSOCIATED DEVELOPMENT FOR A TEMPORARY PERIOD OF FIVE YEARS ON LAND ADJACENT TO BRAMLEYMOOR LANE, NEAR MARSH LANE (CODE NO CM4/0517/10) The officer representing Legal Services explained that a decision on the recommendation set out in the report was required most urgently due to timescales of the inquiry programme to which all parties involved in the appeal needed to work. The meeting of the delegation sub-committee had been convened for the purpose as quickly as was practicable.

The Planning Committee on 5 February 2018 had received a detailed report from the Strategic Director Economy Transport and Environment to enable a case to be stated on behalf of the Council for the appeal. After listening to speakers during the meeting and discussing various relevant considerations, the Committee had resolved to authorise presentation of a case on behalf of the Council against permission being granted under appeal, based on (1) harm to the open nature of the Green Belt, (2) impacts from traffic from the development over the relevant highway network, and (3) unacceptability of night-time noise impacts.

Professional independent consultants had then been commissioned to advance an appeal case on behalf of the Council, in accordance with the Committee resolution of 5 February 2018. The Council then, with the benefit of the consultants' involvement, produced a formal statement of case on 26 February 2018, to meet the appeal programme.

However it had become clear that the Council was not in a position to produce evidence for the appeal on highway safety or highway capacity that would demonstrate that impacts from traffic would not be acceptable. This report therefore firmly recommended immediate discontinuance of that part of the Council's case.

The ongoing work remained on course to provide robust professional evidence in respect of the green belt and planning, and night-time noise limbs of the Council's stated case. If the Council under the appeal was to continue with any argument based on traffic impact considerations, without sound evidential backing, it would be at odds with the integrity and professionalism of its case in relation to night-time noise and green belt and general planning considerations, and would not assist the continuing case against the proposal in those respects.

Councillor Martyn Ford highlighted the urgent requirement for this report to come to this meeting. He said that the findings of the consultant should be considered and was concerned that continuation with the traffic impact assessment issue could weaken the County Council's credibility overall.

Chris Holloway, the transport consultant who was in attendance, was invited by the Chairman to explain to Members how he had carried out inspections and investigation work before reaching his conclusions.

Councillor Paul Smith expressed his concern over the short notice for calling the meeting and the lack of detailed information in the report. He was disappointed that this issue was not being reported to the full Planning Committee.

Councillor Anne Western and Councillor Alex Dale, who were also in attendance, were both invited by the Chairman to address the Committee. Councillor Western stated that this meeting was not in keeping with the democratic process as it did not allow the public or groups such as Eckington against Fracking, the opportunity to make representations.

Councillor Alex Dale also expressed concern about the shortness of the period of notice of the meeting which had precluded residents in his division from putting their views forward.

Councillor Robert Parkinson stated that the traffic issue was his main concern when the application was considered on 5 February 2018 and therefore, did not accept the officer's recommendation.

Councillor Martyn Ford asked if Councillor Western would convey his apologies to the Eckington against Fracking Group for the short notice in

calling this meeting which meant they were unable to attend and provide comments.

RESOLVED to approve the continuation of the case on behalf of the County Council as Mineral Planning Authority for examination under this appeal in opposition to the grant of planning permission on the basis of impacts from traffic from the development over the relevant highway network, and in respect of harm to the open nature of the Green Belt; and unacceptability of night-time noise impacts which cannot be acceptably mitigated by condition.