

**MINUTES** of a meeting of the **REGULATORY – PLANNING COMMITTEE** held at County Hall, Matlock on 7 March 2016.

**PRESENT**

Councillor T Southerd (in the Chair)

Councillors J Dixon, S Freeborn (substitute Member), Julie Hill, R Hosker, R A Parkinson, D Taylor (substitute Member), J Twigg and B Wright

Apologies for absence were received from Councillors D Charles and M Ford

No Declarations of Interest were received in respect of the non-exempt items

**19/16**                    **MINUTES RESOLVED** that the Minutes of the meeting of the Committee held on 15 February 2016 be confirmed as a correct record and signed by the Chair.

**20/16**                    **PROPOSED EXTENSION OF TIME FOR THE SUBMISSION OF AN APPLICATION UNDER THE ENVIRONMENT ACT 1995 (SCHEDULE 14) FOR APPROVAL OF CONDITIONS TO WHICH A PLANNING PERMISSION IS TO BE SUBJECT (FIRST PERIODIC REVIEW OF MINERAL PLANNING PERMISSIONS OR ‘ROMP’ APPLICATION) AT DOWLOW QUARRY, STERNDAL MOOR, BUXTON (PLANNING PERMISSION CODE NUMBERS 1986/9/10 (DISPOSAL OF MINERAL WASTE/MATERIAL WINNING AND WORKING), HPK/680/675 (DISPOSAL OF MINERAL WASTE), CM1/1292/57 (DISPOSAL OF MINERAL WASTE) APPLICANT: HOPE CONSTRUCTION MATERIALS LTD** Hope Construction Materials Ltd had asked for the agreement of the Mineral Planning Authority to further postpone the date by which an application had to be made to determine a new scheme of conditions, to which the above planning permissions related, from 28 April 2016 until 28 October 2016. The applicant's reasons for making this request were to enable it to draft a new application for an alternative quarry waste tipping scheme that would be submitted along with the Review of Mineral Planning Permission (RoMP) submission. The six month postponement would enable the applicant to fully assess both the technical and environmental implications of the proposal in conjunction with those considered for the RoMP.

The report of the Strategic Director - Economy, Transport and Environment gave a planning background of the site and explained the request for a further extension of the due date for the RoMP submission. The

Strategic Director concluded that he did not foresee any immediate threat to the environment which would call for a more urgent reconsideration of the Schedule of Conditions approved in 1998 than would be the case with the due date being extended to 28 October 2016, as requested.

Whilst Members accepted the reasons for a further postponement of the RoMP submission they asked that the applicant be advised that no further postponement extensions would be considered.

**RESOLVED** to authorise the Strategic Director – Economy, Transport and Environment to agree in writing to the due date for the submission of an application under paragraph 6 of Schedule 14 of the Environment Act 1995 for approval of new conditions to which planning permissions 1986/9/10 (disposal of mineral waste/mineral winning and working), HPK/680/675 (disposal of mineral waste), CM1/1292/57 (disposal of mineral waste) at Dowlow Quarry are to be subject being 28 October 2016.

**21/16                      AN ASSESSMENT OF THOSE MINING SITES WHICH SHOULD BE SUBJECT TO A FIRST PERIODIC REVIEW UNDER SCHEDULE 14 OF THE ENVIRONMENT ACT 1995** The Strategic Director for Economy, Transport and Environment explained that all mining sites, including any extensions to sites granted after the initial minerals planning permission, could be made subject to periodic reviews of planning permissions. This was to ensure that quarries were subject to up-to-date environmental controls. Changes in legislation had been introduced in 2013 which gave Mineral Planning Authorities broad discretion as to whether to subject a site to a periodic review and as to its timing. However, any first periodic review still had to be no earlier than 15 years after planning permission was granted or, in the case of an old permission, 15 years from the date of the initial review.

Sites within the County that were under assessment for being required to become subject to first periodic review were Waingroves Quarry, Middlepeak Quarry, Bolehill Quarry and Stancliffe Quarry. The Strategic Director provided the Committee with background information on the quarries, including any outstanding issues, current operations and conditions.

With respect to Waingroves Quarry since the date that the initial review conditions had been issued (July 2002), there were a number of operational issues, including the means of achieving access to the future working area, affecting the approved working scheme (Condition 40) which did not appear to be able to be resolved without the need for a new planning application. Further areas of concern related to the restoration and landscaping schemes which the operator was currently working to and which differed from those previously approved under conditions 42 (restoration) and 43 (landscape

maintenance). In addition, the Strategic Director was aware that the operator had recently sold a number of parcels of land which might impact on the ability to achieve a cohesive working/restoration of the overall Waingroves Quarry complex. In considering the surface area of the quarry (68.4ha) it was clear that any such application, or potentially any submission under either conditions 42 and 43, would automatically be Environmental Impact Assessment development by virtue of Schedule 1 to the Environmental Impact Assessment Regulations 2011, as amended, and would, therefore, need to be accompanied by an Environmental Statement. The Strategic Director was of the opinion that the notification of the operator and other interested parties of the need for first periodic review was now necessary to overcome the issues highlighted in respect of Waingroves Quarry and to ensure that the remaining permitted mineral development at the site was subject to rigorous and up-to-date environmental controls.

With respect to Middle Peak Quarry the Strategic Director was satisfied that there had been no significant change to the circumstances of Middle Peak Quarry during the last 12 months. No mineral extraction had taken place and the owner, Tarmac, had confirmed that the quarry would remain mothballed for at least the next two years. The Strategic Director, therefore, did not consider that it was necessary or appropriate to notify the interested persons of the need for a periodic review at this time. The matter would be kept under review and interested persons informed accordingly.

With respect to Bolehill Quarry, the Strategic Director was satisfied that there had been no significant change to the circumstances during the last 12 months. Little extraction had taken place; the main activity was the on-going deposit of waste from the stone processing operations into the tip areas and some minor outstanding matters were being dealt with via the existing conditions. The Strategic Director, therefore, did not consider that it was necessary or appropriate to notify the interested persons of the need for a periodic review at this time. The matter would be kept under review and interested persons informed accordingly.

With respect to Stancliffe Quarry there had been no substantial quarry activity during the last 12 months. The most recent quarrying operations known to have taken place were in 2010. Having regard to the set of conditions which now applied to the permission, including those relating to restoration and after-care requirements, it was not considered expedient to notify the interested persons of the need for a periodic review at this time. The matter would be kept under review and interested persons informed accordingly.

**RESOLVED** (1) not to approve notification under Schedule 14 of the Environment Act 1995 (as amended) in respect of Middle Peak Quarry, Bolehill Quarry or Stancliffe Quarry at this time; and

(2) to approve notification under Schedule 14 in respect of Waingroves Quarry for the submission of an application for the first periodic review of planning permissions RIP/1248/6, RIP/356/7, RIP/1160/5 and RIP/1261/6.

**22/16** **CURRENT ENFORCEMENT ACTION** **RESOLVED** to receive the report on current Enforcement Action.

**23/16** **OUTSTANDING APPLICATIONS** **RESOLVED** to receive the list on decisions outstanding on 7 March 2016 relating to EIA applications outstanding for more than sixteen weeks, major applications outstanding for more than thirteen weeks and minor applications outstanding for more than eight weeks.

**24/16** **CURRENT APPEALS/CALLED-IN APPLICATIONS** **RESOLVED** to note the report on current appeals/called-in applications relating to County matters.

**25/16** **DEVELOPMENT MANAGEMENT MONTHLY PERFORMANCE MANAGEMENT STATISTICS** **RESOLVED** to receive the Planning Services Development Management Monthly Performance Management Statistics for February 2016.

**26/16** **MATTERS DETERMINED BY THE STRATEGIC DIRECTOR FOR ECONOMY, TRANSPORT AND ENVIRONMENT UNDER DELEGATED POWERS** **RESOLVED** to note that the following applications had been approved by the Strategic Director for Economy, Transport and Environment under delegated powers on:-

**(a) Delegation Meeting – 18 February 2016**

1 Delegation Decision on Schemes Required by Planning Conditions:

- SD2826

**(b) Delegation Meeting – 25 February 2016**

1 Section 73 Application not to Comply with Condition 1 of Planning Permission CD3/0804/90, to Extend the Time Limit for Use of the Temporary Building until 31 August 2016 at Adult Care Building, County Hall, Smedley Street, Matlock  
Applicant: Derbyshire County Council  
Planning Application Code No: CD3/1215/124

- 2 Proposed Replacement of Existing 1980s Sign with a Copy of the 19th Century Original Sign, Gothic Warehouse, Cromford Wharf  
Applicant: Derbyshire County Council  
Planning Application Code No: LB3/1115/114
- 3 Demolition of an Existing Prefabricated Building and erection of Replacement Buildings, also the Erection of a Temporary Storage Container for Contents Removed from Existing Prefabricated Building at Hodthorpe Primary School, Queens Road, Hodthorpe  
Applicant: Derbyshire County Council  
Planning Application Code No: CD5/0116/127
- 4 Proposed Repairs to Existing Steps and Construction of a Ramp Leading to Block 02 at Eureka Primary School, Dunsmore Way, Swadlincote  
Applicant: Derbyshire County Council  
Planning Application Code No: CD9/1215/119

**(c) Delegation Meeting – 3 March 2016**

1 Delegated Decision on Schemes Required by Planning Conditions:

- SW2811
- SW2812
- SW2813
- SD2787
- SD2800
- SD2809

**27/16** **EXCLUSION OF THE PUBLIC** **RESOLVED** that the public, including the press, be excluded from the meeting during the Committee's consideration of the remaining item on the Agenda to avoid the disclosure of the kind of exempt information detailed in the following summary of proceedings:-

**SUMMARY OF PROCEEDINGS CONDUCTED AFTER THE PUBLIC, INCLUDING THE PRESS, WERE EXCLUDED FROM THE MEETING**

- 1 Lodge House Surface Mine Extension Repayments of Deposited Restoration Fund. Code No: CM6/0910/94 (contains information relating to the financial or business affairs of any particular person (including the Authority holding that information))