

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE**
held at County Hall, Matlock on 1 September 2014

PRESENT

Councillor J Innes (in the Chair)

Councillors S Freeborn (substitute Member, at reconvened meeting following site visits only), M Ford, Julie Hill (at reconvened meeting only), R L Hosker, R Mihaly, R A Parkinson, P Smith (at reconvened meeting only), T Southerd and J Twigg.

Apologies for absence were received from Councillor B Wright.

No Declarations of Interest were received.

No Significant Lobbying had been received.

69/14 **SITE VISITS** In accordance with the Code of Practice the Committee visited the sites at Hollington (Minute No 71/14) and Shardlow (Minute No 72/14).

70/14 **MINUTES RESOLVED** that the Minutes of the meeting of the Committee held on 11 August 2014 be confirmed as a correct record and signed by the Chair.

71/14 **PROPOSED CONSTRUCTION AND USE OF AN ANAEROBIC DIGESTER, WITH FEEDSTOCK BUILDING AND ASSOCIATED STRUCTURES ON LAND AT MARSH HOLLOW FARM, MARSH HOLLOW, HOLLINGTON APPLICANT: MR G NICKLIN (CODE NO: CW3/0514/17)** The proposal sought permission for the development and use of an on-farm anaerobic digestion unit with a combined heat and power plant (CHP), which would involve the construction of a series of large buildings and structures. The proposed equipment would handle and process up to 9,000 tonnes annually a combination of organic farm manure, arising from the applicant's working pig farm, together with imported farm wastes including those arising from a nearby poultry farm, and cattle slurry from a neighbouring dairy farm. The proposed plant would produce a soil conditioner and biogas which was proposed to be used both at the applicant's farm and the adjoining poultry farm and generate heat and electricity from the CHP.

Details of the proposal, including the history of the site, were contained within the report of the Strategic Director - Economy, Transport and Environment, together with comments received from consultees and following publicity. Objections had been received from the local Member, Councillor A Lower on the grounds that the development would be intrusive and generate extra vehicle movements. Hollington Parish Council had objected on the grounds of safety of the proposed plant, that the development was industrial not agricultural, the potential for import of wastes as and when without being monitored, an increase in traffic to and from the site on roads which were not suitable, and the detrimental impact of the proposal on Hollington. A number of objections to the proposal had been received as a result of publicity and these were summarised in the report. One letter of support had also been received. The comments/objections received were addressed in the planning considerations section of the report.

The application had been considered in accordance with Section 38(6) of the Town and Compulsory Purchase Act 2004; other material consideration, including the National Planning Policy Framework and Planning Policy Statement 10 had also been taken in to account. It was considered that the key issues raised by the application were the visual impact of the development and whether the introduction of the new buildings and structures would harm the appearance of the landscape, the potential impact of the development on the local highway network, and the cumulative impact of the proposals on local amenity, in particular traffic, odours and noise. These issues were examined in the report.

The Strategic Director commented that the pig farm was a relatively new and intensive enterprise, but was now established and operating with relevant planning consents for relevant buildings. He considered that the provision of the proposed facility offered several potential benefits; it was important and necessary from an environmental, economic and operational viewpoint to deal with the wastes arising from the farm in a modern sustainable manner and would assist with the Government and County Council's continuing and urgent commitment to reduce methane emissions, recycle and reuse waste, and in this case produce heat and electricity. He was, however, mindful of the concerns and objections received and raised predominantly from local people, and also the recent planning history relating to the farm. Whilst the proposal would bring some changes to the area, having taken detailed advice from the consultees in the planning process, including the Environment Agency and the Environmental Health Officer, he did not find that the proposal would be detrimental. It was his opinion that the amenities of the residents and the integrity of the countryside would not be threatened generally. He considered that the proposal was not in conflict with development plan policy or current Government guidance.

The following two individuals who had representations in objection regarding the application addressed the Committee –

Mr Holland did not regard the facility as being sustainable, it would not be 'green' because of transport requirements, the required tankers vehicles would be too wide for the roads, smells would affect tourism, it was the wrong development in the wrong place, the cheap electricity produced would be at the expense of the local community and asked the Committee to consider the effect on local residents. He referred to remarks about an explosion followed by a leakage of sludge from an anaerobic digestion plant at Harpur Adams University which were in a paper supplied by him which had been circulated and two photographs, which showed an articulated lorry on a single track section of road and a single track section with a slurry tank trailer being towed on it.

Mr Merkins lived in the closest residential property to the development. He stated that his objections related to traffic, pollution, noise, and visual impacts. He doubted the correctness of the figures in the report relating to traffic movement. He commented that the community had no mains water and so relied on groundwater and was very concerned about any pollution. He was also concerned about the cumulative effect of the proposal and other activities in the area, and about the possibility of future expansion of the plant.

The agent for the applicant, Mr Williams, also addressed the Committee. He commented that the farm diversification was supported by national planning policies and that the proposal would be an improvement to the farm. He considered that the officer's report covered the objections raised and noted that none of the technical consultees had objected. The site would require an Environmental Permit with conditions.

Following a question about noise, the Strategic Director's representative commented that CHP plants were generally not noisy but the Environmental Permit would include noise level requirements.

Councillor Hill asked what measures would be in place in case of a biohazard which affected the watercourse. The applicant was invited to respond to the question and explained that a leak detector system would be in place and the plant would be monitored continually by the plant provider and that he would be alerted if any problems were detected. The Strategic Director's representative commented that the Environment Agency had not raised any concerns in this respect and would be the responsible authority regarding action following such an incident.

Councillor Hill also commented on the width of tankers and the photographs within the circulated paper and asked if there were any passing

places on the roads to the farm. The Strategic Director's representative commented that the road was single track with no passing places but that the Highways Authority had been satisfied that traffic would not have more than a minor impact.

Councillor Mihaly suggested that the recommended condition 11 relating to vehicle movements and delivery times during construction should be strengthened by requiring construction traffic to keep to an approved route. The Strategic Director's representative indicated in response that the conditions attached to any permission could be altered to include a suitably worded provision to require compliance with a scheme to be submitted to and approved by the Council prior to commencement for keeping construction traffic travelling to and from the development to a route via the A52. Members expressed agreement with the addition of such a provision.

RESOLVED that planning permission be granted, subject to the conditions set out in the report of the Strategic Director - Economy, Transport and Environment, except with the inclusion by the Strategic Director of a provision to require compliance with a scheme to be submitted to and approved by the Council prior to commencement for keeping construction traffic travelling to and from the development to a route via the A52.

72/14 PROPOSED EXTENSION TO SAND AND GRAVEL WORKING AT THE SHARDLOW QUARRY ONTO LAND KNOWN AS THE 'WESTON EXTENSION' WITH RESTORATION TO AGRICULTURE AND BIODIVERSITY, RETENTION OF EXISTING PROCESSING FACILITY, INFRASTRUCTURE, ACCESSES AND ANCILLARY DEVELOPMENT WITH RESTORATION TO AGRICULTURE AND WATER HABITATS AT SHARDLOW QUARRY, ACRE LANE, SHARDLOW APPLICANT: HANSON QUARRY PRODUCTS EUROPE LTD (CODE NO: CM9/0811/53) The proposal was for an extension to an existing sand and gravel quarry to obtain a further 4 million tonnes of mineral over an eight year period. It was proposed to restore the site to pre-extraction levels and to agricultural usage by backfilling with inert waste and Pulverised Fuel Ash (PFA). This would take a further two years to complete. Details of the proposal, including the history of the site, were contained within the report of the Strategic Director - Economy, Transport and Environment, together with comments received from consultees and following publicity, including objections received from Save Aston Village Environment (S.A.V.E). These issues were addressed in the report.

The application had been considered in accordance with Section 38(6) of the Town and Compulsory Purchase Act 2004; other material consideration, including the National Planning Policy Framework and National Planning Practice Guidance had also been taken in to account. It was noted that the

site was not allocated for mineral development in the current Minerals Local Plan, although the Plan did provide for exceptions such as an extension to an existing site. It was considered that the main issues for the determination of this proposal were the need for the mineral as assessed against the latest demand/supply information, the environmental acceptability of the proposed method of working at this site at this point and whether or not there would be any significant cumulative impacts. These were examined in the report.

It was noted also that processing this application might affect the applicant's sand and gravel site at Potlocks Farm near Willington, since it was subject to an existing planning obligation under section 106 of the Town and Country Planning Act 1990, which was designed to provide protection against further working of the mineral planning permission. The obligation for the site had been provided due to its archaeological importance as the location of part of an ancient cursus. The addition to the applicant's permitted sand and gravel reserves under a grant of permission in this case, in combination with the planning obligation for Potlocks Farm would enable the planning permission for Potlocks Farm to be revoked without resort to compensation payment.

Taking account of the latest information available from the Local Aggregate Assessment work, the Strategic Director was satisfied that there was currently a need for the mineral from the proposed development. He was also satisfied that it could be obtained in an environmentally acceptable manner, subject to full adherence to the proposed amendments to the form of the development and other requirements detailed in the Strategic Director's report. He considered that it would contribute to the sand and gravel apportionment requirements for Derby and Derbyshire for the period up to 2030 and that the site and the proposed method of operations, including mitigation measures, would meet the requirements of the policies of the current Minerals Local Plan. The Strategic Director commented that if planning permission was granted, it would be necessary for the applicant to enter into another legal agreement pursuant to the Town and Country Planning Act 1990, Section 106, as substituted by the Planning and Compensation Act 1991, to secure similar obligations to those that were entered into for the grant of planning permissions CM9/900/48 and CM9/0211/163.

Mrs Plough addressed the Committee regarding her objections to the proposal. She was a local resident who had motor neuron disease and could not leave her house without assistance. She stressed that the extension to the quarry would affect her independence. She did not believe that the requirements for low levels of noise and dust would be met. Vehicles would create dust and noise pollution and the Donnington Park hill would be an amplifier of the grinding noise of operations. The planting of conifers would

provide a foreign landscape alongside current deciduous trees. She contended that the lives of residents would suffer and that their human rights were being overlooked.

Members who had visited the site expressed the view that the proposal contained an adequate buffer for local residents.

RESOLVED that planning permission be granted, subject to (1) the completion of an agreement under section 106 of the Town and Country Planning Act 1990 to secure planning obligations considered by the Strategic Director for Economy, Transport and Environment and the Director of Legal Services to make satisfactory provision for:

- Phasing of working (extraction and restoration)
- Restriction on working new areas in advance of restoration of earlier extraction areas
- Type of permitted infilling materials
- Bird Hazard Management Plan
- Water Pumping Operations
- Vehicle Routeing/Access/Egress
- Replacement of those Section 106 obligations contained in agreements or undertakings that were entered into with the grant of the planning permission code no. CM9/900/48 and planning permission code no. CM9/0211/163 to vary conditions 2 and 33 of planning permission Code No CM9/900/48 to permit the use of Pulverised Fuel Ash (PFA) to infill the mineral workings at Shardlow Quarry; and

(2) the conditions set out in the report of the Strategic Director - Economy, Transport and Environment;

and that the existing liaison committee for Shardlow Quarry be continued for the duration of development at this site.

73/14 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 PERMISSION OR 'ROMP' APPLICATION) AT DOWLOW QUARRY, STERNDAL MOOR, BUXTON (PLANNING PERMISSION CODE NUMBERS 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) 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 2015 until 28 April 2016. The applicant's reasons for making this request were to enable detailed ecological and other survey work to be undertaken.

The report of the Strategic Director - Economy, Transport and Environment considered the request and the potential consequences of such an extension of time. 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 April 2016, as requested.

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), and CM1/1292/57 (disposal of mineral waste) at Dowlow Quarry are to be subject becoming 28 April 2016.

74/14 FIRST PERIODIC REVIEW OF MINERAL PLANNING PERMISSION UNDER SCHEDULE 14 OF THE ENVIRONMENT ACT 1995 FOR APPROVAL OF NEW CONDITIONS AT DOVEHOLES QUARRY, DOVE HOLES, BUXTON APPLICANT: CEMEX UK MATERIALS LTD (CODE NO: R1/0313/26) In accordance with the Review of Mineral Permissions (RoMP), a new scheme of conditions had been submitted by Cemex UK Materials Ltd under the requirements of the Environment Act 1995 to update planning controls on future operations at Doveholes Quarry, Dove Holes, Buxton under four planning permissions 1986/6/16, CHA/1259/18, CHA/1271/23 and CM1/1293/108. The scheme, together with an Environmental Statement, provided details of the proposed working of the site, environmental protection, the form of restoration and the suggested planning conditions under which the site should be worked. Details of the proposals, together with comments received from consultees, were contained in the report of the Strategic Director - Economy, Transport and Environment.

The Strategic Director had assessed the RoMP application against the relevant development plan policies; the National Planning Policy Framework and National Planning Practice Guidance had also been taken in to account. Members were reminded that the application under consideration was a RoMP which comprised a review of the conditions under which existing mineral permissions should operate and that the determination of a RoMP application did not call into question the existence of the planning permission(s).

He concluded that the current application significantly improved the environmental controls currently in place at the site, particularly with regard to landscape and visual impacts, ecology, noise and hydrology and hydrogeology, and that the scheme now largely addressed the requirements and environmental parameters of policies, and he was satisfied that the proposals did not conflict with the development plan. He commented that the schedule of conditions in the Officer's Recommendation has been agreed between the parties and would bring appropriate updates and much improved control over, amongst other matters, the environmental effects, method of working, landscaping, restoration and aftercare of the Doveholes Quarry site in line with modern planning permissions and the requirements of consultees. Where conditions had been altered, the Strategic Director had borne in mind, in each case, the potential effect on working rights and the asset value of the site. In his opinion, the working rights of the land or mineral owner were not significantly affected.

RESOLVED that the conditions set out in the report of the Strategic Director - Economy, Transport and Environment be approved for the purposes of Paragraphs 6 and 10 of Schedule 14 of the Environment Act 1995, as the new conditions for the Strategic Director – Economy, Transport and Environment to issue in respect of planning permissions 1986/6/16, CHA/1259/18, CHA/1271/23 and CM1/1293/108, to replace the schedule of conditions previously approved under the Initial Review (R1/0697/2) dated 19 March 1998.

75/14 PROPOSED DIVERSION OF BEELOW LANE TO ALLOW THE CONTINUED IMPLEMENTATION OF PLANNING PERMISSION R1/0697/2 AT DOVEHOLES QUARRY, DOVE HOLES, BUXTON APPLICANT: CEMEX UK MATERIALS LTD (CODE NO: CM1/0212/164)

The application was to construct a road to replace the section of the road known as Beelow Lane, which crossed Doveholes Quarry. The continuation of permitted mineral extraction operations at the quarry would require the removal of the existing section of road. Details of the proposal, including the history of the site, together with comments received from consultees and following publicity, were contained in the report of the Strategic Director – Economy, Transport and Environment.

The application had been considered in accordance with Section 38(6) of the Town and Compulsory Purchase Act 2004; other material consideration, including the National Planning Policy Framework, had also been taken in to account.

The Strategic Director concluded that whilst the development would have the potential to result in adverse impacts associated with the construction of the new road, in considering the short term nature of those

works, and the design and scale of the proposals, he was satisfied that the development would not impact adversely on the setting of the Peak District National Park, the biodiversity of the area or the amenity of nearby local residents or the users of the rights of way network. He considered that the development was required as a consequence of the on-going quarrying operations at Doveholes Quarry and would enable mineral working to move northwards into Bee Low Quarry. There were no objections to the proposal from a highway safety point of view and the Strategic Director was satisfied that it would accord with the requirements of the development plan.

RESOLVED that planning permission be granted in respect of the application under Code No CM1/0212/164, subject to the conditions contained within the report of the Strategic Director – Economy, Transport and Environment.

76/14 **CURRENT ENFORCEMENT ACTION** **RESOLVED** to receive the report on Current Enforcement Action.

77/14 **OUTSTANDING APPLICATIONS** **RESOLVED** to receive the list on decisions outstanding on 1 September 2014 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.

78/14 **CURRENT APPEALS/CALLED-IN APPLICATIONS** **RESOLVED** to note the report on current appeals/called-in applications relating to County matters.

79/14 **DEVELOPMENT MANAGEMENT PERFORMANCE MONITORING** **RESOLVED** to receive the Planning Services Development Management Monthly Performance Management Statistics for August 2014.

80/14 **MATTERS DETERMINED BY THE STRATEGIC DIRECTOR FOR ECONOMY, TRANSPORT AND ENVIRONMENT UNDER THE DELEGATED POWERS** **RESOLVED** to note that the following applications had been approved by the Strategic Director for Economy, Transport and Environment under the Delegated Powers on:-

(a) 14 August 2014

- 1 Proposal to Install a Storage Container at Copthorne Community Infant School, Rodgers Lane Alfreton
Applicant: Derbyshire County Council
Planning Application Code No: CD6/0714/47

- 2 Application for Non-Material Amendments at Whitworth Hospital, 330 Bakewell Road, Matlock
Applicant: Derbyshire County Council
Planning Application Code No: NMA/0714/28

- 3 Delegated Decision on Schemes Required by Planning Conditions:

- SD2545

(b) 21 August 2014

- 1 Proposed Erection of a Single-Storey Classroom, Replacement Canopy and Playground Extension at Norbriggs Primary School, Norbriggs Road, Chesterfield
Applicant: Derbyshire County Council
Planning Application Code No: CD2/0214/169

- 2 Delegated Decision on Schemes Required by Planning Conditions:

- SM2316

(c) 28 August 2014

- 1 Proposed Installation of a Canopy at Brimington Manor Infant and Nursery School, Manor Road, Chesterfield
Applicant: Derbyshire County Council
Planning Application Code No: CD2/0714/49

- 2 Proposed Installation of a Metal Storage Container at Dunston Lane, Chesterfield
Applicant: Derbyshire County Council
Planning Application Code No: CD2/0714/51

- 3 Application for Non-Material Amendments to Planning Permission CM9/0805/73 at Elvaston Pit Northern Extension
Applicant: Lafarge Tarmac
Planning Application Code No: NMA/0714/29

- 4 Not for Publication – Contains Information Relating to the Proposed Service of Notices Imposing Requirements on a Person and Proposed Legal Proceedings by the Authority (Schedule 12A, Part 1, Paragraphs 5 and 6, Local Government Act 1972)

Proposed Enforcement Action in Relation to a Breach of Planning Control