

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE** held at County Hall, Matlock on 5 October 2015.

PRESENT

Councillor T Southerd (in the Chair)

Councillors D Charles, J Dixon, M Ford, R L Hosker, D Taylor (substitute Member), J A Twigg, J G Williams and B Wright.

Apologies for absence were received from Councillor R A Parkinson

No Declarations of Interest were received.

No Significant Lobbying had been received.

61/15 **MINUTES RESOLVED** that the Minutes of the meeting of the Committee held on 7 September 2015 be confirmed as a correct record and signed by the Chair.

62/15 **PROPOSED DEVELOPMENT AND OPERATION OF A 15 MEGA WATT RENEWABLE ENERGY CENTRE AND ASSOCIATED INFRASTRUCTURE, UTILISING BIOMASS RICH FUEL THROUGH GASIFICATION AT THE FORMER SITE OF THE DRAKELOW C POWER STATION, DRAKELOW APPLICANT: FUTURE EARTH ENERGY (CODE NO: CW9/0615/48)** The application proposed to construct an energy generating facility, housed in a modern style building, on land within the former Drakelow C Power Station, south of Swadlincote, which was designed to accept up to approximately 169,500 tonnes of Biomass Rich Fuel (BRF) per annum. BRF was a product recovered from the inert, combustible residual elements of pre-sorted Commercial and Industrial waste stream. The proposed development would be a Combined Heat and Power (CHP) ready plant, which the applicant stated “would provide sufficient renewable electricity to supply approximately 23,000 households annually with renewable electricity”; enough for about 60% of all households in the South Derbyshire District. The facility would produce up to 15 Megawatts (MW) of electrical energy and 9 MW of thermal energy output. It was designed to operate 24 hours per day, 7 days a week, all year round. The proposed facility would use a gasification process to extract the electricity and heat from the fuel.

The key components for the handling of the BRF and generation of energy would be totally enclosed in a purpose-built new building, designed to

fit in with the adjacent Drakelow Park mixed use development. The building would be of a steel frame portal construction and, at its highest point, it would be 22m in height (excluding the stack which would be 45m in height), and would have an overall footprint of around 164m by 80m. External works include access roadways, HGV parking, light vehicle parking and landscaping. The plant would have a 25 year lifespan and would create about 100 jobs during the construction period and 20 jobs when in operation.

Details of the proposals were contained in the report of the Strategic Director for Economy, Transport and Environment, together with comments received from consultations. One representation raising concerns had been received following publicity; these issues had been addressed in the officer's report.

The application had been considered in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, other material considerations, including the National Planning Policy Framework, National Planning Practices Guidance and National Planning Policy for Waste, had also been taken in to account and had been examined in the report.

The Strategic Director concluded that that the application site was appropriate for the type of activity proposed and that it accorded with the provisions of the development plan. He was satisfied that there was currently a need for the proposed development and that it could be operated in an environmentally acceptable manner. The application site was part of the former Drakelow C Power Station which now benefitted from a major mixed use redevelopment of which the application site adjoined the employment allocation of the scheme. There were other major schemes approved on the former Power Station site, including a gas turbine electricity power station and solar farm. There was, therefore, no objection in principle to the redevelopment of the site for an industrial type use. The design of the structure proposed would be of a modern industrial style and appearance with no obvious conflict with the relevant requirements of the local plan policies relating to the form of new development and redevelopment. The buildings and proposed stack would not have an undue impact on the landscape and visual character of the area, there would be no significant ecological impacts arising from the proposed development and any issues, relating to the disturbance of the ground from construction, could be addressed by appropriate conditions. The Strategic Director had examined the traffic impacts of the proposal but did not consider that the number of vehicle movements involved provide any substantive grounds for refusal.

The Strategic Director commented that the development in the form proposed, however, would have some adverse environmental impacts. The most obvious and direct adverse impacts from the construction of the

proposed development would be temporary and could be reduced by conditions to control the dust and noise emissions. The topic of potential impacts from gasification plant emissions on human health and the environment were issues which were open to considerable debate, although for this proposal, the topic should be understood in the context of the advice received from the Environment Agency, the main regulator of the processes to be operated in the plant, and the Environmental Permit. Associated with this topic, there was perception of a risk to health, which should also be taken into account. However, the Government supports the use of ATT Technology based solutions to waste. The Strategic Director, therefore, did not consider that an objection to the proposal on the grounds of adverse impact on human health could be substantiated by this Authority. The need to provide facilities to manage the waste arising in Derbyshire was very evident but the actual provision had to be done in ways that respected the Waste Hierarchy whilst affording sufficient protection against adverse impacts for the people and environment of the area. He was satisfied that there was a need for the proposed development and, in conclusion, considered that the application site was appropriate for the type of activity proposed and that it accorded with the provisions of the development plan.

The Strategic Director's representative gave a verbal summary of the main issues covered in the report. Councillor Dixon joined the meeting at this point.

The Chair reported that he had been consulted by the Strategic Director regarding whether Members of the Committee should visit the application site and they had agreed that a visit was unnecessary in this case.

The Strategic Director's representative gave a visual presentation which comprised slides showing an Ordnance Survey based map of the location of the site; plans showing its position in relation to local settlements, towns and road networks; an aerial photograph of the site, an artist's impression of the proposed main building, proposed traffic routing (including the line of the proposed Walton By-Pass) and the location of the site in relation to the proposed Drakelow Park housing scheme.

Adrian Smith addressed the Committee on behalf of the applicant company, Future Earth Energy. He explained that the company was a specialist developer with an experienced management team. The application site was a 'brown field' site, was accessible by the existing road network and had an existing access. It was also close to the National Grid network and was well screened. The proposal would be able to provide electricity to 23,000 homes using very well tried and tested technology. He explained that similar proposals elsewhere in the UK using the same technology had received planning permission.

Mr Smith spoke of the key benefits from the proposal as being generation of electricity using locally sourced fuel; helping to meet Government waste targets; local economic investment through the construction requirements; providing an education/visitor centre; and contributing to local environmental schemes as a 'goodwill neighbour' ie National Forest (£10,000) and Greenways (£25,000). Mr Smith commented that only one objection had been received; the company had worked closely with County Council officers and with South Derbyshire District Council and that the company could work with the proposed conditions.

RESOLVED that (1) the Screening Report, set out in Appendix 1 to the report of the Strategic Director for Economy, Transport and Environment, be endorsed as the conclusion of the assessment work relating to the application which is the subject of the report (Code No: CW9/0615/48) for the purposes of the Conservation of Habitats and Species Regulations 2010; and

(2) planning permission for the proposal in the application which is the subject of the report (Code No. CW9/0615/48) be authorised to be granted, subject to:

(a) an agreement being entered into by the appropriate parties under Section 106 the Town and Country Planning Act 1990 to secure planning obligations considered by the Strategic Director – Economy, Transport and Environment and the Director of Legal Services, to make satisfactory provision for:

- a £25,000 financial contribution for use by the Council to enhance local elements of the South Derbyshire Greenway and related rights of way networks;
- a £10,000 financial contribution for enhancement of tree or shrub planting within the National Forest in the vicinity of the application site; and
- a traffic routeing scheme for minimising the impacts of Heavy Goods Vehicles during the construction and operational phases of the development.

(b) a set of conditions substantially in the form as set out in the report of the Strategic Director for Economy, Transport and Environment.

63/15 **CURRENT ENFORCEMENT ACTION** **RESOLVED** to receive the report on current Enforcement Action.

64/15 OUTSTANDING APPLICATIONS RESOLVED to receive the list on decisions outstanding on 7 September 2015 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.

65/15 CURRENT APPEALS/CALLED-IN APPLICATIONS RESOLVED to note the report on current appeals/called-in applications relating to County matters.

66/15 DEVELOPMENT MANAGEMENT MONTHLY PERFORMANCE MANAGEMENT STATISTICS RESOLVED to receive the Planning Services Development Management Monthly Performance Management Statistics for September 2015.

67/15 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 – 3 September 2015

- 1 Delegated Decision on Schemes Required by Planning Conditions:
 - SD2767
 - SD2769

(b) Delegation Meeting – 10 September 2015

- 1 Proposed Installation of a Tarmac/Asphalt Recycling Plant and Ancillary Site Office, with Perimeter Fencing on Land at Foxwood Industrial Estate, Sheepbridge Lane, Chesterfield
Applicant: Mr A Taylor
Planning Application Code No: CW2/1114/111
- 2 Part Retrospective Application for the Development of a Paper Pulping Operation and External Tank with Associated Ancillary Equipment, Norwood Waste Treatment Facility, Norwood Industrial Estate, Ellisons Road, Killamarsh
Applicant: Veolia ES (UK) Ltd
Planning Application Code No: CW4/0615/498
- 3 Construction of Three Sculptures as Part of a Sculpture Trail, Poulter Country Park, Langwith
Applicant: Derbyshire County Council
Planning Application Code No: CD5/0715/57

- 4 Extension of Existing Playground, including Construction of Retaining Walls, Earthworks, Pavement Works and Fencing, Change of Use from Domestic to School Playground at Crich Carr C of E Voluntary Controlled Primary School, Hindersitch Lane, Crich
Applicant: Derbyshire County Council
Planning Application Code No: CD6/0415/4

- 5 Delegated Decision on Schemes Required by Planning Conditions:
• SM2770

(c) Delegation Meeting – 17 September 2015

- 1 Retrospective Planning Application for the Retention of Two Metal Storage Sheds at Morton Primary School, Main Road, Morton
Applicant: Derbyshire County Council
Planning Application Code No: CD4/0715/66

- 2 Proposed Redevelopment of a Games Court with Installation of Replacement Fencing and Resurfacing at Glebe Junior School, Hamlet Lane, South Normanton
Applicant: Derbyshire County Council
Planning Application Code No: CD5/0715/67

- 3 Delegated Decision on Schemes Required by Planning Conditions:
• SD2784
• SD2783
• SM2758

(d) Delegation Meeting – 24 September 2015

- 1 Proposed Installation of Play Equipment on the School Playground at Dove Holes, C of E Primary School, Hallsteads, Dove Holes
Applicant: Derbyshire County Council
Planning Application Code No: CD1/0715/69

- 2 Replacement of Two Timber Sheds with a New Metal Storage Shed at Risley Lower Grammar C of E Primary School, Derby Road, Risley
Applicant: Derbyshire County Council
Planning Application Code No: CD8/0715/68

- 3 Submission under Part 14 of the General Permitted Development Order – Installation of Solar Panels at Hilton Primary School, Peacroft Lane, Hilton
Applicant: Derbyshire County Council
Planning Application Code No: PD14/9/52

- 4 Delegated Decision on Schemes Required by Planning Conditions:

- SD2771
- SM2785
- SD2778
- SD2779

(e) Delegation Meeting – 1 October 2015

- 1 (1) Section 73 Application to Vary Conditions 2,3,4 and 14 of Planning Permission CW2/0705/57 to Allow for an Extension to the Existing Waste Transfer Station in Order to Facilitate the De-Watering of Gully Cleaning Vehicles and Recycling of Materials; and
(2) Provision of Gully Waste Processing Plant and Building on Land at Griffin Close, Staveley
Applicant: ACL Environmental Services Ltd
Planning Application Code No: CW2/0715/53 and CW2/0715/54
- 2 Proposed Demolition of Existing Classroom Block to be Replaced by a Two Classroom Modular Building at Hasland Hall Community School, Broomfield Avenue, Chesterfield
Applicant: Derbyshire County Council
Planning Application Code No: CD2/0115/135
- 3 Section 73 Application to Vary Condition 2 of Planning Permission CD3/1013/109, Alterations to the Design, including Floor Plan and Elevations, at Highfields School, Upper Lumsdale, Matlock
Applicant: Derbyshire County Council
Planning Application Code No: CD3/0815/74
- 4 Proposed Installation of a Play Fort at Bolsover C of E Junior School, Horsehead Lane, Bolsover
Applicant: Derbyshire County Council
Planning Application Code No: CD5/0615/39
- 5 Erection of a Shelter at Springfield Junior School, Springfield Road, Swadlincote
Applicant: Derbyshire County Council
Planning Application Code No: CD9/0815/71
- 6 Delegated Decision on Schemes Required by Planning Conditions:
 - SM2797
 - SM2798