

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE**
held at County Hall, Matlock on 10 November 2014

PRESENT

Councillor J Innes (in the Chair)

Councillors M Ford, S Freeborn (substitute Member at reconvened meeting following site visit only), Janet Hill (substitute Member), Julie Hill, R L Hosker, R A Parkinson, J Twigg (at reconvened meeting following site visit only) and B Wright.

Councillor B Atkins attended the meeting in accordance with Standing Order 17.6 as local Member in respect of the Birch Vale Quarry application (Minute No 95/14).

Apologies for absence were received from Councillor R Mihaly, P Smith and T Southerd.

No Declarations of Interest were received.

No Significant Lobbying had been received.

93/14 **SITE VISIT** In accordance with the Code of Practice the Committee visited the site at Hartington Reclamation, Farndale Road, Staveley (Minute No 96/14).

94/14 **MINUTES RESOLVED** that the Minutes of the meeting of the Committee held on 6 October 2014 be confirmed as a correct record and signed by the Chair.

95/14 **PROPOSED GREEN WASTE COMPOSTING, STORAGE AND PROCESSING FACILITY TO BE LOCATED WITHIN AREA PREVIOUSLY APPROVED FOR RECYCLING AT BIRCH VALE QUARRY, BIRCH VALE, NEW MILLS APPLICANT: P CASEY ENVIRO LTD (CODE NO: CW1/0514/23)** The proposal sought to undertake green waste composting within the site of the approved waste recycling facility situated adjacent to the Arden Landfill site. The applicant proposed that the facility would manage up to 2,000 tonnes of non-animal green waste per annum, which it stated would otherwise be disposed of as waste in the landfill, in order to produce compost for use in the restoration of the site.

Details of the proposal, including the background history of the site, together with comments received from consultees and following publicity were contained in the report of the Strategic Director for Economy, Transport and Environment.

The Strategic Director commented that a number of concerns had been expressed about public health in relation to the Arden Landfill site, which did not necessarily relate to the application. Hayfield Parish Council wished to maintain its objections submitted on a previous application for the proposal (Code No CW1/0512/15) which the applicant had subsequently withdrawn. Concerns and objections as a result of publicity were given in the report and addressed in the planning considerations section of the Strategic Director's report.

The application had been considered in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The National Planning Policy Framework, the National Planning Practice Guidance, the Waste Management Plan for England December 2013, and the National Planning Policy for Waste were material policy considerations. In the report the Strategic Director commented on his recommendation for refusal of the previous planning applications and the reason why he had reached that conclusion.

A submission from Councillor Atkins, the local Member, and an email from a local resident in furtherance of her objection had been received following the production of the report and circulated before the start of the meeting. The Strategic Director's representative confirmed that all objections which had been received to the previous application had been taken in to account when officers had considered the current proposal. He understood that many of the points of concern raised related to dissatisfaction with the operation by the applicant of the existing Arden landfill site, in respect of which there had been a history of problems, but they were not considered to affect the acceptability of the proposal which was being reported on.

The Strategic Director's representative gave a slide presentation with several photographs of the site and diagrams to show the location of the proposal and its position in relation to residential properties.

He commented that the compost produced would be blended with other inert waste to produce an acceptable compost mix.

In respect of comments made regarding tourism in the area and the proposal having a negative effect on it, he commented that this would have been a more significant issue if the proposal in the application had been in isolation instead of being as it was within an operational site. He

acknowledged that there had indeed been serious problems at the landfill site; however, the Environment Agency had more recently expressed satisfaction with how the site was operating.

He further commented that the diversion of waste from landfill and securing another use of that waste was considered to fulfil Government policy on managing waste in a sustainable manner. He did not consider that the proposal would result in any significant adverse impacts which would outweigh the benefits it would provide. It was a small scale proposal, representing an additional waste management activity to be undertaken at an existing site, which was co-located with another larger waste management facility. It would take some waste and would enable it to be recycled for a beneficial re-use in restoring the landfill site, instead of being disposed of in the landfill void. He considered it to be a proposal in compliance with the provisions of the development plan and other material considerations. Subject to suggested conditions, which would tie the use of the product from the composting to the landfill site, and require the composting to end when the landfill site had been restored, he recommended approval of the application.

Councillor Atkins, as the local Member for where the site was located, addressed the Committee on her concerns. She emphasised that the locality had been suffering harmful effects from the operation of the landfill site, particularly from odour. She spoke of many activities which had been undertaken in the Hayfield and New Mills areas to encourage tourism, which highlighted to her its importance to the local economy and the effect that more odour problems could have on it.

Jill Jones, a resident in the area, then spoke to the Committee on her objection. She spoke about the handling of reports of incidents relating to the landfill site by the Environment Agency, and referred to smells from the landfill site having reached as far as New Mills and Hayfield and as having a significant impact on local people and businesses.

The Strategic Director's representative commented that officers had considered the odour issue carefully and worked very closely with the Environment Agency regarding the landfill site. However, with regard to the proposal, the environmental sustainability of composting was also an important consideration. The potential addition of agricultural smells from the process needed to be regarded alongside all other issues which were relevant to the proposal. If the current application was approved as recommended, conditions would be attached to the permission which would require the activities to be limited so as to avoid adverse impacts on amenity from the proposal.

RESOLVED that planning permission be granted, subject to conditions based on the draft conditions contained within the report of the Strategic Director for Economy, Transport and Environment.

**96/14 PROPOSED RECOVERY OF SECONDARY
AGGREGATES, OPENCAST COAL AND ANCILLARY DEVELOPMENT AT
HARTINGTON RECLAMATION, FARNDALE ROAD, STAVELEY
APPLICANT: TAWNYWOOD LTD (CODE NO: CM2/0911/81)**

The proposal was for the recovery of approximately 872,250 tonnes of foundry tip material as secondary aggregate and the extraction, by open cast methods, of approximately 87,119 tonnes of coal at the Hartington Reclamation Site and the subsequent reclamation of the land to development platforms suitable for use as employment land. Details of the proposal, including the background history of the site, were contained in the report of the Strategic Director for Economy, Transport and Environment, together with comments received from consultees and following publicity. Concerns and 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 Planning and Compulsory Purchase Act 2004. The National Planning Policy Framework was also a material consideration. It was reported that the main issues to be considered in respect of the application were the need for the development in respect of secondary and recycled aggregate and coal; the proposed location of the development and the need for employment land; the type, scale and acceptability of any impacts that would arise from undertaking the works in the manner proposed; and whether the benefits identified by the applicant would be sufficient to outweigh any adverse impacts. These issues were examined in the report. It was reported also that the applicant had indicated a willingness to enter in to a legal Agreement, under Section 106 of the Town and Country Planning Act 1990, to cover a number of measures including the establishment and coordination of a Local Liaison Group for the site; the scheduling and undertaking of the off-site habitat creation works at Campbell Tip and Troughbrook Road; the long term management of the Breck Farm Watermeadows LWS; the provision of community benefits by means of the creation of a community fund of £15,000; and a £15,000 fund payable to the Council towards improving the Staveley length of the nearby Chesterfield Canal; and traffic routeing for the transport of secondary aggregates and coal to market, and the transport of material from the Hartington Tip site to the Campbell Tip and Troughbrook Road sites in order to carry out the ecological enhancement works.

The Strategic Director commented that the effects of the proposal would not be such that the environmental impacts of the development would be unacceptable, subject to the imposition of appropriate conditions and obligations, which would include requirements to implement on and off-site

mitigation measures. He considered that the development would not have unacceptable individual or cumulative impacts on the environment or local communities. He concluded that the proposed development met the test of environmental acceptability in the first part of Policy MP27 of the Derby and Derbyshire Minerals Local Plan. In reaching this conclusion he did not feel it necessary to consider the local community benefits of the proposed development as suggested by the applicant company, and the weight they should be given, as would otherwise be required under the further provisions of Policy MP27. He reported that there were no conflicts with other relevant policies of the development plan and no material considerations indicated other than the grant of planning permission, subject to conditions and planning obligations, as recommended in his report.

Photographs of the site location in comparison to the Campbell landfill and restoration site and the Troughbrook site were shown to the Committee.

Members asked about the consequences of removing settlement lagoons from the site and expressed concerns about its closeness to the gas site and the risk of Hall Lane flooding as a result of the proposed diversion of the River Rother. The Strategic Director's representative commented that Network Rail had also initially raised concerns regarding the flood risk to the railway but had noted that under revised plans the existing spoil heap material would remain undisturbed across a 5 metre standoff area from the railway land. He commented that the river diversion would improve the flood capacity of the river and that any possible increase to flooding would have resulted in an objection by the Environment Agency; its initial objection had been withdrawn following the provision of further information. He reported that the proposed opencast extraction was understood to not raise a gas site hazard since it would not involve explosive blasting.

RESOLVED that planning permission be granted, subject to (1) the applicant or operator and any other persons with an interest in the application site entering into an Agreement with the County Council under Section 106 of 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:

- The convening of a Local Liaison Group representing the communities local to the site.
- The provision of a Community Fund of £30,000 to be administered by the Local Liaison Group.
- The provision of highway safety improvements at Eckington Road and Farndale Road.
- Provision for inspection of the highway at Farndale Road during the operational period of the development.

- Provision of ecological compensation works at the Campbell Brickworks site and the Troughbrook Road site.
- Management of compensatory habitat enhancement at Breck Farm Watermeadows

(2) a set of conditions substantially based on the conditions contained within the report of the Strategic Director for Economy, Transport and Environment.

97/14 PROPOSED ECOLOGICAL ENHANCEMENT SCHEME FOR THE FORMER CAMPBELL LANDFILL SITE AND TROUGHBOOK ROAD FORMER OPENCAST COAL SITE, STAVELEY
APPLICANT: TAWNYWOOD LTD (CODE NO: CM2/0213/144)

The application proposed the creation of ecological enhancement at the former Campbell Landfill site and the former Troughbrook Road Opencast Coal Site to compensate for the loss of habitat at the Hartington Reclamation site as considered by the Regulatory – Planning Committee under Planning Application Code Number CM2/0911/81 (Minute No 96/14 above refers).

Details of the proposal were contained within the report of the Strategic Director for Economy, Transport and Environment, together with comments received from consultees and following publicity.

The application had been considered in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The National Planning Policy Framework was also a material consideration.

The Strategic Director had considered the potential environmental effects of the development and had concluded that these were acceptable or could be made acceptable by means of conditions or legal obligations. Whilst the construction and establishment works would result in a number of impacts relating to noise, dust and landscape and visual amenity, these would be for a short period only and were not considered to be so severe as to be detrimental to the amenity of the surrounding area. Given relevant policy and environmental criteria, he consider the development to be acceptable and was satisfied that the development would provide adequate compensation for the loss of biodiversity at the Hartington Reclamation site and would be acceptable as a development of the Campbell and Troughbrook sites.

RESOLVED that planning permission be granted, subject to a set of conditions substantially based on the conditions contained within the report of the Strategic Director for Economy, Transport and Environment.

98/14 SECTION 73 APPLICATION TO VARY CONDITION 10 OF PLANNING PERMISSION CW4/0114/141 TO PERMIT LOCAL

DISTRICT AUTHORITIES THAT COLLECT GREEN WASTE TO TRANSPORT IT TO THE IN-VESSEL COMPOSTING FACILITY FOR PROCESSING TO BE ACCEPTED AT THE SITE ON SATURDAYS PRIOR TO AND IMMEDIATELY AFTER BANK OR OTHER HOLIDAYS UNTIL 1700 HOURS AT ARKWRIGHT OPENCAST COLLIERY, DEEPSICK LANE, ARKWRIGHT APPLICANT: SITA UK LIMITED (CODE NO: CW4/0614/42)

The application related to a previously granted planning permission (Code No CW4/0114/141) for the construction and operation of an in vessel composting (IVC) facility on land at the former Arkwright Colliery, Arkwright. The Section 73 application sought permission to carry out the development without compliance with Condition 10 of the planning permission. This would allow the importation of green waste to the site on Saturdays prior to and immediately before and after a bank holiday until 1700 hours to maintain an efficient service.

Details of the proposal were contained in the report of the Strategic Director for Economy, Transport and Environment, together with comments received from consultees and following publicity.

The application had been considered in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. Other material considerations included statements of Government policy in the National Planning Policy Framework, the National Waste Management Plan for England 2013, and Planning Policy Statement 10: Planning for Sustainable Waste Management. The main consideration for the proposal was whether the development, as proposed to be amended, would be likely to give rise to any unacceptable impacts on amenity, which the Strategic Director examined in his report. He commented that he was aware that complaints had been received regarding odour from the site, which the Sutton cum Duckmanton Parish Council had raised in its consultation response. He reported that this was a matter for the Environment Agency, the local Environmental Health Officer and the County Council's Monitoring Officers. He was also aware that this issue had been raised with the operator and was currently being addressed.

The Strategic Director concluded that the proposed amendment to the hours of operation at the site was acceptable and he did not consider that the proposed amendment would give rise to any significant environmental or amenity impacts. He was satisfied that it would accord with Government guidance and development plan policies.

It was explained at the meeting that the objection submitted by North East Derbyshire District Council (Planning) had been withdrawn since the report had been circulated. Additional information from Sita UK was circulated at the meeting.

Councillor Julie Hill commented that at the time she had been consulted on the proposal she had received no concerns regarding activity at the site, however, she had subsequently received complaints about smells from the site and asked that this be investigated and addressed. The Strategic Director's representative indicated in response that details of reports of smells from the site had been provided to the District Council Environmental Health Officer and that they were under investigation, but did not affect the acceptability of this proposal.

RESOLVED that planning permission be granted, subject to the conditions contained in the report of the Strategic Director for Economy, Transport and Environment.

99/14 **CURRENT ENFORCEMENT ACTION** **RESOLVED** to receive the report on Current Enforcement Action.

100/14 **OUTSTANDING APPLICATIONS** **RESOLVED** to receive the list on decisions outstanding on 10 November 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.

101/14 **CURRENT APPEALS/CALLED-IN APPLICATIONS** **RESOLVED** to note the report on current appeals/called-in applications relating to County matters.

102/14 **DEVELOPMENT MANAGEMENT PERFORMANCE MONITORING** **RESOLVED** to receive the Planning Services Development Management Monthly Performance Management Statistics for October 2014.

103/14 **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) 9 October 2014

- 1 Proposal to Improve the Archaeological Way Multi-User Route at the A632 Bridge, Langwith
Applicant: Derbyshire County Council
Planning Application Code No: CD5/0814/67

(b) 16 October 2014

- 1 Proposed Erection of 2.4 Metres High Weldmesh Perimeter Fencing, together with two Corrugated Steel Storage Units at Somercotes Infant School, Nottingham Road, Alfreton
Applicant: Derbyshire County Council
Planning Application Code No: CD6/0814/64
- 2 Proposed Installation of a Multi-User Games Unit and Trim Trail at Cotmanhay Junior School, Beauvale Drive, Ilkeston
Applicant: Derbyshire County Council
Planning Application Code No: CD8/0914/70
- 3 Delegated Decision on Schemes Required by Planning Conditions:
 - SW2619
 - SW2620
 - SW2621
 - SW2622
 - SW2623
 - SW2624
 - SW2625

(c) 23 October 2014

- 1 Proposed Replacement of an Existing School Building with a New Building at Temple Normanton Primary School, Temple Normanton
Applicant: Derbyshire County Council
Planning Application Code No: CD4/0314/174
- 2 Delegated Decision on Schemes Required by Planning Conditions:
 - SM2644
 - SM2526
 - SD2616
 - SD2607

(d) 30 October 2014

- 1 Delegated Decision on Schemes Required by Planning Conditions:
 - SD2639
 - SD2638
 - SD2640
 - SD2641
 - SM2643
 - SM2642

(e) 6 November 2014

- 1 Proposed Erection of 10 Linear Metres of 2.4 Metres High Weldmesh Fence with incorporated Pedestrian Access Gate at Fritchley C of E Aided Primary School, Church Street, Fritchley
Applicant: Derbyshire County Council
Planning Application Code No: CD6/0914/76

104/14 **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. To confirm the exempt Minutes of the meeting held on 6 October 2014.

105/14 **MINUTES RESOLVED** that the exempt Minutes of the meeting of the Committee held on 6 October 2014 be confirmed as a correct record and signed by the Chair.