

# Public Document Pack



**Helen Barrington**  
Director of Legal and  
Democratic Services  
County Hall  
Matlock  
Derbyshire  
DE4 3AG

Extension 01629 538328  
Direct Dial 01629 538328  
Ask for Ivan Walters

PUBLIC

To: Members of Regulatory - Planning Committee

Friday, 30 September 2022

Dear Councillor,

Please attend a meeting of the **Regulatory - Planning Committee** to be held at **10.00 am** on **Monday, 10 October 2022** in Committee Room 1, County Hall, Matlock, DE4 3AG, the agenda for which is set out below.

Yours faithfully,

A handwritten signature in black ink that reads 'Helen E. Barrington'.

**Helen Barrington**  
**Director of Legal and Democratic Services**

## **A G E N D A**

### **PART I - NON-EXEMPT ITEMS**

1. Apologies for Absence  
To receive apologies for absence (if any)
2. Declarations of Interest  
To receive declarations of interest (if any)
3. Declarations of Significant Lobbying  
To receive declarations of significant lobbying (if any)

4. Petitions

To receive petitions (if any)

5. Minutes (Pages 1 - 4)

To confirm the non-exempt minutes of the meeting of the Regulatory – Planning Committee held on 4 April 2022.

To consider the non-exempt reports of the Executive Director – Place on:

6. Change of Use Application from a Guest House (C1) to a Children's Home (C2) at 2 Compton Road, Buxton, Derbyshire, SK17 9DN - Applicant: Derbyshire County Council - Planning Application Code No: CD1/07/22/11 (application withdrawn) (Pages 5 - 18)
7. Current Enforcement Action (Pages 19 - 22)
8. Outstanding Application List (Pages 23 - 24)
9. Current Appeals/Called in Applications (Pages 25 - 26)
10. Matters Determined by the Executive Director - Economy, Transport and Environment under Delegated Powers (Pages 27 - 34)
11. Departmental Performance Monitoring (Pages 35 - 36)

PUBLIC

**MINUTES** of a meeting of **REGULATORY - PLANNING COMMITTEE** held on Monday, 11 April 2022 at The Council Chamber, County Hall, Matlock, DE4 3AG.

**PRESENT**

Councillor M Ford (in the Chair)

Councillors, A Griffiths, L Grooby, R Mihaly, D Murphy, P Niblock, R A Parkinson, S Swann (substitute member), D Wilson and M Yates

Apologies for absence were submitted for Councillor R Ashton.

**18/22 DECLARATIONS OF INTEREST**

**a**

There were no declarations of Interest

**19/22 DECLARATIONS OF SIGNIFICANT LOBBYING**

**b**

There were no declarations of significant lobbying

**20/22 PETITIONS**

**c**

No petitions were received

**18/22 MINUTES**

**RESOLVED** that the minutes of the meeting of the Committee held on 7 February 2022 be confirmed as a correct record and signed by the Chairman.

**19/22 TO CONSIDER THE REPORTS OF THE DIRECTOR OF LEGAL & DEMOCRATIC SERVICES ON COMMONS ACT 2006 DETERMINATION OF AN APPLICATION TO REGISTER LAND KNOWN AS TWYFORD ROAD PLAYING FIELDS, WILLINGTON AS A TOWN OR VILLAGE GREEN (VG118)**

The Director of Legal and Democratic Services had produced a report to enable the Committee to determine an application made pursuant to section 15 of the Commons Act 2006 ("the 2006 Act") to register land known as Twyford Road Playing Fields, Willington ("the Application Land") as a town or village green. The application was referred to as Application VG118. A plan showing the land subject to the application was appended to the report.

The information provided by the report included details relating to the following points:

The application had been made by 4 local residents and was supported by 138 signed user evidence forms.

Notice of the Application had been published in the Derby Evening Telegraph and posted on site.

The Council had received 17 submissions in objection to the application; one from the Parish Council and the other 16 from local residents. Details of the issues raised were again summarised in the report. The Parish Council had submitted a substantial statement in objection to the Application which set out its view that the test under section 15(2) of the Act had not been met.

The applicant had responded to the objections with various counter-submissions.

The report also explained the statutory tests for registration (in summary, that the land subject to the application had been used by a significant number of inhabitants of a neighbourhood within a locality for lawful sports and pastimes for a period of 20 years or more, and that that use had been as of right; without force, without secrecy and without permission). The report also explained the considerations (most pertinently, regarding permission for the use) that had led the Director to consider that on the balance of probabilities they had not been met and accordingly to recommend a decision to refuse the application.

**RESOLVED** to refuse the application to register the land at Twyford Road Playing Field in Willington as a town or village green

**20/22 APPLICATION UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 FOR PERMISSION NOT TO COMPLY WITH CONDITION 31 OF PLANNING PERMISSION CODE NUMBER CW8/0417/1, SO AS TO ALLOW THE STORAGE OF MATERIAL ABOVE THE NUTBROOK CULVERT WITHIN THE PERMITTED SITE, JOHNSONS RECYCLING CENTRE, CROMPTON ROAD, ILKESTON, DE7 4BG APPLICANT: JOHNSONS AGGREGATES & RECYCLING LIMITED, CODE NO: CW8/0721/18**

An application had been received from Johnsons Aggregates and Recycling Limited made under Section 73 of the Town and Country Planning Act 1990, as amended, which sought permission not to comply

with Condition 31 of planning permission code no.CW8/0417/1relating to the Johnson's Recycling Centre, Crompton Road, Ilkeston

A report on the application by the Executive Director for Place had been published with the agenda, which explained how the applicant was seeking the removal of Condition 31 to enable Incinerator Bottom Ash Aggregate to be stored above the Nutbrook Culvert to increase storage capacity at the centre and thereby improve its efficiency, that the stability of the Culvert has been assessed by the applicant, and that the storage area above the Culvert would be capable of holding a maximum load of 5,000 tonnes without causing damage. The report also included details of the consultation process, publicity, objections, observations, comments received, and commentary on the planning considerations.

In the morning of 11 April (the day of the meeting), members of the Committee had carried out a visit to the site.

The Development Management Team Leader provided an oral summary of the main aspects of the development, including a presentation of slides showing plans and views of the site.

A representation in objection to the application had been received from Trowell Parish Council which had been reported on in the report. Councillor D Pringle from the Parish Council attended the meeting to speak for up to three minutes to further outline the Parish Council's objection to the application. When he spoke he focussed mainly on concerns regarding impacts on residents from noise dust and odour

The agent acting on behalf of the applicant who was in attendance also spoke for up to three minutes in support of the application and the Officers recommendations.

Councillor A Gibson, Local Member had raised a number of issues and concerns in relation to the application which were circulated to members of the committee at the meeting.

Members in discussion referred to and asked questions on some potential impacts of the application that were mentioned in the report, which were duly responded to by the Team Leader, Development Management. The discussion did not raise any relevant planning considerations that were not addressed by the report.

**RESOLVED** that planning permission be granted subject to conditions substantially similar to the draft conditions contained in the Executive Director's report.

**21/22 CURRENT ENFORCEMENT ACTION**

**RESOLVED** to receive the report on current enforcement action.

**22/22 OUTSTANDING APPLICATION LIST**

**RESOLVED** to receive the list on decisions outstanding on 31 March 2022 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.

**23/22 CURRENT APPEALS/CALLED IN APPLICATIONS**

**RESOLVED** to note that the following appeal has been lodged with the Planning Inspectorate:

**Appeal Reference APP/U1050/C/20/3257919**

Land at Lady Lea Road, Horsley, Ilkeston

Appeal against Enforcement Notice Issues on 16 July 2020

Appeal Start Date – 8 September 2020

Decision pending.

**24/22 MATTERS DETERMINED BY THE EXECUTIVE DIRECTOR -  
ECONOMY, TRANSPORT AND ENVIRONMENT UNDER DELEGATED  
POWERS**

**RESOLVED** to note applications that had been approved by the Executive Director – Place under delegated powers as detailed in the report.

The meeting finished at 1.45 pm



**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**REGULATORY - PLANNING COMMITTEE**

**Report of the Executive Director - Place**

- 1 Change of Use Application from a Guest House (C1) to a Children's Home (C2) at 2 Compton Road, Buxton, Derbyshire, SK17 9DN  
Applicant: Derbyshire County Council  
Planning Application Code No. CD1/0722/11**

**1.1503.1**

- 1. Divisions Affected**

- 1.1 Buxton West.

- 2. Purpose**

- 2.1 To enable the application to be determined by the Regulatory Planning Committee.

- 3. Information and Analysis**

- Introduction Summary**

- 3.1 This report considers an application for the change of use of Griff House, 2 Compton Road, Buxton from its current use as a guest house (use classification C1) to a children's home (use classification C2). The property is located within the 'Buxton College' Conservation Area.

- 3.2 A change of use application is submitted to alter the use classification of an existing building. In this case, the use class would change from C1 to C2. Change of use applications do not seek to alter the physical appearance of the property, only the use classification.

- 3.3 The applicant has identified the need for the acquisition of Griff House and its subsequent change of use in order to meet the need for

children's homes in Derbyshire. Currently, several regulated children's homes in Derbyshire require full refurbishment. The applicant has considered a range of options to ensure best value and minimal impact on the children in care by maintaining their links with education and community. This evaluation identified the purchase of Griff House as the preferred option to meet the requirements.

- 3.4 I am satisfied that the proposal would accord with the relevant development plan policies and the National Planning Policy Framework (NPPF). The recommendation is therefore for approval, subject to appropriate conditions.

### **The Site**

- 3.5 The property in question, Griff House, is located close to Buxton town centre. It is within the administrative boundaries of High Peak Borough Council and within the Buxton College Conservation Area. The property is located near to both Buxton Community School and Buxton Junior School, and fronts onto Compton Road, which is part of the Pennine Cycleway route.

- 3.6 The property lies on a corner plot bounded by Compton Road and Green Lane. Vehicular access to the site is from Green Lane. The locality is a predominantly residential area with several bed and breakfast businesses. Green Lane Children's Nursery is located approximately 25m from the property along Green Lane.

### **Proposed Development**

- 3.7 The application proposes the change of use of Griff House, 2 Compton Road, Buxton from a guest house to a children's home. The children's home would be used to accommodate a maximum of six children aged between 11 and 17 at any given time. The home would employ three members of staff during the day and two overnight. The applicant initially identified four on-site parking spaces. A redesign of the parking arrangements has enabled the provision of a further space making a total provision of 5 spaces. No physical changes to the building are proposed as part of this application.

### **Consultations**

- 3.8 **Local member**  
Councillor Tony Kemp (Buxton West) has been notified and has no comments.
- 3.9 **High Peak Borough Council - Planning**  
Has been notified. Nine neighbour comments have been received and forwarded by the Borough Council. These neighbour comments state

concerns in relation to highways safety, traffic and parking, impacts on the conservation area, overbearingness, noise disturbance and anti-social behaviour. Whilst not raising any specific objection to the proposal or setting out any conflict with policies of the High Peak Local Plan, High Peak Borough Council (HPBC) states “*the council do have doubt that this would be the correct location for a children’s home based on all of the reasons above*”.

**3.10 High Peak Borough Council - Environmental Health**

Has been notified and has no comments.

**3.11 Highway Authority**

Derbyshire County Council, in its statutory role as Highways Authority, has been notified and raise no objections.

**Publicity**

3.12 The application has been advertised by site notice, neighbour notification and press notice with a request for representations by 25 August 2022. Twenty eight representations have been received from 22 individuals a result of this publicity.

3.13 Twenty seven representations object to the proposal. The concerns raised can be summarised as:

- Impacts on the Conservation Area.
- Highway safety/car parking/traffic generation.
- Anti-social behaviour.
- Noise/disturbance.
- Lack of privacy/overlooking.
- Impacts on local businesses (due to impacts on the Conservation Area, noise and nuisances).
- Impacts on residential amenity/well-being of residents.
- Lack of reference to future developments.
- Unsuitability of the property for the proposed use.

3.14 One representation supports the application. It refers some of the concerns raised in other representations and states that the applicant’s view that the move to Griff House having a minimal impact on the children and their wellbeing is welcomed.

3.15 The concerns raised, where they raise material planning considerations, shall be addressed throughout the report.

## **Planning Considerations**

3.16 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the provisions of the development plan unless other material considerations indicate otherwise. In relation to this application, the relevant policies of the development plan are contained in the adopted High Peak Borough Council Local Plan (HPLP) (2016). Other material considerations include national policy, as set out in the National Planning Policy Framework (NPPF) (2021).

3.17 The principal development plan policies relevant to this application are:

3.18 **High Peak Local Plan (2016) Policies**

S1a: Presumption in Favour of Sustainable Development.

S2: Settlement Hierarchy.

S7: Buxton Sub-area Strategy.

EQ7: Built and Historic Environment.

3.19 **National Planning Policy Framework (2021)**

Chapter 2: Achieving sustainable development.

Chapter 4: Decision making.

Chapter 16: Conserving and enhancing the historic environment.

3.20 The key planning considerations for this application are:

- Need for the development.
- Location of development.
- Impact on the Conservation Area.
- Amenity Impacts.
- Highway impacts.

### **Need for Development**

3.21 The applicant has identified the need to acquire Griff House, 2 Compton Road. The statement of need submitted by the applicant states that there are currently significant pressures on children's services due to the lack of sufficient places to meet the changing demands and the individual needs of children and young people.

3.22 Several regulated children's homes within Derbyshire currently require full refurbishment. One of the homes identified as requiring full refurbishment is Solomon House, which is also situated within Buxton College Conservation Area. In order to refurbish the home, it would need to be vacated for up to a year and alternative accommodation to house the children would need to be found for that period.

- 3.23 The applicant states that a range of options have been considered, including the building of a new home and refurbishing the current home, Solomon House. These two options have both been discounted by the applicant due to the associated impacts on the children and escalating costs. The preferred option is to purchase a new property as a replacement home. Purchasing would enable the acquisition of the replacement asset and any associated works could be completed prior to any children or staff members moving into the property. The applicant also considers that this option would result in the least disruption to the children in care as Griff House is within the locality of the current children's home, which the applicant considers would minimise the impact on the children's lives and education.
- 3.24 Policy S1a: Presumption in Favour of Sustainable Development, of the HPLP states that *"when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area"*.
- 3.25 Chapter 2: Achieving sustainable development of the NPPF states, *"So that sustainable development is pursued in a positive way, at the heart of the framework is a presumption in favour of sustainable development.*
- For decision taking that means,*
- c) approving development proposals that accord with an up-to-date development plan without delay; or*
  - d) where there are no relevant development plan policies, or the policies which are most important are out of date, granting permission unless:*
    - i) the application of the policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
    - ii) any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the Framework as a whole."*
- 3.26 Chapter 4: Decision making, of the NPPF states that *"local planning authorities should approach decisions on proposed development in a positive and creative way... planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise"*.
- 3.27 Taking into consideration the current situation identified within the statement of need, I am satisfied that there is a justified need for this

change of use, and that the change of use in principle, accords with the NPPF and policy S1a of the HPLP.

- 3.28 I now turn to the location of the property and the potential amenity impacts of its change of use.

### **Location of Development**

- 3.29 Griff House is located to the south-east of Buxton town centre within a predominantly residential area. Several bed and breakfasts are located in the surrounding area, and Green Lane Nursery, Buxton Junior School and Buxton Community School are all within 350m of Griff House. Policy S2: Settlement Hierarchy, of the HPLP identifies Buxton as a market town. The policy states that *“market towns will be the main focus for housing, employment and service growth, consistent with maintaining and where possible enhancing their role, distinctive character vitality and appearance”*.

- 3.30 Policy S7: Buxton Sub-area Strategy of the HPLP states that *“The Council and its partners will seek to establish Buxton as England’s leading spa town and consolidate its role as the principal service centre for the Peak District. This will be achieved by:*

- 1. Protecting and enhancing the unique character of Buxton’s spa heritage, townscape and natural environment to maintain the quality of life and act as a catalyst for tourism...*
- 2. Providing for the housing needs of the community by planning for sustainable housing and mixed-use developments...*
- 3. Encouraging the growth of local employment opportunities and supporting the diversification and growth of the local economy...*
- 4. Supporting enhancements to key community services, infrastructure and connectivity to allow to Buxton to consolidate its role as a self-contained service centre and support growth...”*

- 3.31 The change of use of Griff House from a guest house providing tourist accommodation (use classification C1), to a children’s home (use classification C2) would help to supply the housing needs of the local community. Griff House would provide a home environment for children in care, with a maximum of six young people aged 11 to 17 years old living at the property where staff would provide 24-hour supervision. As such, the property would remain residential in nature, and I therefore consider the proposed change of use would not change the fundamental use of the building.

- 3.32 I consider the proposal to be in accordance with policies S2 and S7 of the HPLP. However, the property, Griff House, is located within the

Buxton College Conservation Area, and this is given consideration below.

### **Impacts on the Conservation Area and residential amenity**

- 3.33 Griff House is located within Buxton College Conservation Area. The Conservation Area character appraisal identifies the main characteristics associated with this Conservation Area. These include three-storey gritstone Victorian and arts and craft style houses, wide streets defined by avenues or metre high gritstone boundary walls, roads laid out on gradual curves and the spacious setting of wide roads and large gardens.
- 3.34 Policy EQ7: Built and Historic Environment, of the HPLP states that, *“The council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment in accordance with the sub area strategies”*.
- 3.35 Chapter 16: Conserving and enhancing the historic environment of the NPPF, states that: *“not all elements of a conservation area or a world heritage site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of a Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole”*.
- 3.36 Paragraph 202 of the NPPF states: *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighted against the public benefits of the proposal where appropriate securing its optimum viable use”*.
- 3.37 I have assessed the proposed change of use against the criteria set out in the NPPF and do not consider that it would be likely to cause harm to the Conservation Area. I am satisfied that, should there be any harm, it would be less than substantial. The reason for this is because the application does not propose any external alterations to the building and access onto the site would remain in the current configuration. The property would not be altered externally and the change of use from tourist accommodation to a children’s home would not change the buildings primary function as a residential unit. As such I am of the view

that the change of use would not harm the significance of the Conservation Area and its setting.

- 3.38 Although some residents are concerned about the potential effects of the property's change of use regarding noise and anti-social behaviour, no evidence is available to suggest the change of use would have a substantial impact on residential amenity. The property would remain in a residential use with six residents. Any impacts from noise, for example, are likely to be similar to other types of residential occupation.
- 3.39 I acknowledge that the proposed change of use could be perceived as potentially having a negative effect on the amenity of the locality. However, as identified by the applicant the intention is to provide a residential environment for a maximum of six young people, managed by a minimum of two members of staff present on site at any time. As the application seeks planning permission to change the use of the existing guest house, and that there is no further development (i.e. expansion of the existing dwelling), I am satisfied that the property will continue to be akin to a large family home rather than that of an institutional facility. Therefore, I am satisfied that the proposed change of use would not result in harm to the character of the surrounding residential area or have an unacceptable impact on the amenity and wellbeing of other residents.
- 3.40 I see no substantive reason why the proposal would not be appropriate within a residential area and, in doing so, I take full account of the Conservation Area status. The change of use would not affect the appearance of the building, or local amenity, and I am satisfied that the proposal would not conflict with the NPPF or with the policies contained within the HPLP.

### **Highways Impacts**

- 3.41 Several of the neighbour representations have raised concerns regarding highways safety, car parking and traffic generation. The applicant has identified five off-road car parking spaces and has also stated that the likely traffic activities would include the three day staff members and two night staff members to park on-site. Grocery deliveries, likely twice per week, would back into the drive and deliver via the rear door. Visitors to the property would park on-site if sufficient space, otherwise they would park on the road, and mail and parcel deliveries would also park on the road.
- 3.42 The applicant has identified parking spaces for staff members. This would therefore not impact on street parking. However, on road parking has been identified as a possibility for visitors and is likely in the case of mail and parcel deliveries. Traffic restrictions on the junction of Green

Lane and Compton Road (no waiting 8am-6pm) would prevent parking on the junction. I do not consider that traffic movements would greatly increase as a result of the proposed change of use. I therefore, cannot envisage that the change of use would significantly alter traffic generation or street parking.

- 3.43 The Highways Authority has been consulted and raises no highways safety concerns or any objection to the proposal.

### **Representations**

- 3.44 The concerns raised within the neighbour representations have been summarised within Paragraph 3.12.
- 3.45 Impacts on the Conservation Area, residential amenity and wellbeing, anti-social behaviour, noise and disturbance, highways safety, car parking and traffic generation have been addressed within previous sections of the report.

### **Lack of Privacy and Overlooking**

- 3.46 The proposed change of use would not alter the external appearance of the property. As such, the amount of overlooking and privacy pertaining to neighbouring properties would not alter due to the change of use.

### **Future Development of the Property**

- 3.47 This application pertains to the change of use from a guest house to a children's home. Any future development, if sought, may require planning permission in its own right and subsequent public consultation would be required under the new application.

### **Suitability of the property**

- 3.48 The Council's children's services will have assessed the property's suitability for a children's home. The assessment of the property's suitability as a children's home is not a matter that should be regulated through the planning system.

### **Impacts on local businesses**

- 3.49 The change of use would not alter the primary function of the property as a residential property no evidence is available to suggest that the change of use would have a substantial impact on the surrounding businesses.

### **Conclusions**

- 3.50 A clear need has been identified for the proposed change of use of Griff House from a guest house to a children's home. The site is located within Buxton College Conservation Area. However, I do not consider that this

development would have an adverse impact on the Conservation Area, residential amenity, or character of the locality.

- 3.51 I do not consider that the proposed development would cause any other adverse impacts and I am therefore satisfied that the proposal would not conflict with the NPPF, or with the policies contained within the development plan. The proposal is therefore recommended for approval, subject to the conditions set out below.

#### **4. Implications**

- 4.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

#### **5. Background Papers** File no. 1.1503.1

- 5.1 Application form dated 6 July 2022.
- 5.2 Planning Statement dated 30 June 2022.
- 5.3 Site location plan (521230-CDP-ZZ-XX-DR-A-0004) dated 24 June 2022.
- 5.4 Parking plan (521230-CDP-ZZ-XX-DR-A-0005) dated 23 August 2022.

#### **6. Appendices**

- 6.1 Appendix 1 - Implications.
- 6.2 Appendix 2 – Site Plan.

#### **7. Recommendation**

- 7.1 That the Committee resolves to **grant** planning permission subject to the following conditions:

##### **Conditions**

##### **Commencement**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** The condition is imposed in accordance with Section 91 of the Town and County Planning Act 1990.

- 2) The development shall take place in accordance with the details in the 1APP form dated 6 July 2022, the Planning Statement date 30 June 2022 and the accompanying drawings 521230-CDP-ZZ-XX-DR-A-0004 entitled 'Site Location Plan' and 521230-CDP-ZZ-XX-DR-A-0005 entitled 'Site Plan Parking Arrangement.'

**Reason:** To enable the County Planning Authority to monitor the development in the interests of local amenity.

- 3) Prior to the first occupation, spaces shall be provided for the parking of vehicles associated with the Childrens Home in accordance with the approved plan(s) and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, such space shall be maintained throughout the life of the development free of any impediment to its designated use.

**Reason:** To ensure that the proposed development does not prejudice the free flow of traffic or the conditions of general safety along the neighbouring highway(s) and to ensure that the facilities provided are reserved for the benefit of the development for which they are specifically required.

- 4) Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order (2015), (or any Order revoking, amending or re-enacting that Order) no gates / bollards / chains / other means of obstruction shall be erected across the approved access unless details have first been submitted to and approved in writing by the County Planning Authority.

**Reason:** In the interests of highway safety.

**Statement of Compliance with Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015**

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The Authority has requested clarification on the application where required, which the applicant has provided.

**Implications**

**Financial**

1.1 The correct fee of £462 has been received

**Legal**

2.1 I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the delegated decision.

**Human Resources**

3.1 None.

**Information Technology**

4.1 None.

**Equalities Impact**

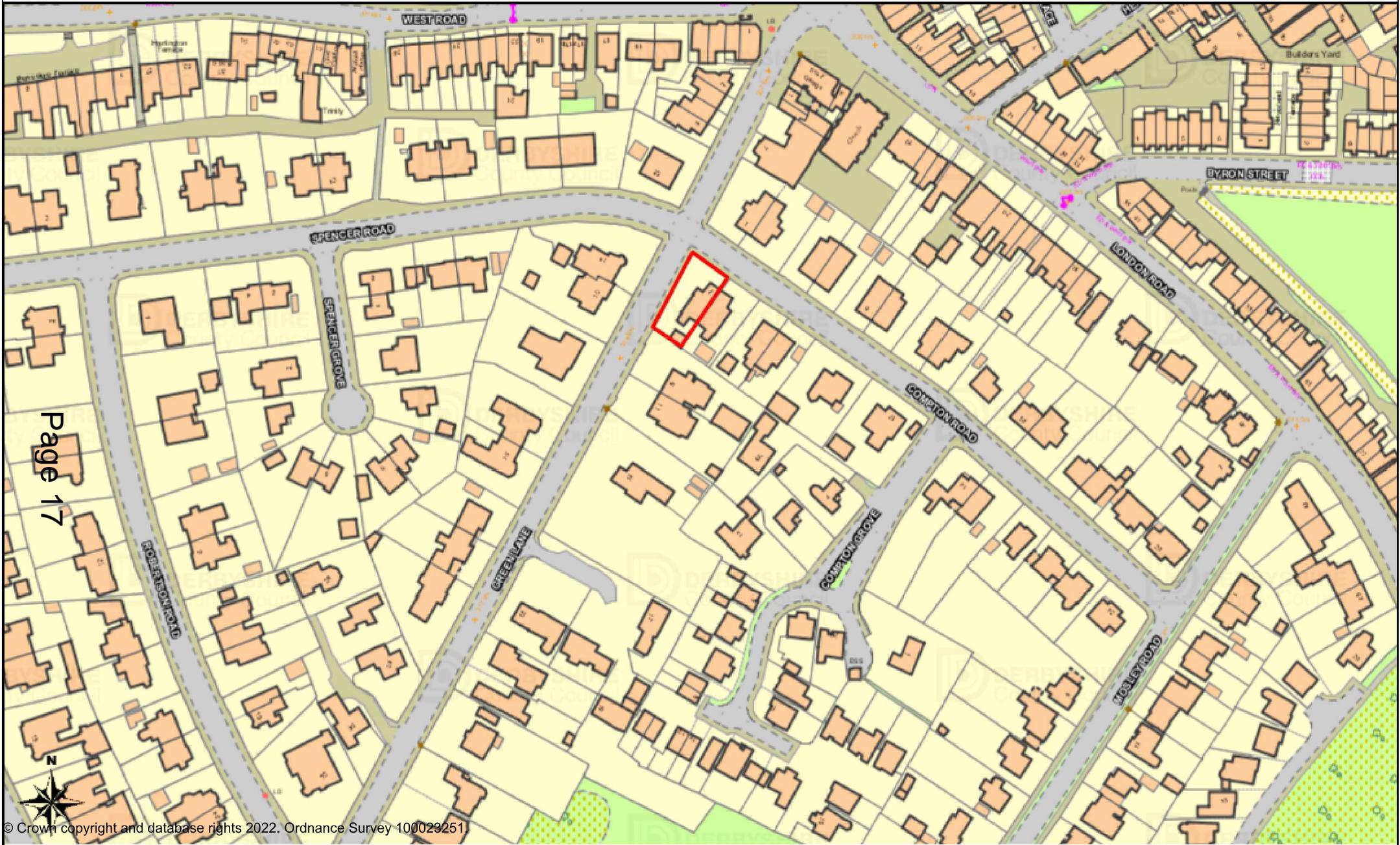
5.1 Not applicable.

**Corporate objectives and priorities for change**

6.1 None.

**Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)**

7.1 **Environmental and Health**  
As indicated within the report.



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**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**REGULATORY – PLANNING COMMITTEE**

**10 October 2022**

Report of the Executive Director – Place

**Item for the Committee’s Information**

**2 CURRENT ENFORCEMENT ACTION**

<b>Site</b>	<b>Breach</b>	<b>Action Taken</b>	<b>Comment</b>
Lindrick, Mansfield Road, Corbriggs (formerly MXG)	Unauthorised storage and processing of inert waste.	Enforcement Notice issued 27 June 2013, requiring removal of all waste material before 1 August 2014. A Notice of Relaxation of Enforcement Notice was issued on 23 March 2015. This extended the period of compliance for the processing and removal of waste to 31 January 2016, and the seeding of the exposed perimeter banks to 31 July 2016. Planning Contravention Notice issued 1 November 2016 (response received).	Site inactive.

		Breach of Condition Notice (Mud on Road) issued 19 December 2016. Notice of Relaxation of Enforcement Notice issued on 10 July 2017 extended the period of compliance to 31 December 2017.	
Stancliffe Quarry 3.696R	Condition 43 relating to stability of land adjacent to quarry face. Non-compliance relating to requirement to provide appropriate remediation scheme.  February 2017 Breach involving the removal of stone via unauthorised access, creation of access track and damage to trees covered by Tree Preservation Order.	Breach of Condition Notice served October 2013 requiring submission of a relevant scheme by end of January 2014 (extended date). Temporary Stop Notice issued 17 February 2017. Interim Injunction Order granted 31 March 2017.	Site inactive. Two planning applications relating to the site under consideration CM3/0918/48 and CM3/0918/49). (Applications held in abeyance pending submissions to Derbyshire Dales District Council).
Land west of Park Farm, Woodland Road, Stanton	Without planning permission, the change of use of the land from an agricultural use to a use comprising agriculture and the importation and storage of waste material.	Enforcement Notice issued 14 December 2018	Date notice takes effect – 21 January 2019.  Ongoing monitoring of notice requirements.  Monitoring stalled previously due to Covid-19. Inspection to be arranged.
Land at Park Hills Farm, Mugginton	Without planning permission, the	Temporary Stop Notice issued 29 May 2019. Enforcement Notice issued 3 February 2020.	Ongoing monitoring/review. Enforcement notice took effect 4 March 2020.

Lane End, Weston Underwood	deposit of waste materials onto land.		Monitoring stalled previously due to Covid-19. Inspection to be arranged.
Land at Lady Lea Road, Horsley	Importation and deposit of material onto land.	Planning Contravention Notice issued 28 October 2019. Temporary Stop Notice issued 29 May 2020. Enforcement Notice issued 16 July 2020 – Notice takes effect on 19 August 2020 unless an appeal is lodged before the effective date.	Appeal against enforcement notice lodged with Planning Inspectorate. Appeal start date - 8 September 2020. Appeal Decision received 21 April 2022 – Enforcement notice upheld.
Land at Barden Farm/Hirst Farm, Smalley	Importation and deposit of waste material; treatment and processing of waste material; formation of an excavation and deposit of waste material within the excavation.	Planning Contravention Notice issued 4 August 2020 – Response required by 25 August 2020. Response received.	Planning Contravention Notice issued in consultation with Amber Valley Borough Council.
Land at Barden Farm, Smalley	Importation of waste material, deposit of waste material, transfer of waste material, storage of waste material and empty skips, and treatment of waste material	Planning Contravention Notice issued 30 November 2021. Response received	Planning Contravention Notice served on Heanor Mini Skips Ltd

**Chris Henning**  
**Executive Director – Place**



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## PLANNING SERVICES

### Outstanding Items

Date: 27/09/2022

EIA applications outstanding more than 16 weeks

MAJOR applications outstanding more than 13 weeks

MINOR applications outstanding more than 8 weeks

APP CODE	PROPOSAL	LOCATION	STATUS	WEEKS
<b>EIA (5)</b>				
CM3/0817/40	Development of a lateral extension to the south west of the existing permitted operations to provide the winning and working of minerals, associated ancillary operations and amended restoration scheme through landfill at Slinger Top Quarry.	Slinger Top Quarry, Cromford, Matlock, DE4 3QS	Consultation replies being considered	268
CM6/1110/112	Recovery of 400,000 tonnes of coal using surface mining and the development of two flood alluviation areas along the Bottle Brook at George Farm Reclamation Site, Denby.	George Farm, Denby, Derbyshire, DE5 8PP	Approved Pending Legal Agreement	609
CM9/0816/46	Application under Section 73 to vary condition specifically to commencing extraction in the Weston Extension prior to completing restoration of Phases 8/9 of Planning Permission CM9/0211/163 and allowing increased stocking of waste materials in the landfill transfer station	Shardlow Quarry, Acre Lane, Shardlow, DE72 2SP	Consultation Replies Awaited	242
CM6/0122/28	Outline planning permission with some matters reserved, for an alternative form of restoration and redevelopment of Crich quarry for a mixed-use leisure development on approximately 43 acres of land.	Crich Quarry, Town End, Crich, Matlock, DE4 5DP	Awaiting additional information with regard to EIA following Regulation 25 request	31
CD9/0222/34	Conversion and extension of existing buildings to commercial use, and construction of access drive and car park.	Elvaston Castle Country Park, Borrowash Road, Elvaston, DE72 3EP	Further Information Awaited	27
<b>Major (10)</b>				
CM5/0818/42	Reclamation, cut of and fill site, of the former Whitwell Colliery site to facilitate mixed use redevelopment of the site together with landscaping, ecology and drainage.	Former Whitwell Colliery, Station Road, Whitwell, S80 4TS	Approved Pending Legal Agreement	203
CM3/0918/48	Amendment to condition 7, 10 & 11 of determined conditions approval R3/0699/17 (LET 7276). Relating to quarry permit 1390/9/2 (7 March 1952)	Stancliffe Quarry, Dale Road North, Matlock	Held in Abeyance	197
CM3/0918/49	Formation of new access and road to existing quarry	Stancliffe Quarry, Dale Road North, Darley Dale, DE4 2GY	Held in Abeyance	197
CW8/0818/45	Section 73 application seeking permission to amend condition 24 of planning permission CW8/0811/61 to extend the hours of working on the established Ward Waste Recycling Facility on land at the Quarry Hill Industrial Estate, Hallam Fields Road, Ilkeston, Derbyshire	Donald Ward Limited, Quarry Hill Industrial Estate, Ilkeston, DE7 4AZ	Approved Pending Issue of Decision	212
CW2/0521/3	Extended area for scrap metal recovery and ancillary operations to encompass wider site area, including increase incoming waste tonnage to 75,000 tonnes per annum, additional storage areas, and increase the storage stockpile heights to 4 metres (m) in bays.	Pinball Metals Ltd., Unit 2, Burley Close, Chesterfield, S40 2UB	Further Information Awaited	67

APP CODE	PROPOSAL	LOCATION	STATUS	WEEKS
CM3/0721/15	Application not to comply with Condition 8 of Planning Permission CM3/0718/32 to update the area where permitted development rights apply, to better reflect the extent of processing operations.	Brassington Moor Quarry, Longcliffe, Brassington, DE4 4BZ	Report being prepared	62
CW2/0322/37	Proposed development / recommencement of operation of a dry recyclates storage/ bulking facility & associated infrastructure at the former GKN Engineering Site, Sheepbridge Lane, Chesterfield, Derbyshire.	Sheepbridge Works, Units 11a And 11b, Sheepbridge Lane, Sheepbridge, Derbyshire, S41 9RX	Consultation Replies Awaited	22
CW5/0422/3	Single storey portal frame extension to existing waste recycling hall	H W Martin, Recycling Centre, 14, Clover Nook Road, South Normanton, Derbyshire, DE55 4RF	Further Information Awaited	19
CM6/0522/5	Importation and stockpiling of 50,000 tonnes of PFA within the existing clay stockpiling area of Waingroves Quarry	Waingroves Quarry, Whiteley Road, Ripley, DE5 3QL	Report being drafted, awaiting Highways consultation response	16
CW8/0622/7	Partial replacement of middle waste handing building at existing recycling facility (in retrospect).	The Old Ironworks, Crompton Road, Ilkeston, Derbyshire, DE7 4BG	Consultation Replies Awaited	16



**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**REGULATORY – PLANNING COMMITTEE**

**10 October 2022**

Report of the Executive Director – Place

**Item for the Committee’s Information**

**4 CURRENT APPEALS/CALLED IN APPLICATIONS**

The following appeal has been lodged with the Planning Inspectorate.

**Appeal Reference APP/U1050/C/20/3257919**

Land at Lady Lea Road, Horsley, Ilkeston

Appeal against Enforcement Notice Issues on 16 July 2020

Appeal Start Date – 8 September 2020

Decision received 21 April 2022 – Enforcement notice upheld

**Chris Henning**  
**Executive Director – Place**

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**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**REGULATORY – PLANNING COMMITTEE**

**10 October 2022**

Report of the Executive Director – Place

Item for the Committee’s Information

**5 MATTERS DETERMINED BY THE EXECUTIVE DIRECTOR  
– PLACE UNDER DELEGATED POWERS**

11/04/2022	<b>Applicant: LHoist</b> <b>Submission No: PD17/5/88</b> Request for the Council’s Prior Approval for the Installation of a Lifting Beam on the Bunker Top Building at Whitwell Works, Whitwell Quarry, Southfield Lane, Whitwell, S80 3LJ
21/04/22	<b>Applicant: Yorkshire Water</b> <b>Planning Application Code No: CW4/0122/31</b> Installation of a Single Glass Reinforced Plastic Ferric Dosing Kiosk and Single Glass Reinforced Sodium Hydroxide Kiosk, Associated Pipework and Emergency Shower Facility
21/04/22	<b>Applicant: Derbyshire County Council</b> <b>Planning Application Code No: CD9/0222/33</b> Installation of 1no. Timber Gazebo at Stenson Fields Primary Community School, Goathland, Stenson Fields, Derby, DE24 3BW
21/04/22	Delegation Decisions on Schemes Required by Planning Conditions: <b>CD6/1021/21 Land at Alfreton Park, Alfreton</b> SD3632 – Requires submission of external details for relocated play area and hydrotherapy pool.
27/04/22	<b>Applicant: Derbyshire County Council</b> <b>Planning Application Code No: CD9/0222/35</b>

	Demolition of the Tank House and Supporting Brick Pier, Over Roofing of the Valley with Lightweight Polycarbonate Panels and the Renewal of 3 Flat Roof Areas with New Felt Covering and Cut-to-Falls Insulation at Etwall Primary School, Eggington Road, Derby DE65 6NB
27/04/22	<p>Delegation Decisions on Schemes Required by Planning Conditions:</p> <p><b>R1/1017/33 Dowlow Quarry, Sterndale Moor, Buxton</b>  SM3624 – Requires submission of a Quarry Development Plan every two years from date of permission.  SM3625 – Requires submission of a Noise Mitigation scheme.  SM3631 - Requires submission of a Blast Monitoring scheme.</p> <p><b>CM1/1017/58 Dowlow Quarry</b>  SM3628 – Requires submission of a Quarry Development Plan every two years from date of permission.  SM3629 - Requires submission of a Noise Mitigation scheme.  SM3631 - Requires submission of a Blast Monitoring scheme.</p> <p><b>CD6/1021/21 Land at Alfreton Park</b>  SD3633 – Requires submission of a Tree Protection Plan.</p>
04/05/22	<p>Delegation Decisions on Schemes Required by Planning Conditions:</p> <p><b>CD1/0220/76 Four Arm Roundabout on A6 north of Buxton</b>  SD3634 – Applicant to submit details indicating how additional surface water run-off from the site will be avoided during construction phase.  SD3635 – Construction Management Plan to be submitted to the County Planning Authority for written approval.  SD3636 – Alterations to turning head on Waterswallows Road.  SD3637 – Landscaping Scheme and Plan to be submitted to the County Planning Authority prior to commencement.  SD3638 – Written Scheme of Investigation (WSI) for Archaeological Monitoring</p> <p><b>CW9/0420/7 Drakelow C Power Station, Walton Road, Drakelow</b>  SW3572 – Submission of a Drainage Maintenance and Management Plan prior to commencement of use.</p>
25/05/22	<p><b>Applicant: Derbyshire County Council</b>  <b>Planning Application Code No: CD8/0422/1</b>  Erection of Storage Unit at Brackenfield Special School, Bracken Road, Long Eaton NG10 4DA</p>

25/05/22	<p>Delegation Decisions on Schemes Required by Planning Conditions:</p> <p><b>R1/1197/11 Tunstead and Oldmoor Quarry</b>  SM3640 (Tunstead Quarry) – Annual Badger Survey  SM3642 (Old Moor Quarry) – Annual Badger Survey  SM3641 (R1/0913/27) – Annual Badger Survey  SM3643 (Tunstead Quarry) – Noise Monitoring  SM3645 (Old Moor Quarry) - Noise Monitoring  SM3644 (R1/0913/27) – Noise Monitoring</p> <p><b>CD1/0220/76 Four Arm Roundabout on A6 north of Buxton</b>  SD3647 – a) Ground Contamination and Risk Assessment; b) Remediation Scheme to be submitted prior to commencement.  SD3639 – Submission of Dust Management Plan.</p> <p><b>CD6/1021/21 Alfreton Park School, Alfreton Park</b>  SD3622 – Submission of Ecological Mitigation Measures and Ecological Enhancement Plan.</p> <p><b>CD8/0221/49 Harrington County Junior School, Derby Road, Long Eaton</b>  SD3589 – Submission of a Landscape and Biodiversity Enhancement Plan.</p>
09/06/22	<p>Delegation Decisions on Schemes Required by Planning Conditions:</p> <p><b>R6/0698/6 Part Discharge of Condition 44</b>  SM3646 – Submission of an Archaeological Investigation Scheme.</p>
16/06/22	<p><b>Applicant: Derbyshire County Council</b>  <b>Planning Application Code No: CD1/0122/29</b>  New Roof to Existing Fire Damaged Squash Court and New Link Corridor Roof, Fairfield Youth Centre, Victoria Park Road, Fairfield, Buxton. SK17 7PE</p>
16/06/22	<p>Delegation Decisions on Schemes Required by Planning Conditions:</p> <p><b>CD1/0721/14 Padfield County Primary School, Rhodes Street, Padfield, Glossop SK13 1EQ</b>  SD3657 – Details of wall including rails.  SD3658 – Sample of sandstone and coping stone.</p>
24/06/22	<p><b>Applicant: Forterra Building Products</b>  Request to Postpone 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 Waingroves Quarry, Waingroves, Ripley. Planning Permission References RIP/1248/6</p>

	(Extension), RIP/356/7 (Extension), RIP/1160/5 (Mineral), RIP/1261/6 (Mineral)
06/07/22	<b>Applicant: FCC Recycling UK Ltd</b> <b>Planning Application Code No: CW2/0322/40</b> Installation of a New Storage Bay and Retention and Works to Existing Storage Bay (Part Retrospective), Sheepbridge Waste Management Facility, Broombank Park, Chesterfield Trading Estate, Chesterfield, Derbyshire, S41 9RT
06/07/22	<b>Applicant: FCC Recycling UK Ltd</b> <b>Planning Application Code No. CW2/0322/41</b> Section 73 Application to not Comply with Condition 24 of Planning Permission CW2/0508/21 to Allow the Site to Operate on Bank Holidays (excluding Christmas Day, Boxing Day and New Year's Day) at Sheepbridge Waste Management Facility, Broombank Park, Chesterfield Trading Estate, Chesterfield, Derbyshire, S41 9RT
06/07/22	<b>Applicant: FCC Recycling UK Ltd</b> <b>Planning Application Code No. CW2/0322/42</b> Section 73 Application to not Comply with Condition 28 of Planning Permission CW2/0508/20 in Order to Allow the Site to Operate on Bank Holidays and National Days (excluding Christmas Day, Boxing Day and New Year's Day) at Sheepbridge Waste Management Facility, Broombank Park, Chesterfield Trading Estate, Chesterfield, Derbyshire, S41 9RT
06/07/22	Delegated Decisions on Schemes Required by Planning Conditions: <b>R1/1197/11 Tunstead Quarry</b> SM3659 (Tunstead Quarry) – Provision of detailed information covering the forthcoming works (2022-23) SM3661 (Old Moor Quarry) - Provision of detailed information covering the forthcoming works (2022-23) SM3660 (R1/0913/27) - Provision of detailed information covering the forthcoming works (2022-23)
13/07/22	<b>Applicant: Derbyshire County Council</b> <b>Planning Application Code No: CD1/0322/38</b> Proposed New Multi-User Games Area on the Existing Tarmac Playground Surface at Buxworth Primary School, Station Road, Buxworth, Derbyshire, SK23 7NJ
13/07/22	<b>Applicant: Vital Energi</b> <b>Planning Application Code No. NMA/0622/82</b> Application for Non-material Amendment to Drawings Approved under Condition 4 of Planning Permission CW9/0420/7 (Construction and Operation of an 18MW Renewable Energy Centre and Associated Infrastructure) at

	the former Drakelow C Power Station Site, Walton Road, Drakelow
13/07/22	Delegated Decisions on Schemes Required by Planning Conditions: <b>CW1/0319/104 Heathfield Nook Road, Harpur Hill, Buxton SW3623</b> – Submission of technical drainage details and a management and maintenance plan.
20/07/22	<b>Applicant: Derbyshire County Council</b> <b>Planning Application Code No. CD1/0522/6</b> Replacement Vehicular and Pedestrian gates, Fencing and Partly Re-surface Entrance Drive at Buxton Junior School, Mosely Road, Buxton, SK17 9DR
20/07/22	<b>Applicant: Derbyshire County Council</b> <b>Planning Application Code No: CD2/0122/32</b> Proposed Demolition of the Existing Nursery Building, Associated Canopy and Outbuildings and Installation of a New Modular Nursery Building, Link to be Created to Main School Building via a Covered Walkway and Landscaping, Brampton Primary School, School Board Lane, Chesterfield
20/07/22	<b>Applicant: Derbyshire County Council</b> <b>Planning Application Code No. NMA/0722/83</b> Non-material Amendment for the Addition of Specialist Roof Plant Equipment above Kitchen to Approved Planning Application Code No. CD8/0221/49 at Harrington County Junior School, Derby Road, Long Eaton, NG10 4BJ
20/07/22	Delegated Decisions on Schemes Required by Planning Conditions: <b>CW8/0721/18 Johnsons Recycling Centre, Crompton Road, Ilkeston</b> SW3638 – Detailed Landscaping Scheme <b>CD8/0221/49 Harrington Junior School, Derby Road, Long Eaton</b> SD3672 – Technical External Lighting Details
03/08/22	Delegated Decisions on Schemes Required by Planning Conditions: <b>CD4/1220/43 Wigley Primary School, Main Road, Wigley</b> SD3673 – Construction Management Plan. <b>CW8/0721/18 Johnsons Recycling Centre, Crompton Road, Ilkeston</b> SW3666 – Surface Water Drainage System
11/08/22	<b>Applicant: Derbyshire County Council</b> <b>Planning Application Code No. CD6/0622/9</b> Installation of Approximately 24 Metres of 2.4 Metres High Fencing, at St Johns C of E Voluntary Controlled Primary School, Laund Nook, Belper, Derbyshire, DE56 1GY

11/08/22	Delegated Decisions on Schemes Required by Planning Conditions: <b>CD8/0920/33 Former Ormiston Academy and Playing Fields, Bennerley Avenue, Cotmanhay, Ilkeston</b> SD3678 – Travel Plan Co-ordinator
18/08/22	<b>Applicant: JB Services (Derby) Ltd</b> <b>Planning Application Code No: CW6/0322/39</b> Section 73 Planning Application to not Comply with Conditions 6 and 9 of Planning Permission CW6/0715/62, and to Vary these Conditions to Increase the Site's Operational Hours and Number of Heavy Goods Vehicle Movements into and out of the Site at Imperial Commercials, Ashbourne Road, Mackworth, Derbyshire, DE22 4NB
18/08/22	<b>Applicant: Swanwick School and Sports College</b> <b>Planning Application Code No. CD6/0522/4</b> Installation of a Single Storey Portakabin Building to be used as a Staffroom for a Temporary Period of 52 Weeks at Swanwick School and Sports College, Hayes Lane, Alfreton, DE55 1AR
18/08/22	<b>Applicant: Breedon Trading Limited</b> <b>Planning Application Code No. PD17/1/89</b> Request for the Council's Prior Approval for the Replacement of the Existing Single Storey Welfare Building with a Two-Storey Block to be used as the Quarry's New Office Building at Dowlow Quarry, Buxton
31/8/22	Delegated Decisions on Schemes Required by Planning Conditions: <b>CD8/0920/33 Former Ormiston Academy and Playing Fields, Bennerley Avenue, Cotmanhay, Ilkeston</b> SD3677 - Details relating to compliance with relevant standards for pedestrian walkways at all proposed access points. SD3681 - Landscaping plan, and details for the maintenance and management of the landscape and habitats. <b>CW8/0721/18 Johnsons Recycling Centre, Crompton Road, Ilkeston</b> SW3667 – Odour Management Plan. <b>CW8/0721/16 Stanton Recycling, The Old Ironworks, Crompton Road, Ilkeston</b> SW3669 - Detailed design and associated management and maintenance plan of the surface water drainage for the site. SW3670 - Verification report with regard to construction of the drainage system. SW3671 - Lighting Scheme.
08/09/22	Delegated Decisions on Schemes Required by Planning Conditions:

	<p><b>CD8/0920/33 Former Ormiston Academy and Playing Fields, Bennerley Avenue, Cotmanhay, Ilkeston</b>  SD3676 - Validation report for remediation and land contamination matters.  SD3680 - Ecological mitigation measures and an ecological enhancement plan.</p>
23/09/22	<p><b>Applicant: Derbyshire County Council</b>  <b>Planning Application Code No. CD4/0422/2</b>  Proposed Modular Classroom Accommodation Consisting of Three Individual Classrooms, the Relocation of Existing Play Equipment, Landscaped Outdoor Play Area with Ramp and Paths at Hunloke Park Primary School, Lodge Drive, Derbyshire, Wingerworth, S42 6PT</p>
23/09/22	<p>Delegated Decisions on Schemes Required by Planning Conditions:  <b>CD8/0920/33 Former Ormiston Academy and Playing Fields, Bennerley Avenue, Cotmanhay, Ilkeston</b>  SD3679 - Noise Impact Assessment report assessing the plant equipment to be installed.</p>

**Chris Henning**  
**Executive Director - Place**

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**PLANNING SERVICES  
DEVELOPMENT MANAGEMENT**

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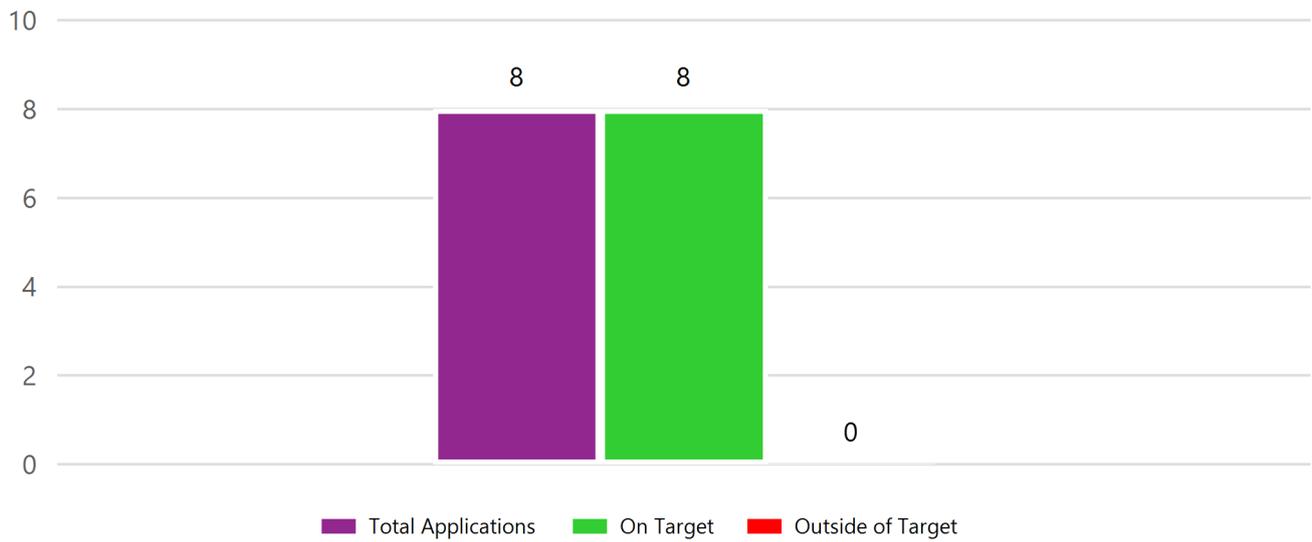
Quarterly Performance Statistics  
01 April 2022 to 30 June 2022

## APPLICATIONS OVERVIEW

EIA Applications: 0 - Major Applications: 4 - Minor Applications: 4

Applications Determined	8
On Target	8
Outside of Target	0

**TARGET RESULT** **100.00%**



## SUBMISSIONS OVERVIEW

Submissions Determined	27
On Target	19
Outside of Target	8

**TARGET RESULT** **70.37%**

