

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