

PUBLIC

MINUTES of a meeting of **REGULATORY - PLANNING COMMITTEE** held on Monday, 31 October 2022 at Committee Room 1, County Hall, Matlock, DE4 3AG.

PRESENT

Councillor M Ford (in the Chair)

Councillors R Ashton, L Grooby, R Mihaly, P Niblock, R Parkinson, S Swann, M Yates and D Wilson.

Apologies for absence were submitted for Councillor D Murphy.

Following the recent death of Councillor Alan Griffiths the Chairman, on behalf of the Committee, passed on condolences to the family at this sad time, and recognised the valued contribution he had made to the committee over many years.

35/22 DECLARATIONS OF INTEREST

There were no declarations of interest

36/22 DECLARATIONS OF SIGNIFICANT LOBBYING

There were no declarations of significant lobbying.

37/22 PETITIONS

No petitions were received.

38/22 MINUTES

RESOLVED that the minutes of the meeting of the Committee held on 10 October 2022 be confirmed as a correct record and signed by the Chairman.

39/22 APPLICATION FOR IMPORTATION AND STOCKPILING OF 50,000 TONNES OF PULVERISED FUEL ASH (PFA) WITHIN EXISTING CLAY STOCKPILING AREA OF WAINGROVES QUARRY AT WHITELEY ROAD, RIPLEY, DERBYSHIRE, DE5 3QL - APPLICANT: FORTERRA BUILDING PRODUCTS LTD - PLANNING APPLICATION CODE NO: CM6/0522/5

An application had been received from Forterra Building Products Ltd, the owner and operator of Waingroves Quarry (a brick clay quarry near

Ripley) and was seeking planning permission to import and stockpile temporarily 50,000 tonnes of Pulverised Fuel Ash (PFA) at the current clay stockpiling area at Waingroves Quarry.

A report on the application by the Executive Director for Place had been published with the agenda, which explained that the applicant sought to use, on a temporary basis, part of the existing clay stockpiling area within the site to import 50,000 tonnes of Pulverised Fuel Ash (PFA) for stockpiling before exporting to brickworks for production of Thermalite blocks. The PFA would be transported from Ratcliffe-on-Soar Power Station which was due to close and provided an opportunity to ensure the ongoing supply of the applicant's brickworks interests by storage of the PFA at the Waingroves Quarry site.

The report also referred to the PFA being imported over a 12 week period. The location of the PFA stockpile would be within the established clay stocking areas with the clay stockpiles reduced in scale during its use. The PFA would then be exported on an 'as need' basis to the applicant's Thermalite factories. The PFA would be fully exported by the end of 2024 and, as such, temporary permission was sought for this period.

The report also included details of the consultation process, publicity, objections, observations, comments received, and commentary on the planning considerations.

The site was located within the Green Belt. Amenity and landscape impacts had been considered and no significant adverse impacts were identified. The proposal is considered to comply with development plan policies in the Amber Valley Borough Local Plan (AVBLP) and the Derby and Derbyshire Minerals Local Plan (DDMLP).

In the morning of 31 October (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 proposal, including a presentation of slides showing plans and views of the site, and informed members of a further consultation response that had been received by email following publication of the report, from Amber Valley Borough Council (Principal Pollution Officer) on Environmental Health matters, copies of which were circulated at the meeting. The consultation response drew attention to existing environmental controls at the quarry, of which officers had been aware when preparing the report.

Councillor D Williams, Ripley Town Council attended the meeting and

commented on the potential for increased daily volume of traffic and the need for traffic management, with other ongoing developments already in the area.

Members in discussion referred to some aspects of the application that were mentioned in the report. Particular reference was made to the importation period being referred to as 12 weeks in the body of the report but as 4 months in the conditions listed. The Team Leader Development Management explained that whilst the applicant was working towards a 12 week target for importation that it was anticipated that it could take a little longer, and that had been accounted for in the condition listed. The discussion did not raise any other 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

40/22 **TO CONSIDER THE REPORT OF THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES ON APPLICATION TO REGISTER LAND KNOWN AS NORBRIGGS FIELD, WOODTHORPE, DERBYSHIRE AS A TOWN OR VILLAGE GREEN (VG128)**

Members were asked to determine an application made pursuant to section 15 of the Commons Act 2006 ("the 2006 Act") to register land known as Norbriggs Field, Woodthorpe ("the Application Land") as a town or village green (TVG). A report on the application by the Director of Legal and Democratic Services had been published with the agenda, which included a detailed account of the nature of the application; relevant legal considerations; the submissions provided by the applicant; objections received from the County Council as landowner; and on behalf of the governors of Norbriggs Primary School; submissions by the applicant in response to those objections; and appended a report by Counsel which concerned the principle of statutory incompatibility.

The report concluded with a reasoned recommendation that the Committee should resolve to refuse the application, with particular reference to the statutory purpose for which the application land was held being incompatible with its registration as a TVG.

RESOLVED to refuse the application to register the land known as Norbriggs Field in Woodthorpe as a TVG.

41/22 CURRENT ENFORCEMENT ACTION

RESOLVED to receive the report on current enforcement action.

42/22 OUTSTANDING APPLICATION LIST

RESOLVED to receive the list on decisions outstanding on 19 October 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.

43/22 CURRENT APPEALS/CALLED IN APPLICATIONS

There were currently no appeals lodged with the Planning Inspectorate.

44/22 MATTERS DETERMINED BY THE EXECUTIVE DIRECTOR - PLACE 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 1.20 pm