

PUBLIC

**MINUTES** of a meeting of **REGULATORY - PLANNING COMMITTEE** held on Monday, 5 December 2022 at Committee Room 1, County Hall, Matlock, DE4 3AG.

**PRESENT**

Councillor M Ford (in the Chair)

Councillors N Gourlay (substitute member), G Hickton, L Grooby, R Mihaly, D Murphy, P Niblock, R Parkinson and D Wilson .

Apologies for absence were submitted for Councillor R Ashton and M Yates.

**45/22 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**46/22 DECLARATIONS OF SIGNIFICANT LOBBYING**

There were no declarations of significant lobbying.

**47/22 PETITIONS**

No petitions were received.

**48/22 MINUTES**

**RESOLVED** that the minutes of the meeting of the committee held on 31 October 2022 be confirmed as a correct record and signed by the Chairman

**49/22 APPLICATION UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO NOT COMPLY WITH CONDITIONS 3, 4, 6, 9, 10 AND 18 OF PLANNING PERMISSION CODE NO. CW5/0218/89 IN ORDER TO EXTEND THE DURATION OF THE PERMISSION FOR THE IMPORTATION OF INERT WASTE ON LAND AT CRESWELL COLLIERY LAGOONS, FRITHWOOD LANE, CRESWELL. APPLICANT: WELBECK ESTATES COMPANY LIMITED. CODE NO: CW5/1121/24**

An application had been received from Welbeck Estates Company Limited, the owner and operator of the Creswell Lagoons site and was seeking to extend the duration of the temporary period for tipping of inert waste in the restoration of the former Creswell Colliery lagoons

and settlement ponds to agriculture and nature conservation.

A report on the application by The Executive Director for Place, had been published with the Agenda, which explained that the existing planning permission (code no. CW5/0218/89) for the site anticipated a completion date of 31 July 2023.

The applicant now sought a new permission that would not be subject to planning conditions 3, 4, 6, 9, 10 and 18 to that existing planning permission, to allow a further two years of tipping and restoration at the site. Amenity and landscape impacts had been considered and no significant adverse impacts were identified. Highway impacts were addressed to the satisfaction of the Highway Authority. The proposal was considered to comply with development plan policies in the Bolsover Local Plan and the Derby and Derbyshire Waste Local Plan. The application was recommended for approval subject to planning conditions.

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

The Development 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.

Members in discussion referred to some aspects of the application that were mentioned in the report, though these did not raise any other relevant planning considerations that were not addressed by the report

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

**50/22** **APPLICATION UNDER SECTION 73 RELATING TO SHARDLOW QUARRY, ACRE LANE, SHARDLOW, FOR PERMISSION TO NOT COMPLY WITH, CONDITIONS 7 AND 63 TO THE EXISTING PERMISSION CM9/0811/53, TO ALLOW COMMENCEMENT OF EXTRACTION IN THE 'WESTON EXTENSION' PRIOR TO COMPLETING RESTORATION OF PHASES 8 AND 9 AND INCREASED STOCKING OF WASTE MATERIALS IN THE LANDFILL TRANSFER STATION (RETROSPECTIVE) . APPLICANT: HANSON QUARRY PRODUCTS EUROPE. CODE NO: CM9/0816/46**

Members were informed that Planning permission code no. CM9/0811/53

was granted on 3 November 2015 to allow development in the Weston extension area at Shardlow Quarry, which commenced on 5 October 2016. The extension provided an extra 4 million tonnes of sand and gravel at the quarry over an eight year period with a further two years required for final infilling and restoration.

An application had now been made by Hanson Quarry Products Europe to end the need to comply with, conditions 7 (working programmes and working restrictions) and 63 (landfill transfer station) of planning permission code no, CM9/0811/53, by a new permission being granted, which could be made subject to conditions with varied provisions in these respects (as well as other conditions as may be necessary).

A report on the application by the Executive Director for Place had been published with the Agenda which explained that due to operational difficulties and requirements, the applicant sought a new planning permission to allow for its commencement of working in the Weston extension prior to restoration of Phases 8 and 9 of the northern part of the quarry, and also relaxation of the maximum height of temporary storage of fill material at the transfer station. As working had commenced in the Weston extension since the application was submitted, the proposal was considered in retrospect.

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

The Principal Planning Officer provided an oral Summary of the main aspects of the proposal including a presentation of slides showing plans and views of the site.

Mr C Stewart a member of the public who had made a written representation against the proposal attended the meeting and made a brief statement outlining his objections to the application which centred around the need for an end date for works to be concluded and the general shortage of ash to be used for infilling. He requested that the decision be deferred until all the information was known.

Mr C Nicholl, Land & Planning Manager, Hanson UK attended the meeting and made a brief presentation in support of the application made, explaining the challenges faced on site and the large number of days lost to flooding in recent years.

The Principal Planning officer in answer to Mr Stewarts comments explained that whilst the current permission didn't have a completion

date there was a restriction in place which began upon the commencement of the Weston extension that allowed for 8 years of extraction and then an additional 2 years for filling. That would take the period for extraction to October 2024 with a further two years filling meaning and end date of October 2026.

It was also confirmed by the Development Team Leader that PFA was no longer used for filling and hadn't been used on this site for 10 years. All the more recent phases of restoration had been filled with inert Waste.

In answer to the comments from the applicant's representative, the Principal Planning officer confirmed that the site was prone to significant flooding and that it took a long time to pump the water away. The applicants wanted to fill all voids as soon as they could, He also confirmed that the site was monitored twice yearly and that it was seen to be a very well run site and that there was clear progress on filling.

Members in discussion referred to some aspects of the application that were mentioned in the report, though the discussion did not raise any other relevant planning considerations that were not addressed in the report or in answer to the statements made by the member of the public and the applicants representative.

**RESOLVED** to authorise a grant of planning permission relating to Shardlow Quarry under Section 73 of the Town and Country Planning Act 1990 in accordance with the application under code number CM9/0816/46, subject to:

(1) Prior to completion of a deed of variation under Section 106A of the Town and County Planning Act 1990 in respect of the existing planning obligations relating to Shardlow Quarry that the Executive Director of Place and the Director of Legal and Democratic Services are satisfied that the modification to the obligations preserves their effectiveness with regard to changed phasing of working areas and their subsequent restoration under the permission to be granted; and

(2) conditions that are substantially similar to the draft conditions contained in the Executive Directors report.

## **51/22 CURRENT ENFORCEMENT ACTION**

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

**52/22 OUTSTANDING APPLICATION LIST**

**RESOLVED** to receive the list on decisions outstanding on 23 November 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

**53/22 CURRENT APPEALS/CALLED IN APPLICATIONS**

There were currently no appeals lodged with the Planning Inspectorate.

**54/22 MATTERS DETERMINED BY THE EXECUTIVE DIRECTOR - ECONOMY, TRANSPORT AND ENVIRONMENT UNDER DELEGATED POWERS**

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

**55/22 DEPARTMENTAL PERFORMANCE MONITORING**

**RESOLVED** to receive the Planning Services Development Management Performance Management Statistics for 1 July 2022 – September 2022.

The meeting finished at 11.00 am