

PUBLIC

MINUTES of a meeting of **REGULATORY - PLANNING COMMITTEE** held on Monday, 13 May 2024 at Committee Room 1, County Hall, Matlock, DE4 3AG.

PRESENT

Councillor M Ford (in the Chair)

Councillors R Ashton, L Grooby, G Hickton, D Murphy, P Niblock, R Parkinson, D Wilson and M Yates.

Apologies for absence were submitted for Councillor R Mihaly.

1/24 DECLARATIONS OF INTEREST

There were no declarations of interest

2/24 DECLARATIONS OF SIGNIFICANT LOBBYING

All Committee Members had received e-mails from members of the public regarding Application Code No CM3/0817/40 - Slinter Top Quarry, Cromford

3/24 PETITIONS

No petitions had been received.

4/24 MINUTES

RESOLVED that the minutes of the meeting of the Committee held on 6 November 2023 be confirmed as a correct record.

**5/24 SECTION 119 OF THE HIGHWAYS ACT 1980 - PROPOSED
DIVERSION OF PUBLIC FOOTPATH NO 9 (PART) - PARISH OF
HOLMESFIELD**

Authority was sought for the Director of Legal and Democratic Services to make a Diversion Order for the permanent diversion of part of Footpath No. 9 Holmesfield Parish under the provisions of Section 119 of the Highways Act 1980 in the interests of the owners and occupiers of the land.

The County Council had received an application for the permanent diversion of part of Footpath No 9 Holmesfield Parish, in the interests of

the landowner, to enable the curtilage of a barn, which had now been converted to a dwelling, to be secured and to increase privacy for the residents. The proposed diversion would take the path away from land close to the barn to pasture fields to the east and north-west.

If the proposed diversion took effect, it would divert approximately 172 metres of that part of the footpath, shown as a bold solid line between points **A** and **B** on the plan attached to the Executive Director's report. The proposed alternative would be approximately 182 metres long, shown as a bold broken line between points **A**, **C** and **B**. It would have a recorded width of 2 metres commencing from Point **A** on a short length of tarmac and rolled stone then into a grass field fenced on both sides, over a ditch crossing with one handrail at Point **C** and then across another pasture field with fencing on the south side of the path to Point **B**.

An informal consultation was undertaken on 26 October 2022. The Local Member, Councillor Angelique Foster, and North East Derbyshire District Council were consulted and offered no objections to the proposal. However, objections were received from Holmesfield Parish Council, as follows:

"The Parish Council object to the diversion as it creates a precedent and they would prefer that the historic route of footpaths remain unaltered."

An assessment of the Parish Council objections was given in the report. The report concluded that it was expedient to make the order.

RESOLVED (1) that the Director of Legal and Democratic Services be authorised to make the necessary order for the permanent diversion of part of Footpath No 9 in the Parish of Holmesfield under the provisions of Section 119 of the Highways Act 1980; and

(2) that should objections be received to the making of the Order that could not be resolved then the matter be forwarded to the Secretary of State for determination.

6/24

**APPLICATION FOR THE 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 AT SLINTER TOP QUARRY,
CROMFORD, DERBYSHIRE - APPLICANT: SLINTER MINING**

COMPANY LIMITED - PLANNING APPLICATION CODE NO:
CM3/0817/40

An application had been received from Slinter Mining Company Ltd, which sought permission to extend Slinter Top Quarry into 3.9 hectares of land (extraction area 2.5 hectares) immediately south-west of the existing quarry. The proposed extension would involve the extraction of approximately 1.320 million tonnes of mineral and extend the mineral working operations to 2033 with restoration of the whole site completed in 2037. The extension would be worked as a series of benches over four extraction phases using blasting, excavators and a pecker (mechanical hammer), with mobile crushing and screening plant operating within the quarry void.

The existing quarry had permission for the extraction of vein minerals and crushed rock for aggregates, together with the infilling of the void with inert waste material, with extraction required to end in 2021 and restoration required to be completed in or before 2032. It was proposed to amend the restoration of the existing part of the site and to reduce the amount of imported inert waste to accommodate the restoration of the extension area. The final restoration phase would see the completion of infilling and the return of the existing quarry area to agricultural use whilst the extension area would be restored to nature conservation.

A report on the application by the Executive Director – Place, had been published with the agenda and included details of the site, planning history and the proposed works.

The report also included details of the consultation process, publicity, objections, observations, comments received and commentary on the planning considerations. The application was considered to be in accordance with national and local planning policy and was recommended for approval subject to conditions.

D Mitchell, Principal Planner, gave an oral summary of the main aspects of the proposal, including a presentation of slides showing plans and views of the site.

A Perry, the Agent acting on behalf of the applicant, gave a 3 minute presentation in support of the officer recommendations contained in the report. He outlined that this was a small but unique site, and it was proven that the demand for vein minerals far outstripped the supply. No objections had been received from the statutory consultees and the company was happy to commit to the conditions laid out.

Mr R Grover, a local resident, attended the meeting and spoke for 3

minutes. He made a number of observations and raised concerns on behalf of himself and a number of other local residents with regard to the proposed application. He contested that the previous plan was flawed and the measures in place for limiting noise were not strict or appropriate. The noises were in the high category and a number of local residents had been badly affected and were having to shut windows to be able to concentrate to work. The bunds had not been properly erected nor were they of the appropriate size.

Mrs V Beardsley briefly addressed the committee and stated that no noise assessments had been taken on Blackmoor Road, Bonsall.

Planning Officers responded by stating that 70 decibels (dBA[90]) of noise output was the maximum permitted for temporary works as set out in national Planning Policy and explained that it was not unusual for mineral sites to include attenuation works and bunds. Criteria for assessment of noise for normal working of mineral sites was also set out in Planning Policy, which was followed, and the proposed conditions would enable the Council to require monitoring of noise at affected locations to take place should the application be granted.

Councillor Murphy expressed his concerns that there had been a lot of complaints over noise from the site on many occasions. He sought reassurance as to what redress residents would have should the noise levels suggested, prove to be much higher than anticipated.

Planning Officers confirmed that there was a draft condition for a noise management plan included in the recommendation, which would have to be approved. This would involve the Environmental Health Officer at Derbyshire Dales District Council and ultimately should the operator not be in compliance it could be required to stop working until the issue was satisfactorily resolved.

RESOLVED that planning permission for the development proposed under Application Code NoCM3/0817/40 be **granted** subject to:

(a) An agreement being entered into by the appropriate parties under Section 106 of the Town and Country Planning Act 1990 to secure planning obligations considered by the Executive Director – Place and the Director of Legal and Democratic Services, to make satisfactory provision for the implementation of the measures referred to in the Slinger Top Botanical Survey Report, Biodiversity Gain Assessment and Biodiversity Strategy submitted on behalf of the applicant (as revised February 2024); and

(b) a set of conditions substantially in the form of the draft conditions

detailed in the Executive Director's report.

7/24

ERECTION OF A PORTAL FRAME ATTENUATION HOUSING TO EXISTING OXYGEN GENERATION PLANT AND (RETROSPECTIVE) ERECTION OF A RETAINING WALL - APPLICANT: ECOBAT RESOURCES LTD - PLANNING APPLICATION CODE NO. CW3/1123/40

An application had been received from Ecobat Resources Ltd for the installation of an acoustic attenuation housing, to be located on a previously consented concrete base, accommodating an oxygen generation plant. The purpose of the development for attenuation housing was to reduce the noise impact of the consented oxygen generation plant. While the housing was located within a waste recycling facility, it did not, itself, contribute to the recycling process, its sole purpose was the reduction of noise. Its installation had not been required by regulation and the oxygen plant can lawfully operate in the absence of the attenuation housing. A retaining wall to the rear of the attenuation housing is sought for retrospectively and would amend the previously consented development of the oxygen generation plant.

A report on the application by the Executive Director – Place, had been published with the agenda and included details of the site, planning history and the proposed works.

The report also included details of the consultation process, publicity, objections, observations, comments received and commentary on the planning considerations. The application was considered to be in accordance with national and local planning policy and was recommended for approval subject to conditions.

R Sandbach, Principal Planner, gave an oral summary of the main aspects of the proposal, including a presentation of slides showing plans and views of the site.

W Mulvany, the Agent acting on behalf of the applicant, gave a 3 minute presentation in support of the officer recommendations contained in the report.

Mr J Ward, representing Stanton Action for Environmental Renewal (SAFER) attended the meeting and spoke for 3 minutes, and made a number of observations and raised concerns about expansion at the plant over the last 10 years, related traffic issues with HGVs in the area, and the need for better liaison between the owners and its neighbours

and requested that moving forward DCC have officer representation at the Liaison Group between Ecobat and the Parish Council

Mr H Griffith attended the meeting and spoke for 3 minutes and emphasised that this was the biggest lead recycling plant in Europe and how Derbyshire Dales District Council had allowed cumulative development over the years, which was impacting on the local area in terms of noise, light pollution, hazardous waste emissions and road safety.

Planning Officers responded by saying that this application did not relate to increasing operating capacity at the site and only related to the erection of a portal frame attenuation housing to the existing oxygen generation plant, with acoustic cladding which would reduce noise, and the retrospective erection of a retaining wall. In terms of HGV traffic there would be no increase in the area other than during the construction period, and once built it may well reduce the number of vehicles.

Members felt that it would be appropriate for an officer from DCC to attend future liaison meetings and asked if this could be included in the conditions relating to the application.

RESOLVED that planning permission for the development proposed under Application Code No. CW3/1123/40 be granted subject to the conditions detailed in the Executive Director's report with the addition of an informative note on the consent that DCC be represented at future liaison meetings.

8/24

CHANGE OF USE OF PART OF A COMMERCIAL TRANSPORT YARD TO ACCOMMODATE AN INERT MATERIAL RECYCLING AND STORAGE FACILITY AT BRIDGEHOUSE GARAGE, SHEFFIELD ROAD, BARLBOROUGH, S21 3WA - APPLICANT: MR DAVID JOHNSON - PLANNING APPLICATION CODE NO. CW5/1023/32

An application had been received from Mr David Johnson for a change of use of part of an existing transport yard to use for inert waste recycling to produce secondary aggregate and associated temporary storage of waste and secondary aggregate that would be re-used off site and associated minor works.

A report on the application by the Executive Director – Place, had been published with the agenda and included details of the site, planning history and the proposed works.

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

planning considerations. The application was considered to be in accordance with national and local planning policy and was recommended for approval subject to conditions.

D Hodby, Senior Planner gave an oral summary of the main aspects of the proposal, including a presentation of slides showing plans and views of the site.

Following verbal representations made by 2 local residents living in close proximity to the site, expressing their concerns about impacts from the proposed application, members agreed to defer consideration of this item to a future meeting to allow them to undertake a site visit, prior to making a decision on this application.

RESOLVED to defer consideration of the application referred to above.

9/24 **CURRENT ENFORCEMENT ACTION**

RESOLVED to receive the report on current enforcement action.

10/24 **OUTSTANDING APPLICATION LIST**

RESOLVED to receive the list on decisions outstanding on 25 April 2024 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.

11/24 **CURRENT APPEALS/CALLED IN APPLICATIONS**

Barden Farm, Smalley – Appeals against Enforcement Notice issued 27 June 2023.

1. APP/U1050/C/23/3325868 – Start Date – 29 August 2023 – To be considered by the Written Representations procedure.

2. APP/U1050/C/23/3326922 – Start Date – 12 September 2023 – To be considered by the Hearing procedure

The Enforcement Notice issued on 27 June 2023 was withdrawn on 12 April 2024, No further action to be taken in respect of the two appeals.

12/24 **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.

13/24 **DEPARTMENTAL MANAGEMENT PERFORMANCE MONITORING**

RESOLVED to receive the Planning Services Development Management Performance Management Statistics for 01 January 2024–31 March 2024.

The meeting finished at 11.50 am