

**MINUTES** of a meeting of the **REGULATORY – PLANNING COMMITTEE** via Microsoft Teams on 5 October 2020.

**PRESENT**

Councillor M Ford (in the Chair)

Councillors K S Athwal (substitute member), J Atkin, D Charles, A Griffiths, R Iliffe, R Mihaly, R A Parkinson, P J Smith and B Wright

Apologies for absence were received from Councillor L Grooby.

**43/20** **MINUTES RESOLVED** that the minutes of the meeting of the Committee held on 7 September 2020 be confirmed as a correct record.

**44/20** **PROPOSED DEVELOPMENT AND OPERATION OF A 18 MEGA WATT RENEWABLE ENERGY CENTRE AND ASSOCIATED INFRASTRUCTURE, THROUGH GASIFICATION AT THE FORMER SITE OF THE DRAKELOW C POWER STATION, DRAKELOW APPLICANT: VITAL ENERGI CODE NO: CW9/0420/7** An application had been received which proposed the construction of an energy generating facility on land within the former Drakelow C Power Station, south of Burton upon Trent, which was designed to accept up to approximately 169,500 tonnes of Refuse Derived Fuel (RDF) per annum. RDF was a product recovered from the inert, combustible residual elements of pre-sorted commercial and industrial waste stream. RDF is sometimes referred to as Biomass Rich Fuel (BRF). The key components for the handling of the RDF and generation of energy would be enclosed in a purpose-built modern style new building, designed to fit in with the adjacent Drakelow Park mixed-use development.

The Executive Director had provided a detailed report published with the agenda, which included details of the application together with comments received from consultees and following publicity, and commentary on planning considerations, leading to a recommendation for authorising a grant of permission subject to conditions. As detailed in the Directors report:

In 2015, this Committee approved a very similar application and planning permission was subsequently granted with an associated Section 106 agreement. Since then, there had been a number amendments to the scheme that were approved relating to the layout and design, due to changes in the supplier of the equipment.

The principle of waste development on this site had been established as a suitable location for a renewable energy centre. The applicant had needed to change its supplier which would provide the same technology with a slightly different design that resulted in changes to the external building.

These changes had triggered the need to be considered under the submission of a full planning application.

What was proposed in this application was not significantly different to what had been considered previously, but had been carefully considered by him against the relevant development plan policies. The application was also accompanied by an Environmental Statement (ES).

No objections had been received from consultees. After publicity one written objection had been received from a member of the public.

The Executive Director's Report concluded by stating that the need to provide facilities to manage the waste arisings in Derbyshire was very evident but the actual provision had to be done in ways that respected the waste hierarchy whilst affording sufficient protection against adverse impacts for the people and environment of the area. He had been satisfied that there was a need for the proposed development and, in conclusion, considered that the application site was appropriate for the type of activity proposed and that it accorded with the provisions of the DDWLP, NPPF, SDLP Part 1 and Part 2 and NPPW.

A Principal Planning Officer, on behalf of the Head of Planning Services, presented a series of electronic slide images which included photographic views of the site including the access and an aerial view.

Two written statements of up to 500 words had been duly received; from the agent representing the applicant in support of the application, and the individual who had made representations in objection, and who was associated with the Drakelow Parish meeting. Each of the statements was read out in full by officers.

Certain points mentioned in the statements were then responded to by the Head of Planning Services and the Principal Planner

Councillor Smith made reference to the comments of the Derbyshire Wildlife Trust (DWT) in relation to the net loss of diverse grassland and open mosaic priority habitat contrary to the environmental dimension of sustainable development as set out in the National Planning Policy Framework (NPPF) and that the landscaping should therefore be revised to provide open mosaic habitat and species-rich grassland, rather than amenity grassland/lawn as

currently proposed.

The Head of Planning Services confirmed that a condition had been included requiring a revised landscaping scheme taking into account the comments of the DWT.

Councillor Mihaly commented on the environmental impact of over 100 HGV vehicle movements a day and whether the authority had any control in restricting the type of vehicles the operator was using in order to improve air quality.

The Head of Planning Services commented that there hadn't previously been any restriction on the type of vehicle used and felt that it may not be reasonable to impose such a restriction to diesel or hybrid only, but agreed to talk to the operator about this matter.

Councillor Wright asked what measures were in place in the event of a leak and gases escaping into the atmosphere.

The Head of Planning Services confirmed that there were stringent safety measures in place and that the Health and Safety Executive was involved at every stage of the process and had to be satisfied that it was safe. An Emergency Plan would form part of this

**RESOLVED** that planning permission be granted subject to the conditions based on or substantively similar to draft conditions listed in the Executive Director's report

**45/20**      **CURRENT ENFORCEMENT ACTION RESOLVED** (1) to receive the report on current enforcement action; and

(2) to note that a Local Enforcement Plan was currently being developed which would clearly highlight what enforcement work was being carried out, when it was done and how the authority continued to monitor cases.

**46/20**      **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

**47/20 MATTERS DETERMINED BY THE EXECUTIVE DIRECTOR ECONOMY, TRANSPORT AND ENVIRONMENT UNDER DELEGATED POWERS RESOLVED** to note that the following applications had been approved by the Executive Director Economy, Transport and Environment under delegated powers on:

Date	Reports
02/09/2020	Delegation Decisions on Schemes Required by Planning Conditions: <b>CW5/0218/89 Creswell Colliery Lagoons:</b> SW3459 – Scheme for Construction of Frithwood Lane <b>CD6/0619/22 Alferton Park Special School</b> SD3640 – Submission of Construction Management Plan
09/09/2020	<b>Applicant: LHOIST UK Limited</b> <b>Planning Application Code No: CM1/0320/85</b> Retrospective Permission for the Installation and Operation of a Combined Heat and Power Plant, Hindlow Works, Brierlow Quarry, Buxton Road, Buxton
09/09/2020	<b>Applicant: Clay Cross Biomass Ltd</b> <b>Planning Application Code No: NMA/0720/72</b> Non-Material Amendment to CW4/0120/69 Relating to Conditions 26 Landscaping and 29 External Materials at Land off Bridge Street, Clay Cross
18/09/2020	Delegation Decisions on Schemes Required by Planning Conditions: <b>CD6/0619/22 Demolition of Alferton Park Special School:</b> SD3461 – Landscaping Plan SD3462 – Landscaping Plan <b>CM9/1215/122 61 Hectare Extension to Swarkestone Quarry:</b> SM3465 – Water Pumping Scheme SM3466 – Water Management Plan