

MINUTES of a meeting of the **REGULATORY – PLANNING COMMITTEE** via Microsoft Teams on 11 January 2021.

PRESENT

Councillor M Ford (in the Chair)

Councillors J Atkin, D Charles, A Griffiths, L Grooby, R Iliffe, R Mihaly, R A Parkinson, P J Smith and B Wright

01/21 **MINUTES RESOLVED** that the minutes of the meeting of the Committee held on 7 December 2020 be confirmed as a correct record.

02/21 **APPLICATION FOR PLANNING PERMISSION TO EXTEND THE QUARRY AT DOWLOW QUARRY, BUXTON INTO 10.68 HECTARES OF ADJACENT LAND APPLICANT: BREEDON SOUTHERN LTD CODE NO: CM1/1017/5** An application had been received which sought permission to extend the winning and working of minerals at Dowlow Quarry into a 7.42 hectares field to the south-east of the existing quarry site and to create a 2.84 hectares temporary soil storage area to the north of the existing site, together with a temporary haul road along the eastern boundary of the existing site linking these two extension areas. Following completion of the extended mineral extraction, the newly created void would be used to provide permanent storage space for a large quantity of unsaleable material currently held within the existing quarry site. The application also included new phasing and restoration plans for the existing quarry site that accommodated the working of the proposed extension.

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:

No objections had been received from consultees. After publicity four written submissions had been received from Friends of the Peak District, Wheeldon Trees Farm (a holiday cottage complex together with the owners' private residence), Peak and Northern Footpaths Society and S Robinson Developments.

'Dowlow Quarry produced crushed limestone for use as both aggregates and in industrial processes. The Executive Director considered that the determination of this application rested on whether the proposed extension constituted a strategy that would ensure the 'best use' of the mineral reserve at Dowlow Quarry.

The operator had stated that it might not be economically viable to operate the quarry and extract the remaining permitted reserve if the 'filter cake' and other legacy quarry waste had to be kept within the quarry void. It had also stated that, if this were to be the outcome, there was a high likelihood of the quarry closing prematurely with unworked reserves remaining within the void. As to what extent if at all some other strategy that could be used to deal with the problems presented by the filter cake and quarry waste if the extension was not permitted, the operator had stated that alternative strategies had been considered and that the proposed extension was not in itself a profitable exercise, but rather one that would enable the existing reserves to be worked profitably.

Having considered the application in detail and having regard to the comments of expert consultees, the Director accepted that the proposal as presented was the operator's best option for the long term continuation of operations at the quarry.

In the context of Paragraph 203 of the NPPF, he considered it would ensure both the best use of and long term viability of a permitted mineral reserve.

This conclusion was further supported in relation to the industrial minerals in maintaining permitted reserves in order to support investment in plant and equipment. It would also meet the policy of Paragraph 205 at part (a) in maintaining a landbank outside the PDNP.

The exchange of reserves provision by a Section 106 agreement, that would result in no net increase in the mineral reserve at the quarry, as set out in the recommendation to the report, had been questioned during the consultation process. However, the Executive Director did not consider it an unreasonable or unnecessary provision and had no reason to believe that the County Council would not be capable of ensuring that the commitment was met by the operator.

The other measures proposed for Section 106 Agreement demonstrated a willingness by the operator and landowner to enter obligations to enhance the local landscape, biodiversity, and public amenity. These measures, subject to one reservation, could be considered to offer relevant benefits to the community that would provide compensation and mitigation in respect of the

impacts the development would generate and accord with DMLP Policy MP2. The reservation was that the general funding of community projects, despite being a particularly welcome initiative by Breedon to benefit the community in general terms, must be disregarded in the determination of the application unless it offered any benefit which could be identified as being connected sufficiently with the development. He considered that, in order to comply with current legislation and regulations, it would be necessary for the provision to be restricted to the close environs of the site such that it would have little discernible community benefits and that adequate mitigation is provided by other measures set out in the application, recommended conditions, and Section 106 agreement.

Breedon had committed to provide a Community and Environment Fund for projects in the wider area surrounding the quarry to be administered by an independent trust and secured through a Unilateral Undertaking. However, he also emphasised that this was not a material consideration in the determination of the application.

He acknowledged that there would be some unavoidable medium term impacts on landscape and visual amenity and heritage assets, and also noted the concerns in relation to the potential effects of noise, dust and vibration. However, he was satisfied that the measures set out in the ES together with the requirements of the relevant proposed conditions, would ensure that the environmental effects of the development on nearby sensitive receptors would not be unacceptable. He was therefore satisfied that the proposed extension could be worked in an environmentally acceptable manner, subject to full adherence to the requirements detailed in the report.

He was mindful of the great weight that must be afforded to the impacts on the setting of heritage and landscape assets, and was also equally mindful of the great weight that must be given to the benefits of mineral extraction. In balancing these significant policy requirements, he had considered the ongoing and proposed further mitigation of the effects of the development, including the limited eight year timescale and the complete restoration of the extension area. In doing so, he concluded that the adverse effects of the development would be acceptable, would comply with the requirements of the saved policies of the DDMLP and the HPLP, and therefore that the proposal represented a sustainable form of development that would support sustainable economic growth in accordance with the requirements of the NPPF.

He did not consider there would be any other material considerations that would be likely to outweigh the policy considerations, and it was recommended for approval subject to the conditions and Section 106 obligations set out in the report.

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 and surrounding area.

Two written statements of up to 500 words had been duly received; from the applicant in support of their application, and the Peak and Northern Footpaths Society who had made representations in relation to the application. Each of the statements was read out in full by officers.

Certain points mentioned in the statements were then responded to by the Officer.

Councillor Smith welcomed the openness and transparency in the way in which the applicant had dealt with this application and their engagement with the local community. He did however raise the question of whether the timescale for the completion of the extension, including restoration from 16 to 8 years was realistic and also issues surrounding the remaining water body and what the potential noise levels were

The Principal Planner confirmed that following dialogue with the applicants that they were confident that the timescales would be met and that this had been included with the conditions of any agreement.

The water body related to a permission in the old quarry which had been developed as far as it could go and as it had hit the water table it had almost come to an end. It was long established and permitted

The noise levels had been monitored at the existing quarry for many years and analysis had now been undertaken on the new proposal and had been found to be very low. The conditions of any permission included the requirement a noise scheme.

Councillor Grooby, who was the local member for the area expressed her support to the application and commented on the continuing good work the applicants carried out within the community

Councillor Mihaly asked for clarification on the submitted Landscape Visual Impact Assessments in relation to the timescale and magnitude of impacts.

The Principal Planner confirmed that in relation to the LVIA's, the authority had had taken the advice of Landscape Architects from both DCC and the PDNPA and whilst they considered the magnitude of impacts to be greater than that assessed by the applicant, the revised timescale led them to conclude that the impacts were acceptable.

RESOLVED that planning permission be granted subject to:-

(1) An agreement first 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 Director – Economy, Transport and Environment and the Director of Legal Services and Democratic Services, to make satisfactory provision for the:

- Part funding and enablement of undergrounding of electricity cables in the vicinity of the site.
- Implementation, in consultation with the Council, of a biodiversity and habitat management plan for non-operational land in control of the applicant.
- Implementation, in consultation with the Council, of a further five year period of landscape and habitat management following the five year aftercare upon completion of the restoration of the quarry.
- Provision of a permissive cycle track as soon as possible following commencement of the development between the High Peak Trail and the village of Sterndale Moor, for use by the public until 10 years after completion of the restoration of the site.
- Implementation of a 'Reserves Exchange' where a tonnage from the existing reserve equivalent to that expected to be won from the south eastern extension will not be extracted in order to ensure no net increase in reserves at the quarry ; and

(2) the conditions based on or substantively similar to draft conditions listed in the Executive Director's report.

03/21 ERECTION OF ONE FLUE GAS STACK OF 20 METRES (M) IN HEIGHT X 1.76M DIAMETER AND TWO POWDER SILOS OF 17M IN HEIGHT X 4.2M DIAMETER, CROMPTON ROAD, QUARRY HILL INDUSTRIAL ESTATE, ILKESTON APPLICANT: CASTLE WASTE SERVICES LIMITED/CASTLE ENVIRONMENTAL LIMITED CODE NO: CW8/0720/26 An application had been received which sought for the erection of structural items of plant at a facility for the management of specialist waste which was operated by the applicant, Castle Waste Services Limited. The items proposed comprised 1. a flue gas stack extending to 20m in height x 1.76m diameter, to enable aqueous hazardous waste treatment at the site to include a new process for thermal oxidation of up to 30,000 tonnes per year of waste that would be composed of a new stream of acidic flammable waste (up to 6,000 tonnes per year only) and other types of waste currently capable of being processed by other means at the site and two powder storage silos extending to 17m in height x 4.2m diameter; proposed in connection with an existing process.

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:

Following consultation one objection was received from Trowell Parish Council, details of which were given in the report. After publicity one written objection had also been received from Councillor Pringle (Broxtowe Borough Council) who was the Councillor for Awsworth Cossall and Trowell). The concerns raised were the same as those identified by Trowell PC, and detailed in the report.

The Executive Director had concluded that the site was not within a sensitive locality with regard to landscape, heritage, or ecological designations. No objections to the planning application have been received from statutory consultees.

Operations at the site were controlled through an Environmental Permit and an application for a revised permit, to include the new process and plant proposed, was currently with the EA. Whilst the concerns had been expressed in respect of the perceived potential for noise dust and odour impacts, including noise from traffic, to affect receptors in Trowell, the Director was am satisfied that any such impacts that would occur as a result of the plant proposed would be very limited in magnitude and significance. Since the site was also subject to effective controls through the environmental permitting regime, duplication in such controls through planning conditions or obligations is to be avoided and would be contrary to paragraph 183 and paragraphs 55-56 of the NPPF.

The application was considered to be in accordance with the development plan and national planning guidance and was recommended for approval subject to the conditions listed in the report.

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 an aerial view.

A written statement of up to 500 words had been duly received from the applicant in support of the application and was read out in full by officers.

Certain points mentioned in the statement were then responded to by the Officer

Councillor Smith highlighted the statement from the applicants and their continued commitment to work with Trowell Parish Council. He mentioned also

that he would have preferred to not to have to consider the planning application in advance of the granting of a new environmental permit by the Environment Agency.

The Officer confirmed that the two processes were completely separate but that the operator was obliged to obtain the environmental permit and would not be able to operate without this approval from the Environment Agency.

Councillor Mihaly questioned what types of waste were being dealt with and how they were transported to the site.

The Officer commented that there was a mixture of waste that was transported in sealed containers, and were the subject of rigorous tests.

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

04/21 **CURRENT ENFORCEMENT ACTION RESOLVED** (1) to receive the report on current enforcement action; and

(2) that an update report be provided on the current situation at the Lindrick, Mansfield Road, Corbriggs (formerly MXG) site.

05/21 **OUTSTANDING APPLICATION LIST RESOLVED** to receive the list on decisions outstanding on 17 December 2020 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.

06/21 **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

07/21 **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
03/12/2020	<p>Applicant: Derbyshire County Council Planning Application Code No: CD6/0820/29 Renew Slate Pitched Roof to Rear of School and Rain Water Goods, Reduce Height of Chimney Stack to Rear Elevation at Crich C of E Infant School, Bowns Hill, Crich, Matlock DE4 5DG</p>
03/12/2020	<p>Delegation Decisions on Schemes Required by Planning Conditions: CW4/0620/21 Corbriggs Industrial Estate: SW3498: Site Liaison Committee CM5/1119/57 Whitwell Quarry SM3494: Updated Site Layout Plans. SM3495: Location of Existing Stockpiles. SM3496: Traffic Routing Scheme.</p>
11/12/2020	<p>Applicant: Derbyshire County Council Planning Application Code No: CD8/0920/33 Section 73 Application to Not Comply with Conditions (various) of Planning Permission CD8/0719/29 to Amend Wording of Relevant Conditions to Enable Delivery of Two Phases at the Former Ormiston Academy and Playing Fields, Bennerley Avenue, Cotmanhay, Ilkeston</p>
21/12/2020	<p>Applicant: HW Martin Waste Ltd Planning Application Code No: CW5/0820/30 Single Storey Portal Frame Extension to Existing Framed Waste Recycling Hall, HW Martin Recycling Centre, Clover Nook Road, Somercotes</p>
21/12/2020	<p>Applicant: Russell Barker, Red Materials Ltd Planning Application Code No: NMA/1220/73 Proposed Non-Material Amendment to Amend the Location of the Site Compound for a Temporary Period During Phased Reprofiling and Restoration of Site and to Retain a Vehicle Access Point, Former Oxcroft Colliery Tip, Mill Lane, Stanfree</p>
21/12/2020	<p>Applicant: Longcliffe Quarries Limited Submission No: PD17/3/79 Installation of Four Additional Silos and Extension to the Pyro Plant Building at Brassington Moor Quarry, Longcliffe, Brassington, Matlock</p>
21/12/2020	<p>Delegation Decisions on Schemes Required by Planning Conditions: CD3/1219/65 Highfields School SD3489: Tree Protection SD3490: Removal and Management of Rhododendron and Cotoneaster CW9/1028/63 Willshee's Skip Hire SW3269: Flood Plain/Ground Raising Compensation Scheme</p>