

**PLANNING AND REGULATION
 COMMITTEE
 17 MARCH 2014**

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors Mrs H N J Powell (Vice-Chairman), D C Hoyes MBE, D M Hunter-Clarke, M S Jones, Ms T Keywood-Wainwright, D McNally, D C Morgan, N H Pepper, Mrs J M Renshaw, T M Trollope-Bellew and W S Webb

Councillors: C J Davie attended the meeting as observers

Officers in attendance:-

Steve Blagg (Democratic Services Officer), Neil McBride (Development Manager), Marc Willis (Principal Planning Officer (Development Management), Adrian Winkley (Principal Planning Officer) and Neil Weeks (Solicitor)

159 APOLOGIES/REPLACEMENT MEMBERS

Apologies for absence were received from Councillors V C Ayling, D Brailsford and C L Strange.

160 DECLARATIONS OF MEMBERS' INTERESTS

It was noted that all members of the Committee had been sent a copy of two letters from Geoplan to Adrian Winkley, Planning, dated 19 and 26 February 2014, by Stuart Paton, an objector (minute 168).

Councillor T M Trollope-Bellew stated that he knew the applicant and the objector speaking at today's meeting and had attended meetings of the Parish Councils when the application had been discussed but had not participated in any discussions at the meetings (minute 168).

Councillor T M Trollope-Bellew stated that he had attended the meeting of the Parish Council when the application had been discussed but had not participated in the discussion (minute 169).

Councillor W S Webb stated that he had not attended the site visits and would not participate in the discussion or voting thereon (minutes 165, 166 and 167). Councillor W S Webb stated he knew the applicant and would leave the meeting when this application was discussed (minute 168).

Councillor D C Hoyes MBE stated that he had not attended the site visit and would not participate in the discussion or voting thereon (minute 165).

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Councillor M S Jones stated that he had not attended the site visits and would not participate in the discussion or voting thereon (minutes 165, 166 and 167).

161 MINUTES OF THE LAST MEETING OF THE COMMITTEE HELD ON 17 FEBRUARY 2014

RESOLVED

That the minutes of the meeting of the Committee held on 17 February 2014, be confirmed as a correct record and signed by the Chairman.

162 MINUTES OF THE SITE VISITS TO GAINSBOROUGH LANDFILL SITE, LEA ROAD (APPLICATION FOR A SINGLE WIND TURBINE) (APPLICATION NO. W33/130410/13) AND GAS HANDLING AND TREATMENT PLANT AT SALTFLEETBY GAS FIELD, SADDLEBACK ROAD, SOUTH COCKERINGTON (E)N158/0654/13

RESOLVED

That the minutes of the site visits to (a) Igas at their sites at Reepham and Scothern, (b) Lea Road, Gainsborough (planning application No. W33/130410/13) and (c) Saltfleetby Gas Storage and Extraction (W33/130410/13), be noted.

163 COUNTY MATTER PLANNING APPLICATIONS

164 SUPPLEMENTARY REPORT 1. FOR PROPOSED SOUTHWARDS EXTENSION OF COPPER HILL QUARRY, COMPRISING OF THE EXTRACTION OF 1.5 MILLION TONNES OF LIMESTONE (BLOCKSTONE AND LIMITED AGGREGATE), WITH RESTORATION TO CALCAREOUS GRASSLAND AND THE CONSTRUCTION OF A NEW QUARRY ACCESS - S2/3097/13; AND 2. TO USE 0.85HA. OF THE EXISTING QUARRY TO FACILITATE THE PROPOSED SOUTHWARD EXTENSION OF THE QUARRY - S2/3092/13 AT COPPER HILL QUARRY, B6403, HIGH DYKE, ANCASTER - ANCASTER COPPER HILL STONE LTD

(Note:- The Chairman, with the consent of the Committee, agreed to re-order the agenda to hear public speakers first (minutes 166 and 168). However, for ease of reference the items follow the order of the agenda).

Councillor D C Hoyes left the meeting)

On a motion by Councillor H N J Powell, seconded by Councillor D Hunter-Clarke, it was -

RESOLVED (9 votes for and 3 abstentions)

- (a) That permission be granted for both applications subject to the conditions set out in Appendix D of the report.
- (b) That the report and appendices form the Council's statement pursuant to

paragraph 24 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 which requires the Council to make available for public inspection at the District Council's offices specified information regarding the decision. Pursuant to Regulation 24 (1) (c) the Council must make available for public inspection a statement which contains:

1. the content of the decision and any conditions attached to it;
2. the main reasons and considerations on which the decision is based including, if relevant, information about the participation of the public;
3. a description when necessary of the main measures to avoid, reduce and if possible offset the major adverse effects of the development; and
4. information recording the right to challenge the validity of the decision and the procedures for doing so.

Informatives

Attention is drawn to:

- (i) The validity of the grant of planning permission may be challenged by judicial review proceedings in the Administrative Court of the High Court. Such proceedings will be concerned with the legality of the decision rather than its merits. Proceedings may only be brought by a person with sufficient interest in the subject matter. Proceedings should be brought promptly and within 6 weeks from the date of the planning permission. What is prompt will depend on all the circumstances of the particular case but promptness may require proceedings to be brought at some time before the 6 weeks has expired. Whilst the time limit may be extended if there is a good reason to do so such extensions of time are exceptional. Any person considering bringing proceedings should therefore seek legal advice as soon as possible. The detailed procedural requirements are set out in the Civil Procedure Rules Part 54 and the Practice Directives for those rules.
- (ii) letters from Natural England, The Lincolnshire Wildlife Trust and the Environment Agency attached to the Decision Notice.

165 SUPPLEMENTARY REPORT TO ERECT A SINGLE WIND TURBINE WITH A MAXIMUM BLADE TO TIP HEIGHT OF 75M, MICROSITING AND ASSOCIATED INFRASTRUCTURE INCLUDING AREAS OF HARD STANDING, CONTROL BUILDING AND CABLING AT GAINSBOROUGH LANDFILL SITE, LEA ROAD, GAINSBOROUGH - FCC ENVIRONMENT UK LTD - W33/130410/13

(Note: Only those Members of the Committee who had attended the site visit on 13 March 2014, were able to discuss and vote on this application, namely – Councillors I G Fleetwood, D Hunter-Clarke, T Keywood-Wainwright, D McNally, N H Pepper, H N J Powell, J M Renshaw, C L Strange and T M Trollope-Bellew).

Councillor D C Hoyes MBE returned to the meeting).

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Marc Willis stated that since the last meeting of the Committee the private commercial agreement between the applicant and Robin Hood Airport had not been signed and the Airport's wider Blanking Strategy had not gained approval from the Civil Aviation Authority.

Marc Willis's responses to comments made by the Committee included:-

1. Vibration from the wind turbine was covered in the conditions in the report.
2. The foundations for the application had been examined with regard to the water table and had been explained in detail at the site visit.

The Chairman stated that before planning permission was released it was his wish to see the Wind Turbine Mitigation Scheme detailed in Condition 12 of the report.

On a motion by Councillor N H Pepper, seconded by Councillor H N J Powell, it was
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RESOLVED (unanimous of those who had attended the site visit)

That, subject first to the applicant completing a highways indemnity agreement and, secondly, the Chairman seeing the Wind Turbine Mitigation Scheme, detailed in Condition 12 of the report, planning permission be granted subject to the conditions detailed in the report.

166 TO CONSTRUCT AN ABOVE GROUND GAS HANDLING AND TREATMENT PLANT AND EQUIPMENT AND THE DRILLING OF FOUR BOREHOLES AT WELL SITE 'B', CONVERSION OF EXISTING BOREHOLE FOR THE DISPOSAL OF PRODUCED FORMATION WATER, CONSTRUCTION OF A 24" INTERCONNECTING PIPELINE BETWEEN THE B SITE AND THE GAS STORAGE FACILITY, TEMPORARY CONSTRUCTION COMPOUNDS, IMPROVEMENTS TO EXISTING ACCESS ROADS OFF SADDLEBACK ROAD AND NORTH END LANE AND ANCILLARY LANDSCAPING AND CAR PARKING AT SALTFLEETBY GAS FIELD, SADDLEBACK ROAD, SOUTH COCKERINGTON - WINGAS STORAGE (UK) LTD - (E)N158/0654/13

(Note: Only those Members of the Committee who had attended the site visit on 13 March 2014, were able to discuss and vote on this application, namely – Councillors I G Fleetwood, D C Hoyes MBE, D Hunter-Clarke, T Keywood-Wainwright, D McNally, N H Pepper, H N J Powell, J M Renshaw, C L Strange and T M Trollope-Bellew).

Since the publication of the following comments had been received:-

Head of Planning - In relation to Condition 30, as it is proposed that the highway works will be captured by the Section 106 Agreement, Highways Officer has confirmed that it is not necessary to include this condition. Therefore this condition can be removed.

Highways – The Section 106 payment of £220,000 for highway works be

index linked back to 2006 in order that the highways authority can undertake the proposed carriageway works to Marsh Lane.

Paul Foster, representing the applicant, commented as follows:-

1. Paid tribute to officers for a good report.
2. Changes proposed only applied to the above ground development.
3. The proposed changes would mean that the plant would operate more efficiently.
4. Consideration would be given to the colour of the buildings to ensure they blended in with the local landscape.
5. The construction of an access road would reduce the effect of HGVs on local communities.
6. Emphasised the importance nationally of this gas storage site.

In response to a question from the Committee, the applicant stated that it was proposed to landscape the site in accordance with the wishes of the local Internal Drainage Board.

On a motion by Councillor I G Fleetwood, seconded by Councillor D McNally, it was –

RESOLVED (unanimous of those Members who had attended the site visit)

That, subject to the removal of Condition 30, planning permission be granted subject to:-

(a) The applicant entering into a Section 106 Agreement to secure a financial payment of £220,000, index linked back to 2006, for highway improvement works to Marsh Lane and to enter into a Traffic Management Plan, Operational Traffic Management Plan and Highway Indemnity Agreement.

(b) The report forms part of the Council's statement pursuant to paragraph 24 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 which requires the Council to make available for public inspection at the District Council's offices specified information regarding the decision. Pursuant to Regulation 24 (1) (c) the Council must make available for public inspection a statement which contains:

1. the content of the decision and any conditions attached to it;
2. the main reasons and considerations on which the decision is based including if relevant, information about the participation of the public;
3. a description when necessary of the main measures to avoid, reduce and if possible offset the major adverse effects of the development; and
4. information recording the right to challenge the validity of the decision and the procedures for doing so.

(c) That, upon completion of the Section 106 Agreement identified in (a),

the Executive Director for Communities be authorised to grant planning permission subject to the conditions detailed in the report.

167 APPLICATION SEEKING HAZARDOUS SUBSTANCES CONSENT FOR THE STORAGE OF NATURAL GAS AT SALTFLEETBY GAS FIELD, SOUTH COCKERINGTON - WINGAS STORAGE (UK) LTD - (E)N158/0800/13

(Note: Only those Members of the Committee who had attended the site visit on 13 March 2014, were able to discuss and vote on this application, namely – Councillors I G Fleetwood, D C Hoyes MBE, D Hunter-Clarke, T Keywood-Wainwright, D McNally, N H Pepper, H N J Powell, J M Renshaw, C L Strange and T M Trollope-Bellew).

On a motion by Councillor I G Fleetwood, seconded by Councillor D McNally, it was –
RESOLVED (unanimous of those Members who had attended the site visit)

That Hazardous Substances Consent be granted subject to the conditions detailed in the report.

168 TO EXTRACT LIMESTONE (DIMENSION STONE) FROM A NORTHERN EXTENSION TO THE HOLYWELL QUARRY WITH THE RESTORATION OF THE PROPOSED EXTENSION AREA, THE EXISTING WORKING AREA AND THE QUARRY TIPS TO PASTURE, WOODLAND AND CALCAREOUS GRASSLAND AT LAND WITHIN AND ADJACENT TO HOLYWELL QUARRY IN THE PARISH OF CAREBY, AUNBY AND HOLYWELL - STAMFORD STONE CO LTD - S16/0081/13

(Note: Councillor W S Webb left the meeting following his earlier declaration that he knew the applicant).

Adrian Winkley stated that since the publication of the report two late representations had been received as follows:-

1. The Chairman of Careby, Aunby and Holywell Parish Meeting stating that he had not been consulted about the application.
2. Alistair Benton, a local agent, representing a local resident, whose main concern was in connection with the southern tip of the development and the need to bring forward the restoration of the site to fit in with the local landscape. He had also requested that the restoration of the site should be subject to the submission of a Bond to ensure that the restoration was carried out properly.

Adrian Winkley stated that in connection with (a) the Chairman of the Parish Council had been consulted twice about the proposals and that in connection with (b) the restoration of the site was covered by the conditions.

Adrian Winkley stated that because the output of the site would be difficult to enforce by condition a limit of three HGV vehicles visiting and leaving the site a day was proposed.

Stuart Paton, an objector, commented as follows:-

1. He was not against the proposal and recognised the importance of the site to provide stone for historic buildings in the country.
2. He wished to ensure that the conditions were enforceable.
3. The proposal to increase output tonnage to 20,000 per annum was a substantial increase.
4. Made reference to the quarry at Clipsham and that Clipsham was a Conservation Village.
5. In view of the importance of the stone for historic buildings it was possible that the increased output could be "squandered".
6. The problem of limestone dust and the access road was not concreted which aggravated the problem.
7. Passing traffic caused dust problems.
8. A street sweeper was needed.
9. Endorsed the comments made by Alistair Benton particularly the need for the applicant to submit a Bond.

Stuart Paton responded to questions from the Committee as follows:-

1. In his opinion the agricultural land was Grade 3 or worse.
2. Local residents were affected by dust especially near to the access of the site, with one resident already suffering from respiratory problems. Measures needed to be put in place to address this issue.
3. Rutland was only a small unitary authority and lacked the resources to address this problem.

Martin Clayton, representing the applicant, commented as follows:-

1. Was pleased to note that the objector was not against to the application.
2. Measures were in place and were conditioned to address dust.
3. Improvements to the access road were proposed.
4. The quality of the stone was very good although not uniform in its consistency.
5. The over material needed to be removed in the most economic way and was currently dumped at the southern tip of the site which was not sustainable. The Company had now devised processes to turn this waste into a valuable product.
6. The stone was used for high quality work.
7. None of the consultees had made any adverse comments about the rate of output.
8. What was being proposed gave the Company flexibility.
9. The officer's report was balanced.

The applicant's responses to questions from the Committee, included:-

1. There was very little dust because of the size of the blocked stone being cut and transported.

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2. The stone was only used for high quality buildings.
3. The conditions in the report addressed the issue of dust.
4. There were six HGV movements a day which meant that the application was easy to monitor and enforce.
5. The provision of a wheel wash was excessive and they did not always work because wet tyres carried dust onto the highway.

Adrian Winkley's responses to comments made by the Committee, included:-

1. Access to the applicant's site was shared with a local farm therefore the imposition of conditions to control dust needed to be proportionate.
2. The limited amount of stone produced would be used for historic buildings.
3. The previous applicant had permission to remove aggregate from the site.
4. Careby, Aunby and Holywell Parish Meeting had been communicated by email in connection with the application. The second consultation communication had been sent to them on 19 July 2013.

Adrian Winkley's responses to comments made by the Committee, included:-

1. The depth of the quarry and any related flooding issues were covered by conditions.
2. The protection of the Great Crested Newt was covered by conditions in the report.
3. Gave details of the direction of HGVs travelling from the Clipsham quarry.
4. The number of HGVs visiting and leaving the quarry and carrying blocked stone was conditioned and had been agreed in consultation with Rutland County Council.
5. With the exception of the blocked stone the conditions prevented the transportation of aggregate offsite.
6. With the exception of the HGVs moving the blocked stone other vehicle movements were very limited and included maintenance and the fuel delivery vehicles.
7. All representations received were acknowledged but an apology would be issued where necessary to anyone who had not received an acknowledgment.

On a motion by Councillor D McNally, seconded by Councillor N H Pepper, it was –

RESOLVED (unanimous)

- (a) That the applicant be invited to enter into a Planning Obligation to ensure that from the date the planning permission is commenced, no further development takes place pursuant to the two existing mineral permissions, reference numbers SK759 and S16/265/85 (which were subject to a First Periodic Review under reference S16/0067/02);
- (b) That, subject to the completion of the Planning Obligation referred to above, the Executive Director of Communities be authorised to grant planning permission subject to the conditions detailed in the report;
and
- (c) That the report forms the Council's Statement under paragraph 24 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 that requires the Council to make available for public

inspection at the district council offices a statement containing:

1. the content of the decision and any conditions attached to it;
2. the main reasons and considerations on which the decision is based including, if relevant, information about the participation of the public;
3. a description, where necessary, of the main measures to avoid, reduce and, if appropriate, offset the major adverse effects of the development;
- and
4. information regarding the right to challenge the validity of the decision and the procedures for doing so.

- 169 1. SECTION 73 APPLICATION TO CONTINUE TO EXTRACT SAND AND GRAVEL WITHOUT COMPLYING WITH CONDITION NUMBERS 2, 3 & 5 OF PLANNING PERMISSION (LCC) REFERENCE S7/2737/10 AND CONDITION NUMBERS 4, 31 & 32 THAT WERE CARRIED FORWARD TO THAT PERMISSION FROM PLANNING PERMISSION (LCC) REFERENCE S7/1083/03. [THE PROPOSAL SEEKS TO AMEND THE SCHEME OF WORKING AND RESTORATION; TO AMEND THE DETAILS RELATING TO THE CONSTRUCTION OF THE AMENITY MOUNDS; TO REVISE THE SPECIFICATION FOR THE CLAY SEAL; AND TO TEMPORARILY RETAIN THE CONVEYOR] - S7/0046/13; AND
2. TO EXTRACT SAND AND GRAVEL FROM LAND FORMING AN EXTENSION TO THE MANOR PIT QUARRY WITH RESTORATION TO AGRICULTURE - S7/2618/13 AT FOX'S LAND, MANOR PIT QUARRY, BASTON OUTGANG ROAD, BASTON - CEMEX UK OPERATIONS LTD

(Note: Councillor W S Webb returned to the meeting).

Since the publication of the report a response had been received as follows:-

Applicant – Whilst the company appreciate having the opportunity to view the proposed conditions for a limited period would appreciate more time to consider them in particular the ramifications of entering into the Legal Agreement as worded.

Do not consider it is unreasonable for the applicant to be granted more time to consider legal matters.

Submit it is essential to ensure all material considerations are considered and reasonably mitigated where necessary through implementation of conditions and Section 106 Agreements. Agree with this principle and would like to consider the Section 106 related to restoration to determine if it is appropriate and reasonable to all parties.

Hope the Committee look favourably on this request for deferment of these applications.

Head of Planning – Consider it is essential that the restoration proposed is secured through Section 106 Agreements and that the recommendation as proposed will not be changed. However, prepared

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to agree to deferment to enable the applicant time to set out more clearly their concerns regarding the necessity of securing the restoration through the Section 106 Agreement.

On a motion by Councillor I G Fleetwood, seconded by Councillor D C Hoyes MBE, it was –

RESOLVED (unanimous)

That consideration of the application be deferred to enable the applicant time to set out more clearly their concerns regarding the necessity of securing the restoration of their site through the Section 106 Agreement.

170 COUNTY COUNCIL PLANNING APPLICATION

171 EXTENSION TO THE INTERNAL FOOTPRINT OF THE SITE THROUGH THE REMOVAL OF THE LANDSCAPED BUNDS ALONG THE WESTERN, SOUTHERN AND EASTERN BOUNDARIES AND REPLACEMENT OF THE EASTERN AND SOUTHERN BUNDS WITH A NEW ACOUSTIC FENCE AND HEDGEROW PLANTING AT SKEGNESS HOUSEHOLD WASTE RECYCLING CENTRE, WARTH LANE, SKEGNESS - (E)S153/0035/14

Marc Willis's responses to comments made by the Committee included:-

1. The main concerns about the application had come from Eaton Close where it was proposed to install fencing overlooking this Close but it was not proposed to install any bunding.
2. Visual and noise issues were addressed by conditions in the report.
3. The site was developed in 1985 with housing development taking place after this date.
4. The landscaping of the site was explained. Trees would not be removed during the bird nesting season.

(Note: Councillor H N J Powell left the meeting at 12.15pm)

5. The proposed increase in the size of the site would improve the site's operational efficiency.
6. All fencing would be maintained.

On a motion by Councillor W S Webb, seconded by Councillor D Hunter-Clarke, it was –

RESOLVED (10 votes for and 1 vote against)

That, subject to the installation of two metre high fencing (not the specified height detailed in Section 7 of the approved Noise Impact Assessment), planning permission be granted subject to the conditions detailed in the report.

The meeting closed at 12.25 pm