

**PLANNING AND REGULATION
COMMITTEE
3 OCTOBER 2016**

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors D McNally (Vice-Chairman), D Brailsford, D M Hunter-Clarke, Ms T Keywood-Wainwright, N H Pepper, Mrs H N J Powell, Mrs J M Renshaw, T M Trollope-Bellew, W S Webb and R A Renshaw

Officers in attendance:-

Steve Blagg (Democratic Services Officer), Neil McBride (Planning Manager), Stuart Tym (Solicitor) and Marc Willis (Applications Team Leader)

39 APOLOGIES/REPLACEMENT MEMBERS

Apologies for absence were received from Councillors J Beaver, D C Hoyes MBE, M S Jones and C L Strange.

The Chief Executive reported that under the Local Government (Committee and Political Groups) Regulations 1990, he had appointed Councillor R A Renshaw, in place of Councillor G J Ellis, for this meeting only.

40 DECLARATIONS OF MEMBERS' INTERESTS

It was requested that a note should be made in the minutes that all members of the Committee had been lobbied by various bodies and individuals against the planning application including Paul Gibbons, Jas. Martin and Co (on behalf of the Hungerton Estate and GOLAG (Gorse Lane Quarry Action Group) (minute 44).

Councillor Mrs H N J Powell requested that a note should be made in the minutes that she knew a lady who was part of the protest group, but had not seen her in some time and would keep an open mind (minute 44).

41 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND REGULATION COMMITTEE HELD ON 25 JULY 2016

RESOLVED

That the minutes of the previous meeting of the Planning and Regulation Committee held on 25 July 2016, be approved as a correct record and signed by the Chairman.

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42 TRAFFIC ITEMS

43 TRAFFIC REGULATION ORDERS - PROGRESS REVIEW

The Committee received a report in connection with the position of all Traffic Regulation Orders and petitions received.

RESOLVED

That the report and the petitions received be noted.

44 COUNTY MATTER APPLICATIONS

45 FOR THE EXTRACTION OF LIMESTONE AND IMPORTATION OF SUSTAINABLE INERT FILL TO ACHIEVE A BENEFICIAL RESTORATION OF THE SITE ON LAND LOCATED OFF GORSE LANE, DENTON - MICK GEORGE LIMITED - S26/1611/15

The Committee had made a site visit before the meeting, stopping at various locations including Gorse Lane, Hill Top Farm, Stoney Track, The Drift SSSI and the village of Denton.

Since the publication of the report further correspondence had been received from Mick George Ltd (Applicant), South Kesteven District Council, Denton Parish Council, Gorse Lane Action Group (GOLAG), a representative of the Hungerton Estate, a member of the public and the Planning Manager's responses to the responses received. All of the responses were detailed in the update to the Committee and a record of the responses was kept on the Council's website.

Simon Curtin, an objector, commented as follows:-

1. He was speaking as a representative of the Gorse Lane Quarry Action Group (or GOLAG), which represented residents from across the local communities, including the views of over 500 local people who had signed a petition objecting to the proposed development and those who had sent over 230 detailed letters of objection. They reflected detailed knowledge of the area of the proposed development, including its flora and fauna.
2. We welcomed the Planning Officer's conclusions that based on the County Council's 2016 Minerals and Waste Local Plan.
3. There was no need for this aggregate quarry or for the landfill capacity the resultant hole would create. This development failed the crucial test of sustainability.
4. The proposed site formed part of a very beautiful and threatened Limestone Plateau and cherished by all who loved the countryside and visited the area.
5. By removing the limestone it would not only lose its special character but would also destroy an aquifer of high importance. Reports have been provided the Council by GOLAG from recognised independent hydrogeological experts in respect of the impact on the northern flows and under submissions by JAS Martin in respect of the southern flows through the historic Hungerton Hall springs. This evidence clearly demonstrated that the applicant had not adequately assessed the risks to this

aquifer. This was supported by the Canal and River Trust, which had submitted an objection for the same reason.

6. The risks of the proposed quarrying to the Willowbed Plantation Ancient Woodland had also been set out in detail. The Lincolnshire Wildlife Trust had echoed these concerns in its own submission.

7. The applicant had not submitted one single measurement of water quality or quantity within this Ancient Woodland. There had been no assessment of risk.

8. If the Committee endorsed the conclusions of the Planning Officer and refused this application, then these environmental risks would not be realised.

9. However, if, as the applicant had indicated, they intend to appeal such a decision or resubmit an amended proposal, the Committee was asked to ensure that all these environmental concerns were thoroughly investigated through appropriate agencies.

10. There had been much disquiet and anxiety created within the community by the persistent “threats” of the developer and land owner to invoke old mineral permissions even closer to people’s homes should the application be refused. This was particularly of concern for those who lived in tied houses owned by the land owner’s family and who worked, or had worked for many years, for the family estate. Understandably, they felt unable to publicly express their fears. Presumably, the applicant would have to submit an appropriate Environmental Impact Assessment on all these areas before this “threat” could even be considered?

11. In summary, the Committee was requested to endorse the Planning Officer’s recommendation and refuse this unsustainable application, which presented unquantified risks to both the public and the environment.

John Gough, representing the applicant, commented as follows:-

1. The officer report confirmed that the scheme could be operated without causing any material harm to local amenity or the environment.

2. Not a single mature tree would be removed.

3. There were no technical objections from any of the statutory consultees to various matters including The Drift SSSI, groundwater protection, dust, traffic, noise and therefore local residents should be comforted by such assurances.

4. From the outset, local communities had been under the misguided impression that the Welby Estate and Mick George Ltd were not serious about implementing the historic consents. Nothing could be further from the truth. The “fall-back” position was clear and it appeared to be a fact that all wished to ignore.

5. The report confirmed that if submitted an Initial Review application and scheme of conditions could not be refused.

6. It was appreciated that it was a lengthy process to implement a Review of Minerals Permission Review (ROMP) but it was not uncommon and there were several examples in Lincolnshire of these type of schemes being progressed.

7. The concept of swapping consented reserves for less sensitive areas was relatively common and the planning officer was aware of this.

8. He was unaware of any situation anywhere, whereby such a large consented area was being given up as was proposed at Gorse Lane. Normally, it was a one for one replacement.

9. If consent was granted, the scheme would work only a small fraction of the consented area.

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10. At Gorse Lane, the offer existed to give-up over 1,750 acres of consented extraction for an area eight times smaller. (218 acres).

11. Policy M5 of the Council's adopted Minerals and Local Plan (which dealt with mineral supply) did permit mineral extraction to take place and this related to exceptional circumstances. In the case of Gorse Lane, these were twofold:-

- The effective rescinding of a massive mineral consent
- The extraction of high quality minerals

12. The Committee had it within its power to approve the scheme and this would remove the ability to implement an enormous mineral consent extending over a 5km swathe of the county.

Responses by John Gough to questions from the Committee included:-

1. The County Council had examined samples of aggregate removed from the application site and had confirmed that approximately 30% was type one aggregate.
2. Aggregate samples from the site had been sent to the Council for examination.
3. Additional employment created if the application was approved.
4. The site had been identified for limestone recovery by the Welby Estates well before Mick George Ltd had got involved and there were a lot of objections at that time to any potential extraction. The Parish Councils had been informed of the proposals by Welby Estates and then subsequently the GORSE Lane Action Group had been established.
5. It was proposed to phase operations on the site and then as each phase was completed the land would be restored to its former condition.

Councillor B Adams, the local Division Member, commented as follows:-

1. He was speaking on behalf of the Parish Councils in the area.
2. The local District Council was opposed to the application.
3. The application did not accord with the Lincolnshire Minerals and Waste Local Plan.
4. The application was in a rural location and would have a detrimental effect on the local environment.
5. The application conflicted with the South Kesteven Core Strategy, including the environment, diversity and additional HGV traffic on the A607 and other roads in the area.
6. There was a SSSI in the vicinity of the site which was widely used by the public.
7. The application posed a risk to water courses in the area.
8. The applicant had not addressed concerns about the extant application and considered that the applicant might have to submit a separate application.
9. He requested that the Planning Officer should refuse the application.

Comments made by the Committee included:-

1. The vast majority of people were against the application.
2. The concerns expressed by the local Member needed to be taken into account.

3. Concerns about the effect of the application on local aquifers and particularly on ancient woodland which needed water on a regular basis.
4. The site visit showed that the countryside was idyllic and a part of rural England which should be protected.
5. Not satisfied with the assurance given by the applicant in connection with the waste to be used for backfill. If soil and clay were used then this was satisfactory. It was considered that other materials could find their way in to the backfill.

On a motion by Councillor D Brailsford, seconded by Councillor W S Webb, it was –

RESOLVED (11 votes for and 0 votes against)

(a) That the report forms part of the Council's Statement pursuant to Regulation 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. Content of decision and any conditions attached to it;
2. Main reasons and considerations on which the decision is based;
3. Including if relevant, information about the participation of the public;
4. A description, when necessary, of the main measures to avoid, reduce and if possible offset the major adverse effects of the development;
5. Information recording the right to challenge the validity of the decision and procedure for doing so.

(b) That planning permission be refused for the reasons detailed in the report.

46 COUNTY COUNCIL APPLICATIONS

47 TO CONSTRUCT A DOME SHAPED CIRCULAR BUILDING FOR THE STORAGE OF ROAD SALT, ASSOCIATED SURFACE WATER DRAINAGE IMPROVEMENTS AND WATER STORAGE AT THE HIGHWAYS DEPOT, HEMINGBY LANE, HORNCastle - (E)S86/1655/16

Comments by the Committee and responses by officers included:-

1. Had highways consulted the people living in properties immediately adjacent to the proposed application site? Officers stated that new properties to the east and west had been built since the highway's depot had been opened and added that they were not too sure if the residential properties to the south of the application site had been in existence before the highway's depot was constructed.
2. The application was similar to a salt barn at Thurlby although it was noted that this depot was more concealed.
3. It was noted that the proposed colour of the roof tiles was to be submitted and approved in writing by the Council. However, the Committee expressed a preference for heavy duty green tiles on the roof.
4. It was disappointing that the local Member had not responded to the consultation.

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5. Care was needed to avoid contamination of ground water from the salt barn.
6. The proposal was less obtrusive than the salt barn at Thurlby.
7. Concerns about drainage from the application site. Officers stated that the proposed site was lower than nearby properties and was screened by trees which would prevent the salt barn from being viewed by occupants of these properties.

On a motion by Councillor D McNally, seconded by Councillor D Brailsford, it was:-

RESOLVED (11 votes for and 0 votes against)

That planning permission be granted subject to the conditions detailed in the report.

48 OTHER REPORTS

49 IN RESPECT OF NON-COMPLIANCE WITH A STATUTORY PLANNING NOTICE ISSUED UNDER THE TOWN AND COUNTRY PLANNING ACT 1990 IN RESPECT OF A WASTE TRANSFER STATION AT SUMMERGANGS LANE, GAINSBOROUGH

The Committee received a report which gave details of a prosecution taken out by the Council with regard to non-compliance with a planning contravention notice (PCN).

RESOLVED

That the report be noted.

The meeting closed at 2.40 pm