

**At a meeting of the PLANNING AND HIGHWAYS COMMITTEE held in the CIVIC CENTRE on WEDNESDAY, 20<sup>TH</sup> FEBRUARY, 2013 at 5.30 p.m.**

**Present:-**

Councillor Tye in the Chair

Councillors Ball, Copeland, Curran, Davison, Dixon, Ellis, Francis, E. Gibson, Lauchlan, T. Martin, Padgett, Price, D. Richardson, Thompson, Turton and Wood.

**Declarations of Interest**

**12/02164/FUL & 12/00140/FUL – Biffa Waste Services Ltd, Houghton Le Spring Quarry**

Councillor Ellis made an open declaration on Items 8 & 9 as she had already made her views known in objection to the development and requested to speak against the proposals. Councillor Ellis left the room during the consideration of the items.

**Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors Blackburn, Essl, Howe, F. Miller, Scaplehorn, Scott, P. Watson and D. Wilson.

**Minutes of the last meeting of the Committee held on 22<sup>nd</sup> January, 2013.**

1. RESOLVED that the minutes of the last meeting held on 22<sup>nd</sup> January, 2013 be confirmed and signed as a correct record.

**Report of the Meeting of the Development Control (North Sunderland) Sub Committee held on 31<sup>st</sup> January, 2013**

The report of the meeting of the Development Control (North Sunderland) Sub-Committee held on 31<sup>st</sup> January, 2013 (copy circulated) was submitted.

(For copy report – see original minutes)

2. RESOLVED that the report be received and noted.

**Report of the Meeting of the Development Control (Hetton, Houghton and Washington) Sub-Committee held on 9<sup>th</sup> January, 2013**

The report of the meeting of the Development Control (Hetton, Houghton and Washington) Sub-Committee held on 9<sup>th</sup> January, 2013 (copy circulated) was submitted.

(For copy report – see original minutes)

3. RESOLVED that the report be received and noted.

**Report of the Meeting of the Development Control (South Sunderland) Sub-Committee held on 29<sup>th</sup> January, 2013**

The report of the meeting of the Development Control (South Sunderland) Sub-Committee held on 29<sup>th</sup> January, 2013 (copy circulated) was submitted.

(For copy report – see original minutes)

4. RESOLVED that the report be received and noted.

**A19 Low Carbon Enterprise Zone: Local Development Order (Turbine Park & Vehicle Test Centre Site)**

The Deputy Chief Executive submitted a report (copy circulated) to advise the Committee of the responses received following consultation on the A19 Low Carbon Enterprise Zone: Draft Local Development Order (Turbine Park and Vehicle Test Centre site) and sought the Committee's comments on the revised document. The Committee's comments would be reported to Cabinet on 13 March 2013 when approval would be sought for the Local Development Order.

(For copy report – see original minutes)

5. RESOLVED that the Committee considered the A19 Low Carbon Enterprise Zone (Turbine Park and Vehicle Test Centre site) and noted the amendments made in light of responses received during the public consultation and consultation with the Secretary of State.

**Reference from Development Control (Hetton, Houghton and Washington) Sub Committee**

**12/02164/FUL – Installation of a 225mm diameter surface water discharge pipeline incorporating a concrete chamber and outfall – Biffa Waste PLC, Houghton Quarry, Newbottle Street, Houghton Le Spring, DH4 4AU**

(For copy report – see original minutes)

Toni Sambridge, Principal Development Control Officer presented the report and advised that the proposal was for the installation of an underground pipeline from the surface water lagoon to Grasswell Stream.

One letter of representation had been received and the areas of concern were listed in the report along with the Consultee Responses.

In conclusion, the proposed pipeline was considered to comply with the National Planning Policy Framework and Unitary Development Plan policies as set out in the main report and was therefore considered acceptable in principal, subject to the appropriate conditions being imposed and as such it was recommended that the application be approved subject to conditions.

The Chairman introduced Councillor Ellis who wished to speak in opposition to the application.

Councillor Ellis commented that her list of concerns was summed up on page 31 of the Agenda and that the main area of concern was possible flooding. Houghton has had three severe weather events recently and no research had been done to see if the pipe could cope, which may result in a main road being flooded.

Ms Sambridge advised that the Environment Agency had been consulted on the proposals, had no objections and as such had granted a permit.

Councillor Dixon enquired as to what the expected discharge rates would be.

Mike Harty, representing Biffa Waste PLC commented that he did not have the exact figures to hand but it was within the permit regulations.

Councillor Copeland commented she felt the exact figures should have been brought to the meeting as they were asking Members to make a decision based on hearsay.

Councillor Padgett sought assurances that none of the water would be entering the sewerage system.

Colin Clark, Head of Planning and Property advised that discussions were underway between the Environment Agency and Northumbrian Water and that the issues raised by Members would be within the purview of the Environment Agency to manage.

Mr Clark also advised that the technical issues raised were not matters for the planning process.

The Chairman commented that basically this proposal for Members to consider was for the building of a concrete tunnel.

Councillor Francis enquired if research had been carried out on the possibility of organic matter growing in the pipeline which could cause problems during high rainfall.

Ms Sambridge advised that this would be something for the Environment Agency to monitor.

Councillor Wood commented that he would have liked to have had sight of the conditions to be included before making a decision but queried if any Members had put forward an alternative recommendation.

The Chairman referred to the Officers recommendation and enquired if Members wished to propose an alternative. As no alternative recommendations were proposed, it was therefore:-

6. RESOLVED that the application be approved.

### **Reference from Development Control (Hetton, Houghton and Washington) Sub Committee**

#### **12/00140/FUL – Rock stabilization works to the southern quarry faces in the form of blasting works – Biffa Waste Service Ltd, Houghton Le Spring Quarry, Newbottle Street, Houghton Le Spring, DH4 4AU**

(For copy report – see original minutes)

Ms Sambridge advised that the proposal was for planning permission to undertake rock stabilisation works along the southern perimeter quarry face in the form of blasting works, for health and safety reasons and to enable continued landfill.

23 letters of representation had been received and the main areas of concern were listed and addressed in the report.

Councillor E. Gibson commented that these works were necessary due to Health and Safety reasons.

Councillor T. Martin agreed and commented that the current conditions would be dangerous for anyone working at the site.

The Chairman then introduced Councillor Ellis who wished to speak in opposition to the proposal. Councillor Ellis commented that previous blasting carried out was stopped due to the damage caused to houses and water pipes, etc and this was done in one small area at a time. This proposed blast would be massive and consideration also had to be given to the effect this would have on the rocks as it would inevitably cause further damage and stress.

The site was heavily polluting the environment already and Biffa had stated before that the land was stable yet now want to blast as it is unstable.

Councillor Ellis commented that the report makes it clear that the blasting is for landfill and it was difficult not to argue that this blast had nothing to do with landfill as they were both inextricably linked.

Councillor Ellis also commented that Biffa have now admitted the land is unstable and also admitted to polluting and this Council was required to uphold statutory legislation and had a legal onus to act as well as the Environment Agency.

Ms Sambridge advised that Members needed to consider the application in front of them today on its own merits and that all information contained within the report had been independently verified, so officers were not just taking the applicants word.

The Chairman requested clarification that regardless of what decision was made today, that this application was just to grant one blast and was not to decide what would go in the landfill. Ms Sambridge advised that this was correct.

The Chairman then introduced Gemma Taylor, a local resident who commented that the previous blasting had caused damage to homes and she sought assurance as to who would be liable for any damage that occurs should this proposal be approved.

Ms Taylor also sought confirmation that this blast was for Health and Safety purposes only and was not for the expansion of landfill.

Mike Harty, a representative of Biffa Waste Services Ltd advised that if it was proven damage was caused to properties through the blasting and this was independently verified then action would be taken to remedy the problem.

Ms Sambridge advised that this application was purely for a one off blast and other applications that were pending consideration as to the expansion of the landfill had no bearing on this proposal.

Councillor Copeland suggested residents take photographs of their properties before and after the blasting.

The Chairman introduced Councillor Wakefield, who wished to speak in opposition to the proposal. Councillor Wakefield commented that he felt little consultation had been undertaken and bodies such as 3 Rivers Local Nature Park and Limestone Landscapes should have been included as statutory consultees.

Councillor Wakefield queried if making a decision on this application would be predetermining the other applications that were pending consideration. The report also referred to potential pollution yet Biffa had recently been fined for

polluting ground water, so it was not potential, but proven pollution. There was significant instability around the site as well as ecological damage and Councillor Wakefield requested that at the least, this decision be deferred until the relevant bodies had been consulted.

Councillor T. Martin raised concerns that the blasting could generate another crack if the site was not geologically sound.

Ms Sambridge advised that some of the concerns raised were in a different area to the site under consideration for this proposal and that she was not aware that the consultees Councillor Wakefield had mentioned were statutory consultees but would check on this matter. In respect of Ecology issues, these were not directly related to this application.

Councillor Price enquired as to how long the rock face had been in this condition, what the cause was, and what work was being carried out in the area.

Mr Harty advised that the rock face had been exposed for decades and was in the condition due to 30-40 years of weathering. The rock face was assessed in 2005 and in 2010 they were advised of the need for blasting. At that point Biffa started liaising with the Council. Mr Harty also advised that no one can go within 80 metres of the site as it was very dangerous and was only a matter of time before it falls.

In response to Councillor Price's enquiry, Mr Harty advised that no work had been carried out inside that area and that they needed to work beneath the rock face to finish it off.

In response to Councillor Richardson's enquiry, Mr Harty advised that the last time workers were in there was 2010 and refuted claims that staff had been in there recently, commenting that he had not seen any photos claiming otherwise.

In response to Councillor Francis' query, Mr Harty advised that the membrane had been put down in stages in 2007 to 2010.

Councillor Francis enquired what effect the falling rock would have on the membrane.

Mr Harty informed the Committee that they had consulted with the Environment Agency and the blast was designed for the opposite side to the liner but if it was damaged it could be replaced.

Councillor Wood referred to Councillor Wakefields comments in relation to certain bodies being consulted and enquired if these were statutory consultees.

Mr Clark advised that he did not believe they were statutory consultees and they were both local partnerships but he would check and clarify the situation.

The Chairman then gave Mr Harty five minutes to address the Committee as the applicant. Mr Harty advised that they were not seeking to blast on a regular basis and this was a one off event for health and safety reasons. The surface had been subject to weathering which had caused cracks and rockfalls. A large section was unsafe and needed attending to. He repeated that this was a one off blast and that they cannot leave the site in its current state.

Mr Harty informed the Committee that this blast needed to be carried out regardless of the two other applications that were due for consideration and Biffa would not benefit financially from this as it was a very expensive procedure to carry out and they would rather not have to undertake this but a geotechnical report carried out by Independent consultants determined that blasting was the only course of action.

Mr Harty also informed that the Planning Authority would be notified of the date of the blast and that no objections had been received from the statutory consultees.

In response to Councillor Curran's enquiry, Mr Harty advised that the other option for abseiling/drilling was not safe and it was an enormous rock to try and tackle in this way. All other options had been considered and Biffa would have preferred not to blast as this was the most expensive option, but the only option suitable.

Councillor Price enquired if Biffa would contact residents as well as the Council when they would intend to blast.

Mr Harty advised that he would have no problem in arranging for a leaflet to be distributed.

Councillor Wood commented that no alternative recommendation had been proposed by Members at this point.

Councillor Thompson commented that the proposal had been independently assessed and it was determined that the rock needs to come down so it was best that it does so in a controlled manner rather than naturally which could be devastating.

Councillor Francis enquired as to who would have to pay for the independent assessors should damage be caused to nearby properties.

Mr Harty advised that they would pay for their own independent assessor but the blast would be designed so as not to cause damage to properties.

Councillor Richardson commented that he was concerned over the consequences that could occur in the blast area and proposed the item be deferred whilst alternative methods be investigated. The proposal was seconded by Councillor Price.

Having been put to the vote, with 11 Members in favour of the alternative recommendation and 5 Members against, it was:-

7. RESOLVED that the item be deferred so that alternative methods could be considered.

**Consultation on proposed changes to siting requirements – Broadband Cabinets and Overhead Lines – Superfast Broadband Networks**

The Deputy Chief Executive submitted a report (copy circulated) to advise the Committee of the consultation on proposed changes to siting requirements of Broadband Cabinets and Overhead lines for Superfast Broadband Networks and to request the Committee's endorsement of the response to questions.

(For copy report – see original minutes)

Councillor T. Martin commented that he agreed with the findings of the report especially as 5G would be coming shortly.

Councillor Wood commented that he supported the Officer comments.

Councillor Price cautioned that we would have to monitor this very carefully.

7. RESOLVED that the Committee noted and endorsed the contents of the report.

The Chairman thanked everyone for their attendance and closed the meeting.

(Signed) P. TYE  
(Chairman)