

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
27th April 2021

Agenda Item 8

Application Ref. 21/00286/FUL

Land at Doddlespool, Main Road, Betley

Since the publication of the main agenda report, the comments of the **Environment Agency** (EA), the **Highway Authority** (HA), and the **Landscape Development Section** (LDS) have been received.

The **EA** advise that they have no objections to the variation of condition 6 as they did not recommend its imposition. They advise, for information, that both Doddlespool and Elms Farm are currently under investigation and enforcement action is pending. No further waste exemptions can be applied for on either of these sites and will be deregistered if an application is applied for. All current exemptions have been de-registered formally and the site would be out of regulatory control if waste is brought onto site. They have further advised that the removal of the exemptions means no waste at all, including inert waste (which can be soil/muck/spoil or construction and demolition waste) can be imported onto the sites at Doddlespool or Elms.

The **HA** has no objections subject to a condition which sets a limit of 16 HGV's entering the site per day and states that they shall use Waybutt Lane.

The **LDS** has no objection subject to the retention and protection of trees adjacent to the track and adjustments to the position of the track where there is a conflict with Root Protection Areas.

In addition an **objection** has been received raising the following concerns:

- There is no sign that the track is being built.
- There is clear evidence waste being tipped illegally on site in holes which are then covered up.
- Waybutt Lane has been damaged by multiple agricultural and HGV vehicles accessing the land in connection with the illegal waste activity. This has resulted in a number of potholes, mud and slurry making it dangerous for vehicles, cyclists and pedestrians.
- The extension of the permission will provide an opportunity for more illegal waste activity and vehicle movements.
- The level of activity has created a local vermin issue, worsened by the hundreds of bales of illegal waste on the land.
- Local wildlife has been driven out of the area.

Officer Comments

The comments of the LDS are noted, however such a condition was not imposed on the original permission. In deciding an application under section 73 the local planning authority must only consider the condition/s that are the subject of the application. It is not a complete re-consideration of the application. As the variation of condition that is sought in this application would not have a greater impact on the trees the requirements of the LDS cannot be secured.

A number of visits to the site has taken place and, notwithstanding the comments in the objection, there is evidence that the track is being built and that it is beneficial to the operation of the agricultural holding.

There is no basis to conclude that the extension of the time period for the importation of material as set out in condition 6 would worsen any local vermin issue or materially impact on local wildlife.

The state of the highway is a matter for the relevant Highway Authority. The limitations on the number of HGV movements per day as imposed on the original permission will be included in any permission issued on this application as it remains relevant.

It is apparent from the comments of the EA that the applicant is unable to import any further material onto the site to complete the track irrespective of the time period. However, whilst that is the case, matters that are controlled by other legislation are usually considered to be non-material planning considerations. This does not, therefore, amount to a planning reason to refuse the application.

The RECOMMENDATION remains as set out in the main agenda report.