

## DEVELOPMENT MANAGEMENT COMMITTEE

6 December 2023

Present:-

Councillors J Brook (Chair), I Hall (Vice-Chair), I Chubb, A Connett, D Cox, J Hodgson, P Sanders and J Yabsley

Apologies:-

Councillors S Aves, G Gribble, L Hellyer, C Slade, J Wilton-Love and M Asvachin

Members attending in accordance with Standing Orders 8 and 25

Councillor P Henderson, in attendance, virtually

**48**      **Minutes**

RESOLVED that the Minutes of the meeting held on 6 September 2023 be signed as a correct record.

**49**      **Items Requiring Urgent Attention**

No item was raised as a matter of urgency.

**50**      **County Matter: Minerals: South Hams District: Variation of Condition 19 of planning permission 9/42/49/0542/85/3 (DCC/3823/2015) (dated 16 February 2017) to remove weekly and annual tonnage caps on the export of secondary aggregates and to amend the condition to introduce restrictions on hours of export and prohibit exports at the weekend and on bank holidays, Hemerdon Mine, Plympton**

(Neil Gawthorpe (Tungsten West) for the applicant, attended under the Public Participation Scheme and spoke in support of the application; and Councillors Lauren Mclay and Ian Poyser, representing Plympton Chaddlewood Ward at Plymouth City Council (both attending remotely) attended under the Scheme and spoke in objection to the application)

The Committee considered the Report of the Chief Planner (CET/23/104) on a planning application to vary the wording of Condition 19 of the existing planning permission for the Hemerdon tungsten and tin mine, Plympton. The proposal was to remove the tonnage caps which restrict the export numbers of waste or secondary aggregates and to introduce restrictions on hours and

days of operation as lorry movements at the site are currently permitted at any time of the day or week.

The Chief Planner's Report gave a reasoned assessment of the proposal, referring to all relevant policies and summarising the comments and views of interested parties received prior to the meeting.

Member discussions and questions to the Officers (which included points arising from the issues raised by the Speakers) related to: the volume of HGV movements, disadvantages of having a tonnage cap, introduction of operational hours, proposed package for road improvements including safety measures, the potential impact on local residents, and pre-application discussions that had taken place with Plymouth City Council.

The matter having been debated and having regard to the main material planning policies and requirements, it was

**MOVED** by Councillor J Brook, and **SECONDED** by Councillor P Sanders and

**RESOLVED** that planning permission be granted subject to the applicant entering into a S106 obligation for the provision of offsite highway improvements and to bind the new planning permission to any obligations within the existing S106 agreements, together with the imposition of additional planning conditions relating to traffic control, Condition 19 of planning permission 9/42/49/0542/85/3 be varied as set out in Appendix 1 to this report (with any subsequent minor material changes being agreed in consultation with the Chair and Local Member).

(N.B. In accordance with Standing Order 32(4) Councillors A Connett, D Cox and J Hodgson requested that their votes against be recorded)

**51**      **County Matter: Minerals - North Devon District: Article 4 Direction to remove permitted development rights for mineral working for agricultural purposes**  
**Location: Codden Hill, Bishop's Tawton, Barnstaple**

(Mr Sarney and Mr Brock attended under the Public Participation Scheme and spoke in support of the application.  
(Councillor P Henderson attended (remotely) in accordance with Standing Order 25 and spoke in support of the application).

The Committee considered the report of the Chief Planner (CET/23/105) seeking the Committee's approval to confirm the non-immediate Article 4 Direction as originally made on 13 January 2023, covering the area shown edged red in Appendix 1 of the report, to remove permitted development rights for mineral working for agricultural purposes at Codden Hill, Bishop's Tawton.

The Chief Planner's Report gave a reasoned assessment of the proposal, referring to all relevant policies and summarising the comments and views of interested parties received prior to the meeting.

Member discussions and questions to the Officers (which included points arising from the issues raised by the Speakers) related to: impact of noise and nuisance on local residents, the effect of Article 4 direction not to prohibit development but to enable the planning authority to have control over the proposed development; explanation for the proposed date of 14 January 2024 for this to be effected - 12 months' notice was required; discussions with quarry owners; and clarification about an active appeal)

The matter having been debated and having regard to the main material planning policies and requirements, it was

**MOVED** by Councillor P Sanders, and **SECONDED** by Councillor J Hodgson and **RESOLVED** that:

- a) the non-immediate Article 4 Direction made on 13 January 2023 is confirmed with effect from 14 January 2024; and
- b) in the event of any intervention by the Secretary of State for Levelling Up, Housing and Communities requiring amendment of the Article 4 Direction, such amendment be delegated to the Chief Planner in consultation with the Chair and Local Member.

## 52 **Delegated Schedule**

The Committee received and noted the report of the Chief Planner (CET/23/106) on action taken under delegated powers.

### **NOTES:**

1. *Minutes should always be read in association with any Reports for a complete record.*
2. *If the meeting has been webcast, it will be available to view on the [webcasting site](#) for up to 12 months from the date of the meeting*

\* **DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 2.15 pm and finished at 3.13 pm