

To: **Members of the Planning & Regulation Committee**

## ***Notice of a Meeting of the Planning & Regulation Committee***

**Monday, 6 December 2010 at 2.00 pm**

**County Hall**

*Peter G. Clark.*

Peter G. Clark  
County Solicitor

November 2010

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*Members are asked to contact the case officers in advance of the committee meeting if they have any issues/questions of a technical nature on any agenda item. This will enable officers to carry out any necessary research and provide members with an informed response.*

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### **Membership**

Chairman – Councillor Steve Hayward  
Deputy Chairman - Councillor Mrs Catherine Fulljames

#### *Councillors*

Alan Armitage  
Tony Crabbe  
Anda Fitzgerald-O'Connor  
Jenny Hannaby  
Ray Jelf

Peter Jones  
Lorraine Lindsay-Gale  
David Nimmo-Smith  
Neil Owen  
G.A. Reynolds

John Sanders  
Don Seale  
John Tanner

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#### **Notes:**

- **Date of next meeting: 17 January 2011**

## Declarations of Interest

This note briefly summarises the position on interests which you must declare at the meeting. Please refer to the Members' Code of Conduct in Part 9.1 of the Constitution for a fuller description.

### **The duty to declare ...**

You must always declare any "personal interest" in a matter under consideration, ie where the matter affects (either positively or negatively):

- (i) any of the financial and other interests which you are required to notify for inclusion in the statutory Register of Members' Interests; or
- (ii) your own well-being or financial position or that of any member of your family or any person with whom you have a close association more than it would affect other people in the County.

### **Whose interests are included ...**

"Member of your family" in (ii) above includes spouses and partners and other relatives' spouses and partners, and extends to the employment and investment interests of relatives and friends and their involvement in other bodies of various descriptions. For a full list of what "relative" covers, please see the Code of Conduct.

### **When and what to declare ...**

The best time to make any declaration is under the agenda item "Declarations of Interest". Under the Code you must declare not later than at the start of the item concerned or (if different) as soon as the interest "becomes apparent".

In making a declaration you must state the nature of the interest.

### **Taking part if you have an interest ...**

Having made a declaration you may still take part in the debate and vote on the matter unless your personal interest is also a "prejudicial" interest.

### **"Prejudicial" interests ...**

A prejudicial interest is one which a member of the public knowing the relevant facts would think so significant as to be likely to affect your judgment of the public interest.

### **What to do if your interest is prejudicial ...**

If you have a prejudicial interest in any matter under consideration, you may remain in the room but only for the purpose of making representations, answering questions or giving evidence relating to the matter under consideration, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

### **Exceptions ...**

There are a few circumstances where you may regard yourself as not having a prejudicial interest or may participate even though you may have one. These, together with other rules about participation in the case of a prejudicial interest, are set out in paragraphs 10 – 12 of the Code.

### **Seeking Advice ...**

It is your responsibility to decide whether any of these provisions apply to you in particular circumstances, but you may wish to seek the advice of the Monitoring Officer before the meeting.

**If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.**

# AGENDA

1. **Apologies for Absence and Temporary Appointments**
2. **Declarations of Interest - see guidance note opposite**
3. **Minutes** (Pages 1 - 14)

To approve the minutes of the meeting held on 25 October 2010 and to receive for information any matters arising therefrom.

4. **Petitions and Public Address**
5. **Finmere Quarry Landfill** (Pages 15 - 32)

**Application 1- 10/01516/CM to continue development without complying with condition A3 of planning permission reference APP/U3100/A/06/2030592 (to extract sand and gravel from land south-west of Finmere, including the relocation of plant and restoration of the quarry using imported inert waste to agriculture, woodland and grassland) for an extension of the life of the development of the consented extension to Finmere Quarry.**

**Application 2 – 10/01515/CM to continue development without complying with condition B3 of planning permission reference APP/U3100/A/06/2030619 (extraction of sand, gravel and clay from land south of the current Finmere Quarry landfill facility for use at the site for landfill engineering) for an extension of the life of the development of the consented extension to Finmere Quarry.**

Report by Interim Head of Sustainable Development (**PN5**)

The report describes two applications to extend the end date of existing permissions at Finmere Quarry in Cherwell District. Planning permission has just been granted (in November 2010) to extend the period for commencement of these development by a further 3 years. Accordingly there is a need to extend the end date of existing permissions for application 1 by 3 years for application 2 by 5 years. The report outlines the consultation responses received, comments from third parties, relevant development plan and other policies and key considerations.

## ***Application 1***

***It is RECOMMENDED that planning permission for Application 10/01516/CM be granted subject to the same conditions attached to the earlier consents and covering the following matters:***

- (1) ***Detailed compliance condition;***
- (2) ***Commencement date – 3 years (October 2012);***
- (3) ***Extraction to cease by 2016 and deposit of waste cease by 2018;***
- (4) ***Extraction limited to sand and gravel and no clay extraction;***
- (5) ***Removal of buildings, plants and machinery within 1 year of cessation of mineral working;***
- (6) ***No commencement of mineral extraction until approved pre-development works including diversion of Bridleway 4 had been carried out;***
- (7) ***No construction of silt pond except in accordance with the approved plan;***
- (8) ***Display of copy of the permission and approved plans in the operator's office;***
- (9) ***No importation of aggregate to the site except from the adjacent permitted land;***
- (10) ***Restriction of permitted development rights;***
- (11) ***Carrying out of operation according to agreed operating hours;***
- (12) ***Use of access according to approved plans;***
- (13) ***No mud on the public highway;***
- (14) ***Carrying out of development in accordance with approved wheelwash system;***
- (15) ***No development shall take place except in accordance with approved dust suppression measures;***
- (16) ***Limitation on noise level (to agreed level);***
- (17) ***Effective silencers to be provided on plant, machinery and vehicles;***
- (18) ***Noise emitted from the site shall not contain any discrete continuous noise;***
- (19) ***Reversing vehicles shall not emit warning noise that may have adverse impacts on neighbours or properties;***
- (20) ***Chemical or fuel storage containers to be sited on impervious surface with bund walls;***
- (21) ***Repair, maintenance and refuelling of plant and machinery to take place on an impervious surface drained to an interceptor;***
- (22) ***No permanent dewatering of the Great Oolite Series aquifer. Temporary dewatering shall not take place except in accordance with an approved scheme;***
- (23) ***No external lighting to be installed at the site except in accordance with an approved scheme;***
- (24) ***No development to take place until the developer had secured implementation of a programme of archaeological investigation;***
- (25) ***No removal of trees or hedgerows to take place between 1 March and 31 August inclusive in any year;***
- (26) ***Mitigation measures for protected species according to approved scheme;***
- (27) ***No removal of trees containing bat roosts;***
- (28) ***Straw bales to be erected according to approved restoration plan;***
- (29) ***All disturbed areas of the site and all topsoil, soil making material and overburden mounds to be kept free from agricultural weeds;***
- (30) ***Temporary soil storage bunds to be grass seeded;***
- (31) ***All topsoil and subsoil to be permanently retained on site and used in restoration;***
- (32) ***Topsoil, subsoil and soil making material to be stripped in a dry and friable condition;***
- (33) ***Soil handling, storage and placement to be carried out in accordance with***

- the approved scheme;*
- (34) *Temporary soil storage bunds shall not exceed 5 metres in height;*
  - (35) *Restoration to be completed only in accordance with the approved restoration scheme;*
  - (36) *Detail of planting for grassland restoration area to be agreed;*
  - (37) *An aftercare scheme to be submitted within 5 years of the permission;*
  - (38) *Operator to provide a detailed annual aftercare programme before 31 March of every year during the aftercare period;*
  - (39) *Operator to arrange a site meeting before 31 March of every year during the aftercare period;*
  - (40) *No deposit of waste other than inert waste.*

## **Application 2**

***It is RECOMMENDED that planning permission for Application 10/01515/CM be granted subject to the same conditions attached to the earlier consents and covering the following matters:***

- (1) *Detailed compliance condition;*
- (2) *Commencement date – 3 years (October 2012);*
- (3) *Extraction to cease by 2017, deposit of waste to cease by 2018 and restoration to be completed by 2019;*
- (4) *Display of copy of the permission and approved plans in the operator's office;*
- (5) *Mineral excavated from the site not to be transported on to the public highway;*
- (6) *No quarry rejects materials to be imported to the site except from the permitted area;*
- (7) *No stockpiling of clay on site;*
- (8) *No soil stripping until Bridleway 7 has been temporarily diverted;*
- (9) *Restriction of permitted development rights;*
- (10) *Carrying out of operation according to agreed operating hours;*
- (11) *No extraction of mineral below the approved level;*
- (12) *Use of access according to approved plans;*
- (13) *Provision of a site access road before commencement of soil stripping;*
- (14) *Water bowser to be used to eliminate visible dust;*
- (15) *Limitation on noise level (to agreed level);*
- (16) *Effective silencers to be provided on plant, machinery and vehicles;*
- (17) *Noise emitted from the site shall not contain any discrete continuous noise;*
- (18) *Reversing vehicles shall not emit warning noise that may have adverse impacts on neighbours or properties;*
- (19) *Chemical or fuel storage containers to be sited on impervious surface with bund walls;*
- (20) *Repair, maintenance and refuelling of plant and machinery to take place on an impervious surface drained to an interceptor;*
- (21) *Clay to be retained at the base of any extraction of at least 1 metre thickness;*
- (22) *No permanent dewatering of the Great Oolite Series aquifer. Temporary dewatering shall not take place except in accordance with an approved scheme;*

- (23) *No external lighting to be installed at the site except in accordance with an approved scheme;*
- (24) *No development to take place in phase 2 until the developer has secured the implementation of a programme of archaeological investigation;*
- (25) *No removal of trees or hedgerows to take place between 1 March and 31 August inclusive in any year;*
- (26) *No removal of trees containing bat roosts;*
- (27) *All disturbed areas of the site and all topsoil, soil making material and overburden mounds to be kept free from agricultural weeds;*
- (28) *Temporary soil storage bunds to be grass seeded;*
- (29) *Straw bales to be erected according to approved restoration plan;*
- (30) *All topsoil and subsoil to be permanently retained on site and used in restoration;*
- (31) *Topsoil, subsoil and soil making material to be stripped in a dry and friable condition;*
- (32) *Soil handling, storage and placement to be carried out in accordance with the approved scheme;*
- (33) *Temporary soil storage bunds shall not exceed 5 metres in height;*
- (34) *Restoration to be completed only in accordance with the approved restoration scheme;*
- (35) *Detail of planting restoration area to be agreed;*
- (36) *An aftercare scheme to be submitted within 5 years of the permission;*
- (37) *Operator to provide a detailed annual aftercare programme before 31 March of every year during the aftercare period.*
- (38) *Operator to arrange a site meeting before 31 March of every year during the aftercare period.*

**6. Supergas Industrial Estate Witney - Application 10/1451/P/CM (Pages 33 - 44)**

**Change of use of parking/industrial area to a recycling/distribution area for paper, kitchen waste, glass, plastics, cans and cardboard including the sorting and baling of plastics, cans and cardboard. The construction of open bays for recyclables and three sided, open fronted structure to house bales and roof structure for kitchen waste. Erection of lighting columns. Erection of two portable buildings and one modular building to be used as offices, toilets and welfare facilities. Provision of parking for staff & visitors vehicles and refuse & recycling vehicles.**

Report by Interim Head of Sustainable Development (PN6)

This is an application for a recycling depot on an industrial estate on Down's Road in Witney. Recyclable waste collected from West Oxfordshire would be brought to the site to be sorted, stored and baled before being sent on for recycling at other facilities. Materials brought to the site would include glass, plastics, cans, cardboard and kitchen waste. The proposal complies with waste management policy and there have been no objections from statutory consultees. However, objections have been received from local residents and industrial unit occupants on the basis of the amenity impacts including noise, traffic, odour, pests. The Environmental Health Officer has asked for

further work to be done on noise which has led to changes to the layout and the addition of a noise barrier. The consultation on these amendments was ongoing at the time of writing the report. The final conclusions and a recommendation on the development will be set out in an addendum.

Final conclusions and a recommendation will follow in an addendum.

## **7. Relevant Development Plan and other Policies (Pages 45 - 52)**

Report by Interim Head of Sustainable Development (**PN7**).

This paper sets out policies for each of the applications at Items 5 and 6 above and should be regarded as an Annex to each report.

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### **Pre-Meeting Briefing**

There will be a pre-meeting briefing at County Hall on **Monday 6 December 2010** at **11.00 am** for the Chairman, Deputy Chairman and Opposition Group Spokesman.