

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 6 December 2010 commencing at 2.00 pm and finishing at 3.22 am

Present:

Voting Members:

Councillor Steve Hayward – in the Chair

Councillor Mrs Catherine Fulljames (Deputy Chairman)

Councillor Alan Armitage

Councillor Tony Crabbe

Councillor Jenny Hannaby

Councillor Peter Jones

Councillor Lorraine Lindsay-Gale

Councillor Charles Mathew (In place of Councillor Ray Jelf)

Councillor David Nimmo-Smith

Councillor Neil Owen

Councillor G.A. Reynolds

Councillor Rodney Rose (In place of Councillor Mrs Anda Fitzgerald-O'Connor)

Councillor John Sanders

Councillor Don Seale

Councillor John Tanner

Officers:

Whole of meeting

G. Warrington and R. Hanson (Law & Governance)

R. Dance and D. Groves (Environment & Economy)

Part of meeting

Agenda Item

5

Officer Attending

J. Hamilton (Environment & Economy)

6

M. Thompson (Environment & Economy)

The Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting, together with a schedule of addenda tabled at the meeting and decided as set out below. Except as insofar as otherwise specified, the reasons for the decisions are contained in the agenda, reports and schedule, copies of which are attached to the signed Minutes.

46/10 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

Councillor Ray Jelf

Councillor Anda Fitzgerald O'Connor

Councillor Charles Mathew

Councillor Rodney Rose

47/10 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 2)

Councillor	Item	Interest
Councillor Mrs C Fulljames	3. Minutes (Minute 45/10 Energy from Waste Facility, Ardley)	Personal and prejudicial. Member of Cherwell District Council but had taken no part in any planning decision. However, she had accepted on the advice of legal officers that she had a personal and prejudicial interest by reason of proximity. She had declared this interest again in the event that there was any substantive discussion under matters arising on the minutes.
Councillor Jenny Hannaby	9. Supergas Industrial Estate Witney – Application 10/1451/P/CM	Personal. Member of the Oxfordshire Waste Partnership. She advised that she had not expressed an opinion on this application in that capacity and therefore intended to participate in any discussion and voting thereon.
Councillor Steve Hayward	9. Supergas Industrial Estate Witney – Application 10/1451/P/CM	Personal & Prejudicial. Chairman of West Oxfordshire District Council's Environmental Scrutiny Committee. He advised that he intended to vacate the Chair and leave the meeting for the duration of the item.

48/10 MINUTES

(Agenda No. 3)

The minutes of the meeting held on 25 October 2010 were approved and signed.

Update on Revocation of Regional Spatial Strategies

Mr Dance advised the Committee on the latest position regarding the decision of the High Court to quash the revocation by the Secretary of State for Communities and Local Government of the Regional Spatial Strategies, and the challenge by Cala Homes regarding the Secretary of State’s letter describing the government’s intention to revoke the RSSs as a material consideration. Pending a decision on that challenge it was important that the Committee gave due weight to the South East Plan when considering applications before it.

Minute 43/10 – Ashgrove Farm, Ardley

Following advice from Councillor Mrs Fulljames regarding ongoing odour issues at this site officers advised that the operators Agrivert had confirmed that the Cassington operation was now up and running and would eventually take all food waste which was currently being processed at Ashgrove Farm. That transfer of operation was ongoing but they expected the situation at Ashgrove Farm to improve within a few weeks. Officers would continue to monitor the situation.

Minute 45/10 – Energy from Waste Facility, Ardley

Mr Dance advised that a decision was expected from the Secretary of State by 15 December 2010 on whether or not this application would be called in.

Dix Pit

Mr Dance advised that Controlled Reclamation Ltd had appealed a decision by the Planning & Regulation Committee taken in September 2009 to refuse an application at Dix Pit for installation and use of processing plant for making recycled aggregate from construction and demolition waste. The appeal had since been considered by an Inspector but no decision had yet been issued. It was conceivable that a judgment had been delayed due to the challenge to the government’s proposals to revoke the South East Plan. Officers also advised that they had that day written to the operator asking them to cease stockpiling material on the site.

49/10 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
5. Finmere Quarry Landfill) Mike Kerford-Byrnes) Guy Titman
6. Supergas Industrial Estate Witney	Carlo Criscuolo

50/10 FINMERE QUARRY LANDFILL

(Agenda No. 5)

In 2007 the Committee had granted permission for two applications at Finmere Quarry with conditions attached requiring a start date within three years. Neither

permission had yet been implemented. In November 2010 consent had been granted under delegated powers to extend the period for commencement and the Committee were now being asked to extend the end date of the existing permissions.

Mr Kerford-Byrnes referred to the long history of problems at this site. A further extension would mean residents having to endure yet further intrusive operations at this site with restoration put back many years. He considered the proposal contrary to Policy W7 and urged the Committee to refuse the applications.

Guy Titman stated that the extensions were required because of delays in implementation due to unexpected economic conditions and complications with land ownership. The only change being sought to the original permission was the end date for each. Many of the statutory consultees had not objected and Policy W7, referred to by Mr Kerford-Byrnes was not relevant. There was a need for sand and gravel in order to meet Oxfordshire's current landbank requirement and he urged the Committee to approve the application.

He responded to questions from:

Councillor Seale – restoration of the sand and gravel site would be to agriculture, wetlands and woodland and the clay extraction site to agriculture.

Councillor Sanders – refusal could jeopardise restoration. The applicant had wanted to complete the work within the originally agreed timescales but had not foreseen the economic downturn or problems of land ownership. He could not guarantee that there would be no further applications for extensions.

Councillor Mathew – the economic downturn could not have been foreseen and if the permission for sand and gravel extraction had lapsed a valuable mineral resource would have been lost. Land ownership complications had affected renegotiation of the contract.

Councillor Mrs Fulljames referred to the long history of non-compliance at this site and advised that she would not be supporting the applications.

Councillor Mathew considered the reasons given for the delay were ultimately commercial risks and did not in themselves justify changes to the original conditions.

Councillor Tanner considered that there were no planning reasons sufficient to warrant refusal of the applications and he moved and Councillor Hannaby seconded that the recommendations as set out in the officer report be approved.

The motion was put to the Committee and –

RESOLVED (by 11 votes to 3) that:

- (a) 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 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 should 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 should not contain any discrete continuous noise;
- (19) Reversing vehicles should not emit warning noise that might 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 should 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 should 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.
- (b) 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 had 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 should not contain any discrete continuous noise;
 - (18)** Reversing vehicles should not emit warning noise that might 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 should 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 had 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 should 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.

51/10 SUPERGAS INDUSTRIAL ESTATE WITNEY - APPLICATION 10/1451/P/CM
(Agenda No. 6)

The Committee considered an application for a recycling depot on the Downs Road industrial site in Witney.

The Chairman vacated the Chair and left the meeting for the duration of the item. Councillor Mrs Fulljames took the Chair.

Mr Criscuolo commended the proposal to the Committee. The site had been selected on grounds of proximity to markets, suitability of the adjacent road network and the surrounding industrial site. The applicants had undertaken extensive noise, odour and vermin control measures. This proposal would also afford some control over vehicle movements as the site currently had permission for parked vehicles with no control limits. The applicant currently operated 13 other sites and had extensive expertise in this field of operations which would enable more waste to be diverted from landfill and offer local employment opportunities.

He responded to questions from:

Councillor Armitage – food waste would not be collected and taken to processing sites separately but would be delivered to the Downs Road site, transferred to one large vehicle and taken from there to a processing site on a generally daily basis.

Councillor Seale – the development would allow waste collected within West Oxfordshire to be dealt with within the district and the contract was solely for West Oxfordshire.

Councillor Mrs Fulljames – food waste containers would be sealed and collected daily. This would help eliminate odour problems. The applicant would if necessary spray the containers with industrial deodorizers.

Councillor Owen then moved and Councillor Armitage seconded that the recommendation as set out in the addenda sheet be approved.

Following discussion regarding vehicle reversing systems officers undertook to explore the scope to achieve low noise lorry reversing warnings whilst meeting health and safety standards, and to include if possible appropriate control through a condition.

Councillor Crabbe then moved an amendment to add the following condition: subject to a reasonable weekly limit of vehicle movements to be agreed with the developer.

The amendment, seconded by Councillor Mathew was put to the Committee and lost by 8 votes to 5.

The original motion was then put to the Committee and –

RESOLVED (by 12 votes to 1, with one abstention) that subject to a routeing agreement to ensure that vehicles collecting material from the site must not use the B4477 to access the A40 and should turn left out of the site and left on the B4047 and onto the A40 and waste collection vehicles delivering to the site must not use the B4477 for any other purpose other than to collect from properties in and immediately adjacent to Minster Lovell village and not as a through route or short cut the development described in application 10/1451/P/CM be approved subject to conditions to be determined by the Deputy Director (Growth & Infrastructure) to cover matters to include the following:

1. Development in complete accordance with plans and details
2. Development to commence within 3 years
3. Submission, approval and implementation of surface water drainage scheme
4. Submission, approval and implementation of a scheme including:
identification of potential contaminants, site investigation, detailed risk assessment, remediation strategy and verification plan including monitoring, maintenance and contingency

5. Operating hours (Mon-Fri waste operations 07.00-18.00 and vehicle movements 05.00-19.00, no Saturdays, Sundays or Bank Holidays except Saturdays immediately following bank holidays, hours as for Mon-Fri)
6. Noise rating level from all site operations should not exceed the background noise level
7. Noise monitoring to be undertaken
8. Odour management plan to be submitted and agreed
9. Pest management plan to control insects and vermin to be submitted and agreed
10. Site lighting in accordance with an agreed plan
11. Layout as approved
12. Glass tipping operations only in area indicated
13. Detailed elevations to be submitted and approved including details of materials

..... in the Chair

Date of signing