

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 7 March 2011 commencing at 2.00 pm and finishing at 4.20 pm

Present:

Voting Members:

Councillor Steve Hayward – in the Chair

Councillor Mrs Catherine Fulljames (Deputy Chairman)

Councillor Tony Crabbe

Councillor Mrs Anda Fitzgerald-O'Connor

Councillor Jenny Hannaby

Councillor Ray Jelf

Councillor Peter Jones

Councillor Lorraine Lindsay-Gale

Councillor David Nimmo-Smith

Councillor Anne Purse (In place of Councillor Alan Armitage)

Councillor G.A. Reynolds

Councillor John Sanders

Councillor Don Seale

Councillor John Tanner

Councillor David Wilmshurst (In place of Councillor Neil Owen)

Other Members in Attendance:

Councillor Michael Gibbard (for Agenda Item 5)

Officers:

Whole of meeting

Graham Warrington and J. Crouch (Law & Governance);
Rob Dance and David Groves (Environment & Economy)

Part of meeting

Agenda Item

Officer Attending

5.

J. Hamilton (Environment & Economy)

6.

M. Islam (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.

1/11 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

Apology from

Temporary Appointment

Councillor Alan Armitage
Councillor Neil Owen

Councillor Anne Purse
Councillor David Wilmshurst

2/11 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 2)

| Councillor | Item | Interest |
|-----------------|--|--|
| Mrs C Fulljames | <p>5. Construction and use of a digestate slurry lagoon, land at Worton Farm, Yarnton</p> <p>6. Continuation of the winning and working of sand and gravel with restoration using suitable imported materials without complying with the requirements of condition 2 in order to extend the time period for extraction until December 2015 and the time period for restoration until December 2017 to allow sufficient time for the working of material from beneath the plant site at Cassington Quarry, Worton, Witney</p> | <p>Personal. Member of Cherwell District Council Planning Committee. She advised that she had not expressed an opinion on either application item in that capacity and therefore intended to participate in discussion and any voting on both items.</p> |
| George Reynolds | <p>5. Construction and use of a digestate slurry lagoon, land at Worton Farm, Yarnton</p> <p>6. Continuation of the winning and working of sand and gravel with restoration using suitable imported</p> | <p>Personal. Member of Cherwell District Council Planning Committee. He advised that he had not expressed an opinion on either application in that capacity and therefore intended to participate in discussion and any voting on both items.</p> |

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|--------------------------|-------|--|--|
| | | materials without complying with the requirements of condition 2 in order to extend the time period for extraction until December 2015 and the time period for restoration until December 2017 to allow sufficient time for the working of material from beneath the plant site at Cassington Quarry, Worton, Witney | |
| Councillor John Tanner | | 5. Construction and use of a digestate slurry lagoon, land at Worton Farm, Yarnton | Personal. Member of the Oxford Waste Partnership. He advised that he had not expressed an opinion on this application in that capacity and therefore intended to participate in any discussion and voting thereon |
| Councillor Jenny Hannaby | Jenny | 5. Construction and use of a digestate slurry lagoon, land at Worton Farm, Yarnton | Personal. Member of the Oxford Waste Partnership and Vale of White Horse District Council Cabinet Member for Waste. She advised that she had not expressed an opinion on this application in either capacity and therefore intended to participate in any discussion and voting thereon. |

3/11 MINUTES

(Agenda No. 3)

The minutes of the meeting held on 6 December 2010 were approved and signed.

Minute 48/10(Minute 45/10) Update on application by Viridor - Ardley EfW

Mr Dance advised that on 17 February 2010 the Secretary of State had allowed the appeal against refusal of the application.

Minute 48/10 - Dix Pit, Sutton Courtenay

Mr Dance advised that no decision had yet been issued in the matter of an appeal by the applicants against refusal.

Manor Farm, Peppard

Mr Dance advised that an appeal into refusal of this application had been dismissed and the refusal upheld.

4/11 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

| <i>Speaker</i> | <i>Item</i> |
|----------------------------|---------------------------------|
| Simon Eaton |) |
| Harry Waters |) 5. Slurry Lagoon, Worton Farm |
| Councillor Michael Gibbard |) |
| Dr Fred Wright |) |
| Clive Wilkinson |) 6. Cassington Quarry |
| Paul Williams |) |

5/11 CONSTRUCTION AND USE OF A DIGESTATE SLURRY LAGOON, LAND AT WORTON FARM, YARNTON

(Agenda No. 5)

The Committee considered (PN5) an application to construct a slurry lagoon to store digestate produced from an anaerobic digestion plant at Worton Farm.

Simon Eaton referred to local support for the original AD proposal which had recognised potential benefits to the environment and had contained adequate health, environmental and odour controls. However, the current proposal for an open lagoon, the largest of its type in the UK, presented considerable risks for health and the environment as well as being in the Green Belt. He referred to industry standard PAS110 regarding certification of the digestate stored within the lagoon and the need to store such material under cover in order to minimize risk of recontamination and gaseous emissions. An independent examination had suggested that the material had a rich nutrient value and while pasteurization was an effective treatment the digestate was prone to recontamination with an enhanced risk of medical infections from wind borne pathogens and bacterial spores. The current proposal allowed for a 200% increase in storage capacity to 60,000 tonnes in a very large open lagoon. He referred to a similar enterprise in Devon which had used bags to store digestate and if the Committee were minded to approve the application it should be modified to allow for temporary permission to enable the site to be restored to Green Belt with alternative farm storage found which the Company had so far failed to do. There were enormous risks and local residents should be afforded protection.

He responded to questions from:

Councillor Tanner – he was not aware of any odour problems emanating from the Devon operation.

Councillor Hannaby – the footpath running alongside the site was well used and approximately 20 metres from the boundary of the site.

Councillor Seale – there had been support for the original proposal even though it had been in the green belt as it had been proposed to store material in vessels but the subsequent proposal was bigger, would produce more material and would be stored in an open lagoon. Residents recognised the benefits of the process but wanted to find a solution which minimised the risks. They would be happy with a cover even though it would have a greater impact on the green belt.

Councillor Fitzgerald-O'Connor – the digestion process at Worton took longer than the process in Devon so the end product was less concentrated but could nevertheless present a health problem.

Harry Waters referred to three issues regarding this application and process. Firstly the process involved a longer digestion period which meant bugs would not survive and odour problems would be removed. He confirmed that there had been no reported problems concerning odour. Secondly regarding health concerns all relevant agencies had stated that there were no exceptional risks. Independent tests had been carried out and material would be clear of bugs at the end of the digestion process. It was proposed to monitor airborne bacteria but the risks of recontamination were no greater than those presented by existing areas of standing water. Thirdly regarding the green belt the lagoon would significantly reduce the need to transport material off site and it had been estimated that local storage would reduce HGV movements by up to 2,000 pa. Covering the lagoon would present significant operational difficulties and all professional bodies/agencies had stated that that would not be required. However, if there were significant problems then the Company had undertaken to review the process immediately.

He responded to questions from:

Councillor Hayward – the digestion process at Worton was considerably longer than at the Devon facility where material was stored in a semi digested state and therefore more smelly.

Councillor Seale – Agrivert were looking to reduce HGV movements and this proposal would do that. It would be feasible to cover the facility although there would be significant difficulties. Alternatives such as storage in bags also presented difficulties such as greater land take with bags prone to filling with sediment very quickly. A tank system would need 2 very large tanks severely reducing the environmental credentials of the operation.

Councillor Sanders – he could not guarantee that there would be no recontamination but a longer digestion period had been set in order to minimise that risk. He stressed that there was a risk of recontamination from local land.

Councillor Crabbe – material consisted of a black liquid with a 6% dry solid content. Rain water would not affect its basic state and the facility had been designed to take up maximum rainfall.

Councillor Reynolds – the end material was high in nitrogen with no heavy metal content which could be readily absorbed because of its liquid state. Agrivert were familiar with regulations relating to spreading such material.

Councillor Jones – statements regarding the size of the lagoon had been exaggerated and because of the long digestion period there was nothing in the final material to attract flies.

Councillor Purse – the accommodation for rainfall storage had been calculated on the basis of 1 in 1,000 year flood event and recommended by the Environment Agency in the flood risk assessment.

Councillor Hannaby – he was disappointed that Nicola Blackwood had not contacted him to discuss the application as he was confident he would have been able to allay some of her fears. He reiterated the lack of objection from various agencies and was confident that the integrity of the adjacent footpath could be preserved.

Councillor Lorraine Lindsay-Gale – the Company had tried unsuccessfully to negotiate contracts with local farmers. However, there was a market for this end product and the Company would continue to pursue that. In the meantime it was beneficial to have local storage next to a local outlet.

Councillor Michael Gibbard speaking as local member referred to concerns in 2008 regarding the original application when reassurances had been given that nothing would escape from the process and there would be a maximum of 20,000 tonnes, all of which would be disposed of on local farms. Those levels had now risen to 60,000 tonnes with no means of disposal and local residents were left with a state of the art AD facility but with an open lagoon. Permission was now being sought to meet special circumstances which had arisen from an unsuccessful marketing strategy by the applicant. The lagoon had already been constructed and if agreed posed a huge potential environmental risk. He was surprised there had been no request from the Environment Agency to cover the facility and referred to references which had been made to PAS110 controls. He considered any permission would be unsafe and that a temporary permission should be granted for one year to enable an alternative marketing strategy to be established and a sealed cover provided.

Mr Hamilton presented the report and suggested a possible additional condition requiring the operator to establish a satisfactory complaints procedure. He also confirmed that the Environment Agency would, through the permit process, monitor emissions and was satisfied that the proposed conditions should meet concerns expressed regarding amenity and health issues.

Responding to:

Councillor Sanders - he confirmed that the Environment Agency had not objected to the open lagoon which had been designed to take the proposed level of material and flood water based on a 1 in 1000 year event. No surrounding farms had agreed to take material other than Hall Farm but exportation of material off site to the A40 could be conditioned. It would also be possible to impose a maximum figure on the time allowed for processing material in the digestion period. If a temporary permission was granted then it would require a reasonable period of time to be set and the recommendation now before the Committee amended to remove the request to secure contributions towards provision for public access.

Councillor Hayward – if odour problems occurred then the process would stop until those problems had been satisfactorily dealt with.

Councillor Seale – the site already had a local liaison committee which met regularly and was attended by a planning officer and chaired by the Local Member. No wildlife issues had been raised during consultation.

Mr Dance confirmed that the AD plant had been considered carefully against green belt policy taking into account good transport links, close location to markets and other existing operations nearby.

Councillor Hannaby expressed some concerns regarding the potential effect on the adjacent footpath and the permanency of the operation. However, based on the promise of fewer hgv movements and proper enforcement she was willing to accept the opinion of experts regarding levels of risk.

RESOLVED: (on a motion by Councillor Hannaby, seconded by Councillor Tanner and carried 13 votes to 1) that subject to a legal agreement to secure a contribution of £17,746 to the public access/pedestrian/cycle routes that planning permission be granted for the development proposed in Application 10/01852/CM subject to conditions to be determined by the Deputy Director for environment & Economy (Growth & Infrastructure) but to include the matters set out below.

Conditions to include:

1. Compliance condition.
2. Commencement date.
3. Site used for digestate slurry from the AD plant only.
4. Floodlighting details, only intruder lighting out of hours.
5. Development to be carried out in accordance with submitted planting scheme.
6. Bund and fencing to be erected in accordance with agreed plan
7. Effective silencers.
8. Site signage on A40 to be kept to a minimum.
9. Sweeping on and adjacent to the site.
10. Odour Control scheme to be submitted and agreed (to include temporary cessation of pumping and temporary cover if required).
11. Sustainable surface water drainage scheme to be submitted.

12. To ensure that other than for access to immediate local farm(s) all traffic to use the haul route onto the A40 to avoid unnecessary traffic through local villages.

EIA Informative: for flood risk and water courses, environmental permit, contamination and hydrology.

Local liaison arrangements (which already existed encompassing all operations on the Cassington site) to be strengthened

To seek to set a minimum period of time which food waste spent in the digestion process.

6/11 CONTINUATION OF THE WINNING AND WORKING OF SAND AND GRAVEL WITH RESTORATION USING SUITABLE IMPORTED MATERIALS WITHOUT COMPLYING WITH THE REQUIREMENTS OF CONDITION 2 IN ORDER TO EXTEND THE TIME PERIOD FOR EXTRACTION UNTIL DECEMBER 2015 AND THE TIME PERIOD FOR RESTORATION UNTIL DECEMBER 2017 TO ALLOW SUFFICIENT TIME FOR THE WORKING OF MATERIAL FROM BENEATH THE PLANT SITE AT CASSINGTON QUARRY, WORTON, WITNEY
(Agenda No. 6)

The Committee considered (PN6) an application to continue existing sand and gravel operations at Cassington Quarry for another 5 years until December 2015 with restoration by 2017 to allow time to work material beneath the processing plant site and retain the processing plant for the same period.

Dr Wright highlighted a number of complaints and comments.

- Eynsham Parish Council had not been formally consulted on this application even though it affected Eynsham. The report itself had mentioned the outstanding Eynsham mineral application. The Parish Council had asked for the matter to be deferred.
- The original permissions from 1986 stated that all buildings, plant and machinery should have been removed once mineral extraction had ceased. That had occurred in March 2009. No excavations were to be undertaken after 31 December 2010.
- Illogicality of the application in that it sought to extract material from under the existing plant site yet retain that plant in situ in case permission was granted for the Eynsham application. It represented nothing more than a ruse to keep open the Eynsham application which should have been considered long ago. He referred to changes in land ownership for the Eynsham application and that the Eynsham area was outside the Local Plan until the new policy framework was in place in 2012.
- He reiterated the major concerns of West Oxfordshire District Council referring specifically to the knock on effect of the undetermined application at Eynsham and the location of the processing plant; use of the site should have already ceased; ongoing use of the site could adversely affect operations at the neighbouring recycling plant and the AD site; excessive time scale for this

operation and the delaying tactics of this application pending determination of the Eynsham application, which could set a precedent for further extraction elsewhere in the Evenlode valley.

He urged the Committee to defer a decision or refuse the application. If the Committee were minded to approve then a condition should be attached requiring that the plant be immediately dismantled.

Clive Wilkinson referred to the EIA which had met some of the Parish Council's concerns. However, he concurred with the view that the application was merely buying time for the Eynsham application and had little to do with winning the remaining reserves. Cassington had endured these operations in the green belt for years expecting it to cease in 2010. Approval of an extension now would add substantially to traffic levels, dust, noise etc and he catalogued a history of incidents reported to the Local Liaison Committee. The Parish Council considered the County Council should have started enforcement proceedings for the removal of the plant some time ago as working at the quarry had ceased 21 months ago. There was a lack of commerciality for the application and he asked where the plant would go when the land underneath had been worked. He asked the Committee to refuse the application.

Paul Williams stated that:

- Cassington Quarry was a good quarry incorporating a conveyor belt and haul route. It was 400 meters from the nearest dwelling, 800 from Cassington and well screened. The extension would not mean increased traffic or environmental intrusion.
- Cassington Quarry was an asset to the local community and economy paying a business rate of 40p per tonne of material. Working the remaining reserves would generate £150,000 in business rates and aggregate levy. Important nature habitats would also be conserved.
- The application would provide a valuable reserve and help to maintain the County's landbank which was currently at the required level but included material at Cassington. Failure to approve this application would sterilise the material and although there was currently a reduction in demand the industry had to adopt a more circumspect view with regard to future demand.
- The quarry was a fundamental part of the County strategy and if refused could undermine the strategy recently agreed by the Cabinet.

He urged the Committee to approve the application having due regard to the responses from statutory consultees none of whom had raised an objection.

He responded to questions from:

Councillor Crabbe – a months delay if deferred would not have a serious impact but he questioned if it was really necessary to do that.

Councillor Sanders - as an extension this application represented an important strategic site. The site had been maintained in order to process material won in this area. He didn't think the site would remain operational for 5 years with 2 years a more reasonable timescale.

Mr Dance referred to concerns regarding the consultation process which had been undertaken for this application. The decision not to consult Eynsham Parish Council had been taken because the processing plant area was about 3 km from Eynsham Parish boundary and 4 km from the village itself. Yarnton Parish Council had been consulted as the host parish with Cassington Parish as immediate neighbours. It was appreciated that there was an indirect consequence of this development for Eynsham parish which related to a current planning application for sand and gravel extraction south of Cassington Lane and to Oxfordshire's emerging minerals and waste development plan. However, these matters had been adequately covered in the main report. Officers had felt that the statutory obligations had been met and the Committee could therefore consider the application. He added that he would look to resolve the application for sand and gravel extraction south of Cassington Lane within the next 3 months.

RESOLVED: (on a motion by Councillor Hannaby, seconded by Councillor Sanders and carried 12 votes to 0) that planning permission be granted for Application 10/01929/CM subject to those heads of conditions set out in planning permission W2001/1729 and 02/00602/CM together with additional heads of conditions numbers 6 and 10 as set out in Annex 1 to the report PN6 except that condition 2 should now read 'Except with the express written consent of the Mineral Planning Authority: (a) No excavations shall be undertaken or continued after 31 December 2015; (b) all restoration shall be carried out and completed not later than 31 December 2017'.

..... in the Chair

Date of signing