

## PLANNING & REGULATION COMMITTEE

**MINUTES** of the meeting held on Monday, 2 July 2018 commencing at 2.00 pm and finishing at 2.55 pm

**Present:**

**Voting Members:** Councillor Les Sibley – in the Chair

Councillor Jeannette Matelot (Deputy Chairman)  
Councillor Mike Fox-Davies  
Councillor Stefan Gawrysiak  
Councillor Bob Johnston  
Councillor Glynis Phillips  
Councillor G.A. Reynolds  
Councillor Judy Roberts  
Councillor Dan Sames  
Councillor John Sanders  
Councillor Alan Thompson  
Councillor Richard Webber  
Councillor Ian Hudspeth (In place of Councillor Mrs Anda Fitzgerald-O'Connor)

**Officers:**

Whole of meeting G. Warrington & D. Mytton (Law & Governance); C. Kenneford, D. Periam and K. Broughton (Planning & Place)

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

### 26/18 ELECTION OF CHAIRMAN

(Agenda No. 1)

**RESOLVED:** that Councillor Les Sibley be appointed Chairman for the Council year.

**27/18 ELECTION OF DEPUTY CHAIRMAN**

(Agenda No. 2)

**RESOLVED:** that Councillor Jeanette Matelot be appointed Deputy Chairman for the Council year.

**28/18 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS**

(Agenda No. 3)

<i>Apology for Absence</i>	<i>Temporary Appointment</i>
Councillor Anda Fitzgerald-O'Connor	Councillor Ian Hudspeth

**29/18 MINUTES**

(Agenda No. 5)

The minutes of the meeting held on 14 may 2018 were approved and signed.

*Minute 24/18 - Application MW.0015/18 withdrawn by the applicants*

**30/18 PETITIONS AND PUBLIC ADDRESS**

(Agenda No. 6)

<i>Speakers</i>	<i>Item</i>
Dr Anna Hoare Derek Allan	8 - Wicklesham Quarry - Application MW.0084/17

**31/18 SECTION 73 APPLICATION TO VARY CONDITIONS 1 AND 13 OF PLANNING PERMISSION P15/V2384/CM (MW.0134/15) TO ALLOW FOR BUNDS TO BE RETAINED ON THE SITE AND TO INCORPORATE THEM INTO A REVISED RESTORATION SCHEME AT WICKLESHAM QUARRY, SANDSHILL, FARINGDON, OXON, SN7 7PQ - APPLICATION NUMBER MW.0084/17.**

(Agenda No. 8)

The Committee considered PN8 a planning application to allow a change in the restoration of the quarry site in order to retain some earth mounds, alter the contours of the final landform and make some alterations to the final ponds on the site.

The report having outlined the relevant planning policies, identified the main issues with the application, which were the effect on the local amenity, biodiversity and landscape concluded that the proposed changes would allow for an acceptable restoration and therefore recommended approval subject to conditions.

Presenting the report Mr Broughton pointed out that the revised application was not significantly different to the original restoration proposal. The contours on the site needed to be resolved to aid restoration to agriculture as the site was very wet in winter. The site had been partially restored but a few changes were now required to finalise the scheme. There would be no further import of material.

He then responded to questions from:

Councillor Johnston – the revised ditch proposal did not run on to the other pond. He referred to photographs taken on a site visit in 2017 which confirmed that the site was sometimes wet although it was dry at the moment.

Councillor Matelot – the ponds would not be used for livestock and a fenced buffer zone would be erected to prevent access.

Councillor Roberts – he was unable to confirm the number of geological visits made to the site. In response to a second question he confirmed there were no proposals to import any more material onto the site other than what was already there.

Anna Hoare spoke against the application. She referred to a number of conclusions set out in the 2009 report by Enzygo which, despite the position and nature of bodies of water within the site varying considerably over time, had appeared to support the presence of a good/medium sized population of breeding great crested newts. The report also identified that the presence of this great crested newt population was a material consideration for decisions regarding the formation of plans to restore the existing void and that that restoration, because of the presence of great crested newts would need to be carried out under the auspices of a Conservation Regulations licence to be obtained from Natural England. She went on to explain that the Enzygo report further stated that the ponds were not temporary nor formed of standing water but were fed by groundwater and that in addition to the four ponds there were a number of more temporary areas of standing water all supported primarily by groundwater. Although some of the areas were transitory in nature any design needed to seek to preserve a proportion of open water throughout the year.

Irregular and uneven edges around the ponds, should be allowed to colonise with flora and fauna naturally to assist in creating and maximising ecotones. However, she explained that that had not happened and alleged damage had been caused between May and October 2016. It was during that period when enforcement action had been taken against Grundon Ltd to carry out restoration and a complaint made to the Wildlife Crime Officer at Thames Valley Police. Natural England claimed to have had no knowledge of the ponds before issuing a Mitigation Licence in 2017 when damage had already been caused. There was concern locally that the ponds had been deliberately filled in and trees and vegetation cut down. Representations made to governing authorities had been dismissed and a mitigation Licence had been issued too late to afford protection. One of the main planks of the Enzygo report had been to ensure and maintain flora and fauna and levels of biodiversity. Clearly that had not been done. Therefore, local people were requesting an up to date survey of the ponds by Enzygo Ltd to ascertain their condition, reverse any damage and restore the ponds according to the original planning conditions. There should be no alteration to those conditions or any certificate of completion of a restoration scheme issued until the ponds had been fully restored.

She then responded to questions from:

Councillor Johnston – she couldn't say why the ponds had been filled in intentionally but she was aware of commercial interests to develop the site.

Councillor Sames – she felt the recommendation before the Committee if implemented would be meaningless. This was an SSSI and biodiversity was important.

Councillor Phillips – soil had been imported which should have been for the restoration of the quarry.

Mr Broughton then confirmed that soil had been brought in for restoration work and the company had stated that what was there now would be sufficient to complete the work as proposed in the application.

Derek Allan then spoke on behalf of Grundons. He confirmed he was a certified ecologist and as such was fully aware of all current guidelines and practices. The application before the Committee set out terms for correct restoration. The SSSI status had not been disturbed, the ponds continued to exist and he confirmed that Grundons had not carried out any infilling. The area was very dry now with no groundwater run off to the ponds because of the inadequate levels on site. All works had been carried out under the control of Enzygo and Natural England had accepted continuation of works by Grundons. He confirmed some vegetation had been removed by the landowner for scrub control and in his view that would have helped the colony of newts. There was some historic fencing there which was not part of the original licensing and currently no water there to survey because of the natural hydrology. The bunds had been retained due to badger setts and breeding sand martins.

He then responded to questions from:

Councillor Johnston – he confirmed ponds were fed by run-off water and the works proposed would assist and restore that.

Councillor Roberts – he thought there had been approximately 6 arranged educational/ecological visits to the site in the last 18 months. He also confirmed that the breach of the newt barrier could have improved access for them.

Councillor Sanders – no newts had been seen during supervision works.

Councillor Matelot – the company were fully committed to a September 2018 completion date.

Councillor Reynolds accepted that the ponds would be dry most of the time but was concerned that soil had not been replaced on the quarry floor in the way that it should have been. The soil in the bunds needed to be used to restore the floor of the quarry.

Councillor Johnston felt minded to agree the application subject to assurances that reprofiling would result in run-off and that in time the ponds would return.

Mr Broughton replied that reprofiling would be carried out to original approved plans so he assumed that that would happen but as he was not a hydrologist he was not qualified to give an assurance that would be the case. He stated that he could only point to the changes in the application from the approved permission.

Responding to Councillor Gawrysiak Mr Broughton confirmed there was no major difference in reprofiling but the current application would provide more contours which in turn would provide a gentler slope to help water run-off. The intention being to get as close to the original approved plan as possible.

To Councillor Thompson he confirmed access was by appointment only.

Responding to Councillor Fox-Davies regarding the pictures taken by the County Council's Monitoring Officer which had showed vegetation removed Mr Periam advised that failure to restore the quarry in accordance with approved plans had prompted a Breach of Condition notice. Furthermore, if this application was not approved then the existing plan would be in force and a decision would then need to be taken whether to prosecute or not. That would not help to get the site restored and he believed this current application offered the best opportunity to achieve a satisfactory outcome.

**RESOLVED:** (on a motion by the Chairman, seconded by Councillor Matelot and carried 9 votes to 1 with 3 abstentions recorded that planning permission for application no. MW.0084/17 be approved subject to conditions to be determined by the Director for Planning and Place but to include the following:

- 1) The development should be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application (and letters/e-mails of amendment) except as modified by conditions of this permission. The approved plans and particulars comprised:

- Application form dated 30/08/2017
  - Letter dated 29/08/2017
  - Supplemental Letter dated 17/04/2017
  - Ecology Statement dated 29/08/2017
  - Enzygo Method Statement dated 16/04/2018
  - Site Restoration Plan - Drawing no. DG/QO/WIC/RES/01 Rev D
  - Cut and Fill balance to achieve restoration levels as per drawing no. DG/QO/WIC/RES/01 Rev D
  - Site Location Plan - Drawing No: DG/OO/WIC/TEMP/02.
  - Aftercare Scheme set out in paragraph 3.0 onwards in the approved Restoration and Aftercare Scheme dated December 2012.
  - Conservation of geological interest features of SSSI Plan - Restoration and aftercare scheme dated December 2012 subject to revised restoration plan - DG/QO/WIC/RES/01 Rev D.
- 2) The works relating to the restoration and aftercare of the site should be carried out only between the following times: 0700 to 1800 hours Mondays to Fridays and 0700 to 1300 hours on Saturdays; no operations should take place at any time on Sundays or recognised public holidays.
- 3) The site should be completely restored by 30 September 2018 in accordance with the approved restoration scheme DG/QO/WIC/RES/01 Rev D.
- 4) No reversing beepers, other than those emitting white noise, should be fixed to, or used on, any mobile plant.

#### Informative

“All bird nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended) which makes it illegal to intentionally take, damage or destroy the nest of any wild bird while it is use or being built. Therefore, no removal of [trees, scrub, hedgerows, and grassland] should take place between 1st March and 31st August inclusive to prevent committing an offence under the Wildlife & Countryside Act 1981 (as amended). If any protected species [e.g. bats, badgers, dormice, otters, water voles, reptiles, amphibians, and breeding birds] are found at any point, all work should cease immediately. Killing, injuring or disturbing any of these species could constitute a criminal offence. Before any further work takes place a suitably qualified ecological consultant should be consulted for advice on how to proceed. Work should not recommence until a full survey has been carried out, a mitigation strategy prepared and licence obtained (if necessary) in discussion and agreement with Natural England. It is recommended that the native trees and seeds to be used in the restoration scheme are of UK (or ideally more local) provenance. For example, the Flora Locale website gives contact details for suppliers of UK provenance seed and plants: <http://www.floralocale.org/HomePage> A Habitat Regulations licence from Natural England for great crested newts may be required to make this permission lawful.”

PN3

..... in the Chair

Date of signing .....