

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 4 September 2023 commencing at 2.00 pm and finishing at 2.45 pm

Present:

Voting Members: Councillor Geoff Saul – in the Chair
Councillor Richard Webber (Deputy Chair)
Councillor Robin Bennett
Councillor Yvonne Constance OBE
Councillor Imade Edosomwan
Councillor Mohamed Fadlalla
Councillor Ted Fenton
Councillor Stefan Gawrysiak
Councillor Judy Roberts
Councillor David Rouane
Councillor Les Sibley
Councillor Ian Snowdon

By Invitation:

Officers:

Whole of meeting David Periam, Development Management Team Leader
Mary Hudson, Principal Planning Officer
David Mytton, Solicitor
Shilpa Manek, Democratic Services Officer

1/23 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

Apologies for absence were received from Councillor Felix Bloomfield and Councillor Ted Fenton was substituting.

2/23 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE BELOW

(Agenda No. 2)

There were no declarations of interest received.

3/23 MINUTES

(Agenda No. 3)

It was **RESOLVED** that the minutes of the meeting held on 17th and 18th July 2023 be confirmed as a true record and signed by the Chair, subject to the following amendments:

- Add 'Councillor' in front of Oxford City Councillor and District Councillor names.

- Amend Oxfordshire City Council to Oxford City Council.
- Amend minutes to read: There was not enough information provided to make a decision and no opportunity of a fly-through of the proposal. Councillor Middleton requested a fly-through and this was presented after the lunch break, after concerns were raised by Members.
- Page 9 – Paragraph starting “Councillor Constance” – Amend to read Councillor Constance understood that it was not funded by council tax.
- Page 18 – to check what Owen Jenkins said about safeguarded land in South Oxfordshire District Council. This was checked and not accepted.

Councillors Bennett, Constance, Edosomwan, Fadlalla, Roberts, Saul and Webber voted to approve the minutes.

4/23 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

The FCC Environment UK Limited representative, Mr Mark Cheetham, had requested to address the Committee on Item 5.

5/23 SUTTON COURTENAY LANDFILL SITE, APPLEFORD SIDINGS, OX14 4PP

(Agenda No. 5)

The Principal Planning Officer, Mary Hudson, introduced the report and provided a presentation to the Committee. A correction to Table 1 on page 27 was pointed out.

The application was considered by the Planning and Regulation committee on 5th June 2023 and deferred pending further information. The requested information had been provided and considered and therefore, the application was being brought back to the Committee for decision. The application was a Section 106A application to amend a legal agreement associated with an existing planning permission. The applicant proposed to remove the hinterland obligation so that there would be no geographical limitation on the source of waste. They also proposed a change to the timescale for delivery of a permissive path.

There were no changes to the recommendation of the June report. It was recommended that the application be approved, and a deed of variation was entered into, to amend the legal agreement.

The recommendation was that

- i) Oxfordshire County Council enter into a deed of variation to amend the existing Section 106 legal agreement with regards to removing the hinterland restriction and amending the date for the provision of a permissive path.
- ii) The Director of Planning, Environment and Climate Change is authorised to enter into negotiations with the applicant and any other parties to the legal agreement with regard to making the variations set out in this report.

The following points of clarification were provided in response to questions and matters raised by the Committee:

- The only options were to retain or scrap the boundary, it could not be expanded.
- The waste was coming from places that had not been expected, however there had been no information that the approved route was being breached.
- The legal agreement had been scoped very carefully and it ensured that the waste from other places was not included.
- If the forecasts were met, the landfill would be filled by 2030.

The FCC Environment UK Limited representative, Mr Mark Cheetham, Regional Manager for South of England informed the Committee that the proposed change to the footpath was because of the timing of the delivery, there were no proposed changes to the alignment on the north or south of the path. The reason for the delay was because of the continued operation of Hanson and Forterra on the site and it would not be safe to have public access there. The current footpath diversion would remain in place so could be safely used in the interim. The application was to extend the timeline to 31st December 2030 to coincide with the current operation of the landfill.

The hinterland application relates to a non-hazardous landfill site permitted by the Environment Agency, which played a strategic role in providing a disposal point for predominantly construction and demolition for commercial and industrial waste. The adopted Oxfordshire Minerals and Waste Core Strategy did not support the imposition of catchment areas on waste management facilities, including landfills. The Strategy acknowledged Oxfordshire imported substantial quantities of waste from other areas and the trend was expected to continue.

The S106 agreement from November 2008 imposed a restriction on the waste that could be disposed of the site known as the hinterland restriction. Hinterland restrictions such as this were used to provide strategic assets to safeguard void for their own arisings. There was no longer a need to safeguard the site for municipal waste. Now the hinterland restriction conversely functioned the barrier to the successful completion of the infilling and restoration of the site within the current consented operational timeframes, since limited to a much smaller area. The waste inputs needed to be maintained at 300 – 350,000 tonnes per annum to be able to complete the site by the current planning end date, 31st December 2030. The planning consent was conditioned to restrict annual waste enforced to no more than 350000 tonnes per annum by road. The removal of the hinterland restriction would therefore not result in an increase of HGV movements. The removal of the hinterland would simply provide a wider area to maintain the levels.

Councillor Webber took the opportunity to invite the speaker to attend a Local Liaison Committee, as Chair of the Committee, to inform the local residents of the facts. Councillor Webber asked for confirmation that the 2030 target would be met and was reassured that if the hinterland restriction was removed, there would be more confidence that the 2030 deadline could be achieved. It was suggested that residents could attend the site for a visual explanation.

Councillor Constance formally proposed that the Officer recommendation permission be approved, taking particular note of the applicant's confidence that the landfill would be completed by 2030. This was seconded by Councillor Gawrysiak.

The Chair called for a vote on the proposal.

The Committee Members all AGREED and voted unanimously for the proposal.

RESOLVED: that the application be APPROVED as per Officers recommendation that

- i) Oxfordshire County Council enter into a deed of variation to amend the existing Section 106 legal agreement with regards to removing the hinterland restriction and amending the date for the provision of a permissive path and**
- ii) The Director of Planning, Environment and Climate Change is authorised to enter into negotiations with the applicant and any other parties to the legal agreement with regard to making the variations set out in this report.**

..... in the Chair

Date of signing