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## PLANNING & REGULATION COMMITTEE

**MINUTES** of the meeting held on Monday, 28 February 2022 commencing at 2.00 pm and finishing at 5.15 pm

**Present:**

**Voting Members:**

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

**Other Members in Attendance:**

None

**Officers:**

Whole of meeting      Cameron MacLean & Jennifer Crouch (Law & Governance); David Periam, Strategic Infrastructure and Planning)

Part of meeting

**Agenda Item**

**Officer Attending**

- |   |  |
|---|--|
| 6 | Matthew Case and Haidrun Breith (Landscape Specialist), Strategic Infrastructure and Planning. |
| 7 | Emma Bolster, Strategic Infrastructure and Planning.   |
| 8 | Mary Hudson, Strategic Infrastructure and Planning.  |

*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] [the following additional documents:] and decided as set out below. Except as insofar as otherwise specified, the reasons for the decisions are contained in the agenda and reports [agenda, reports, and schedule/additional documents], copies of which are attached to the signed Minutes.*

## **1/22 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS**

(Agenda No. 1)

There were no apologies for absence, and no temporary appointments were made by the Committee.

## **2/22 DECLARATIONS OF INTEREST**

(Agenda No. 2)

There were no Declarations of Interest.

## **3/22 MINUTES**

(Agenda No. 3)

The Committee approved the minutes of the meeting of 29 November 2021 and authorised the Chair to sign them as a correct record.

The following matter arose out of consideration of the minutes.

### **Page 2: Item 26/21 Minutes [of the meeting of 6 September 2021]**

Paragraph 2: *“Minute 21/21 – Serving of the Prohibition Order for the Review of the Mineral Planning Permission (ROMP) at Thrupp Farm and Thrupp Lane, Radley.*

David Periam, Development Management Team Leader, Strategic Infrastructure & Planning, stated that, in response to requests by Radley Parish Council (“the Parish Council”) for further discussions with Council officers, the Chair had replied to say that the Council was not willing to enter discussions as the matter would be the subject of further consideration by the Committee in July 2022.

Mr Periam noted that, following the reply by the Chair to the Parish Council, there had been further correspondence from the Parish Council about the legal complexities of the matter and a request that the Council reconsider the Parish Council’s request for discussions with officers.

Mr Periam stated that, as the position had not changed since the Chair’s reply to the Parish Council (PC), it was his recommendation that a response be sent informing the PC that its request had been raised with the Planning & Regulation Committee (“the Committee”) but the Committee’s position remained the same as set out in the Chair’s reply to the PC.

**RESOLVED:** That Radley Parish Council (the “Parish Council”) be informed that the Planning & Regulation Committee had considered its request for further discussions, but its position remained the same, as set out in the letter by the Chair of the Committee to the Parish Council.

## **4/22 PETITIONS AND PUBLIC ADDRESS**

(Agenda No. 4)

The Clerk to the Committee stated that no Petitions or Requests to Address the Committee had been received.

[The Clerk subsequently corrected himself and stated that a request had been received from Mr Antony Cook of David Jarvis Associates to address the Committee on Agenda Item 6: Castle Barn Quarry].

## **5/22 CHAIR'S UPDATES**

(Agenda No. 5)

There were no updates by the Chair.

## **6/22 CASTLE BARN QUARRY, FAIRGREEN FARM, SARSDEN, OXFORDSHIRE**

(Agenda No. 6)

The Committee considered a report by the Assistant Director for Strategic Infrastructure and Planning recommending that the following applications be refused:

- i. MW.0057/21: importation of inert material for use in restoration of the site; and
- ii. MW.0058/21: Section 73 application to continue the development of limestone quarry extension permitted by 18/02008/CM (MW.0027/18) without complying with condition 1, condition 2, condition 8 and condition 26 in order to amend the approved restoration scheme, extend the end date for restoration and allow the importation of inert material.

Matthew Case, Senior Planning Officer, Strategic Infrastructure and Planning, presented the report that was before the Committee.

### **Representations on Behalf of the Applicant**

Mr Antony Cook of David Jarvis Associates Ltd gave a presentation in support of the applications.

In response to questions by Members of the Committee, Mr Cook provided the following information.

(a) Regarding the amount of construction waste generated within the Areas of Outstanding Natural Beauty (AONB) vis-à-vis what would be imported from outside, Mr Cook stated that the volume [of inert waste] proposed was 118,000 m<sup>3</sup>. However, he had no further information on the volume of waste being generated.

(b) Referring to the consented scheme, Mr Cook stated that the quarry had been overworked and there wasn't sufficient material on the site for restoration purposes, and there was no consent to import material to the site.

[Mr Periam confirmed that the current consent did not provide for the importation of any material].

(c) Concerning the number of lorry movements, Mr Cook stated that 58 lorry movements per day were permitted during the operation of the quarry and the same number of lorry movements were being sought for the proposed additional 18 months working.

- (d) Mr Cook stated that, for the purposes of the restoration, the application was for a three-year extension comprising 18 months of importation of materials and 18 months completing the restoration work.
- (e) In response to a question by the Chair, Mr Cook stated that Earthline Exchange Ltd [the potential infilling operator] had subsequently confirmed that, if they were to be carry out work at the site, they would operate within a much closer radius of the site as it was not cost-effective to haul inert materials long distances, particularly given increasing fuel costs.

The applicant stated that if the infilling operator had Castle Barn Quarry within their portfolio, they would focus on developments within Chipping Norton, Stow on the Wold, and nearby towns to ensure they could generate the material within a locally sourced area and were not hauling materials great distances.

- (f) Regarding the biodiversity net gain and who would create, manage, and monitor the scheme, and how this would be assured if the scheme was approved, Mr Cook stated there was an expectation there would be a Planning Condition requiring a detailed restoration and after-care scheme which would set out a five- or 10-year monitoring period. In addition, it was proposed that there would be annual monitoring of the scheme, in conjunction with the local authority, to ensure that the scheme was carried out and had become self-sustaining by the end of the monitoring period.
- (g) In response to a question about the quarry having been overworked, and the application possibly being refused, Mr Cook stated that, if the restoration was to be carried out, it would be necessary to submit a further Planning application.
- (h) Mr Cook confirmed that it would not be possible to restore the site without bringing material on to the site. He stated there was an option to bring 50,000 m<sup>3</sup> on to the site which would achieve a satisfactory restoration outlined in the consented restoration scheme.

As there were no more questions for Mr Cook, the Chair stated that the decision for the Committee was whether the applications constituted major development in an AONB. If the Committee deemed the applications to be major development, they should be refused, unless there were exceptional circumstances, and the development could be demonstrated to be in the public interest.

In the subsequent discussion, the following points were raised.

- (a) In response to a question about the dangers of leaving a large void in the area, Mr Periam noted that this was a closed quarry and that Health and Safety matters were the remit of other agencies. Mr Case confirmed that both restoration schemes included areas of geological interest which consisted of exposed quarry face.
- (b) In response to several questions by Members of the Committee, Haidrun Breith, Landscape Specialist, Strategic Infrastructure and Planning, provided the following information –
  - i. For the reasons set out in the report (see Paragraphs 27 *et seq*), Ms Breith stated that she remained of the view that the benefits of the proposed

restoration did not justify the impacts associated with the proposed level of infilling. Therefore, on balance, she did not support the application.

- ii. Regarding biodiversity, Ms Breith stated there was merit in the present application but, when compared with the consented restoration scheme which did not involve HGV lorry movements, the consented scheme was to be preferred when considering issues of tranquillity.
- iii. That it was possible to have a scheme which provided similar biodiversity gains without the requirement to infill site in the manner proposed by the present application. That is, the biodiversity net gain was not dependent upon the amount of infill but on the nature of the restoration scheme.
- iv. If the Committee were to decide that the application did not fall within the category of major development, it still had to conform with other policies that would influence the decision-making process, such as those relating to the importation, purpose, and suitability of fill materials.
- v. In terms of biodiversity habitats, the proposed scheme was to be preferred to the consented scheme. However, landscaping and levels of infill could vary and, if infilled to the level before the quarrying operation, it would be possible to restore the agricultural fields. However, it would not be out of character to have a dip in the landscape and there were many former quarries that were rich in terms of biodiversity.

Referring to the Plans that were before the Committee, Ms Breith noted that no habitat was shown on the consented scheme, but the site was not as bare as it appeared on the Plan.

- (c) The previous operator would have known that the quarry was being overworked and that this may not have been apparent from monitoring the operation.
- (d) Under the consented scheme, it would take the operator nine months to import the materials necessary to restore the quarry. As the restoration being proposed went beyond the original scheme, it was considered reasonable to allow the operator 18 months in which to import the materials necessary for the revised scheme.
- (e) In response to a question as to why officers viewed the proposals as constituting a major development, Members were informed that this was the first time there had been an application to import infill materials to the site. In accordance with the requirement that each application be considered on its merits, it was necessary to consider the application in accordance with the relevant AONB policies. In so doing, officers were of the view that importing 118,000 m<sup>3</sup> material requiring 28,000 HGV movements over the specified period constituted major development.

The quarry should have been restored using on-site material and this work should have already been completed. Therefore, the current position was that there was no permission for the HGV movements required to import the amount of material proposed in the application. However, deciding whether this constituted a major development was a matter for the Committee to determine.

- (f) Regarding Core Strategy Policy W6: Landfill and other permanent deposit of waste to land, there was a requirement that there be an environmental benefit which had to be considered within the context of the number of HGV movements required to import the material.

- (g) Referring to Paragraph 61 on page 24 of the agenda pack, officers confirmed that the HGV movements would be within the AONB.
- (h) It was confirmed that Oxfordshire County Council was responsible for monitoring the quarry operations.
- (i) Presently, there was no permission to import materials as the restoration of the quarry was to have been carried out using materials that were on site. If there had been an application to import materials necessary to restore the quarry in accordance with the consented scheme, it is possible that officers may have recommended approval of such an application. The application before the Committee was to import twice the amount of material required to restore the quarry. Therefore, the present application went beyond what was required to restore the quarry in accordance with the consented scheme.  
  
[Mr Periam advised the Committee of the various matters it should take into consideration when determining whether the present application constituted major development].
- (j) Regarding imposing conditions that would address the concerns of the Landscape Officer and any concerns of Committee Members, officers proposed that the current application went beyond the requirements of the consented scheme. Should the Committee decide to refuse the application, it was open to Members of the Committee to instruct officers to liaise with the applicant, without prejudging the matter, on what might be required if the applicant was to submit a revised application.

At this stage in the proceedings, Councillor Stefan Gawrysiak moved the following motion.

#### Motion

That the Committee approve the application for the following reasons –

- i. Following discussion, it was the Committee's view that the application did not constitute "major development";
- ii. The additional HGV movements required to import material did not vary significantly from the number of HGV movements when the quarry was in operation; and
- iii. The proposals included a gain in terms of biodiversity and landscaping.

The motion was seconded by Councillor Bloomfield.

In the subsequent debate regarding the motion during which officers, including the Legal officer, advised the Committee Members, a document comprising a proposed list of Planning Conditions, an Informative, and a Statement of Legal Requirements, was circulated by officers in anticipation of the Committee approving the application.

At the conclusion of the debate, the mover of the motion, Councillor Gawrysiak, amended the motion, to include the proposed Planning Conditions, subject to the conditions being suitably renumbered, the Informative, and a Section 106 Agreement, including there being no geographical restriction on the routeing of the

waste, circulated by officers. Councillor Bloomfield seconded the motion, as amended.

The votes cast were, as follows:

For:	10
Against:	1
Abstentions:	1

**RESOLVED:**

1. To approve Planning Permission for application numbers:
  - i. MW.0057/21: importation of inert material for use in restoration of the site; and
  - ii. MW.0058/21: Section 73 application to continue the development of limestone quarry extension permitted by 18/02008/CM (MW.0027/18) without complying with condition 1, condition 2, condition 8 and condition 26 in order to amend the approved restoration scheme, extend the end date for restoration and allow the importation of inert material.
2. Subject to the inclusion of the suitably amended list of the Planning Conditions, Informative, and a Section 106 Agreement, as circulated by officers at the meeting.

**7/22 FARINGDON QUARRY**

(Agenda No. 7)

The Committee considered a report by the Assistant Director for Strategic Infrastructure and Planning recommending that planning permission for MW.0142/21 be approved subject to conditions to be determined by the Assistant Director of Strategic Infrastructure and Planning as set out in Annex 1 of the report.

The application comprised a Section 73 application to continue the development permitted by planning permission P16/V2331/CM (MW.0117/16) (Amend the working of phase 1a; Amend the restoration of the site; Amend lighting details; Change the site name and signage details to "Faringdon Quarry") without complying with condition 2 to extend the dates for completion of mineral extraction to 31/12/2034 and completion of restoration to 31/12/2035.

The application was presented by Emma Bolster, Planning Officer.

In response to questions by Members of the Committee, officers provided the following information.

- (a) Regarding landbank statistics and the time it would take to extract the mineral reserves, it was reported that there was 16 years supply of soft sand and 11 years supply of sharp sand and gravel. Therefore, it was proposed that planning permission be maintained for the extraction of minerals already included in the landbank figures, where there was a minimum requirement of at least seven years.

- (b) Regarding objections in relation to non-compliance with the two routeing agreements, officers clarified the requirements of the current agreements, noting that there had been alleged breaches of concrete batching plant's agreements.

It was noted that consideration had been given to installing cameras to monitor vehicles. However, given there were Planning Obligations in place, it was proposed that the existing routeing agreements could not easily be amended to include monitoring cameras.

The Legal officer confirmed that there may be some legal impediments to amending the agreement, as well as possible financial costs to the Council. In addition, there were practical difficulties in carrying out monitoring at locations that were some distance from the site of the quarry.

- (c) Regarding the use of a portable monitoring camera to ensure compliance with the routeing agreements, the Legal officer advised that there were restrictions on the use of surveillance cameras. Accordingly, it would be necessary to ensure that any use of a monitoring camera to enforce the routeing agreements would have to comply with any statutory provisions.

Mr Periam advised that officers look at the possibility of using a monitoring camera or cameras to enforce the existing routeing agreements but that he had no money in the Development Management Team's budget to pay for such equipment.

At this stage in the proceedings, Councillor Constance moved that the recommendations, as set out in the report of the Assistant Director for Strategic Infrastructure and Planning, be approved. The motion was seconded by Councillor Edosomwan.

In the subsequent debate on the motion, it was proposed that a condition be added to the Planning Permission that each year the applicant provide information on the amounts of materials that had been extracted.

Councillor Constance amended her motion to include the proposed condition that the applicant be required to provide information each year on the amounts of materials extracted. Councillor Edosomwan seconded the motion, as amended.

The votes cast were, as follows:

For:	12
Against:	0
Abstentions:	0

**RESOLVED:** That -

1. Planning permission for MW.0142/21 be approved subject to conditions to be determined by the Assistant Director of Strategic Infrastructure and Planning as set out in Annex 1 of the report; and
2. That the conditions include a condition requiring the operator to provide information each year on the amount and type of materials extracted in the previous 12 months.



**8/22 TARMAC TRADING LTD. SITE, BANBURY - AIR QUALITY MONITORING SCHEME**

(Agenda No. 8)

The Committee considered a report of the Assistant Director for Strategic Infrastructure and Planning setting out the detail of a Dust Management and Monitoring Scheme which had been submitted for approval pursuant to conditions on three planning consents relating to Tarmac Trading Ltd.'s site in Banbury. The report also sets out the consultation responses received.

There had been no objections to the submission from technical consultees and, therefore, it was considered that the scheme adequately protected amenity in accordance with the purpose of the attached conditions.

It was RECOMMENDED that the scheme submitted and registered as MW.0006/22, MW.0007/22 and MW.0008/22 be approved.

The report was presented by Mary Hudson, principal Planning Officer, Strategic Infrastructure and Planning.

In the subsequent discussions it was noted that Banbury Town Council had requested that a timely response be sent to anyone who makes a complaint to the operator under the Complaints Procedure set out in the submission.

In response to a question by a Member of the Committee about where the monitoring would take place in relation to the nearby housing estate, Ms Hudson, referring to a satellite photograph of the site, identified the locations where it was proposed that monitoring would take place.

Councillor Bloomfield, seconded by Councillor Constance, moved that the Committee approve the recommendations set out in the report.

There was no debate on the motion, and it was the unanimous decision of the Committee to approve the report's recommendations.

**RESOLVED:** That the scheme submitted and registered as MW.0006/22, MW.0007/22 and MW.0008/22 is approved.

**9/22 RELEVANT DEVELOPMENT PLAN AND POLICIES**

(Agenda No. 9)

The Committee had before, for information, it a paper by the Assistant Director for Strategic Infrastructure and Planning setting out the policies that were relevant to the applications that were before the Committee.

**NOTED**

..... in the Chair

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Date of signing .....