

Planning & Regulation Committee Monday, 22 February 2016

ADDENDA

4. Petitions and Public Address

<i>Speaker</i>	<i>Agenda Item</i>
County Councillor Charles Mathew (Eynsham) Dave Norminton (Hansons)))7. Update report – Dix Pit -)Application No. MW.0053/15
Carl Middleditch (Agent) and Nigel Matthews (Applicant)) 8. Ferris Hill Farm – Application No.) MW.0132/15
Enstone Parish Councillors Peter Butler and Andrew Lee David Einig (Applicant))) 9. Enstone Airfield - Application) No. MW.0160/15

6. **Update report - Progressive extraction of sand and gravel, importation of inert waste material with restoration to nature conservation and an agricultural reservoir on land at Sutton Wick - Application No. MW.048/05**

As set out in the report the consultation period on the amended working plan runs until 24 February. At the time of drafting the report there had been no responses from consultees. This addenda provides details of the consultation responses received to date. Further responses may be received before the consultation ends.

Consultation Responses

County Council Drainage Engineer/Lead Local Flood Authority

No objection to the amended working plan.

County Council Ecologist Planner

No objection to the amended working plan. Details have also been provided for mitigation/compensation for the soil disturbance within the buffer zone. An additional condition should be added to secure this mitigation/compensation. Since the resolution to grant permission for this development was made, a record has been received for Cetti's Warbler breeding near the site. This is a Schedule 1 bird and there have been other bird records on site, therefore it is important that a qualified ecologist checks vegetation prior to clearance. A further condition should be added to ensure this.

Conclusions

No objections have been received to the amended working plan at this point. The additional conditions now recommended by the Ecologist Planner can be added to the consent.

There is no change to the recommendation in the report.

7. Update report - Request for temporary relaxation of requirements of routeing agreement associated with planning permission for erection of a mobile concrete batching plant with associated infrastructure, concrete hardstanding and portable toilet Land at Dix Pit adjacent to Workshops, Linch Hill, Stanton Harcourt - Application No. MW.0053/15

Officers carried out further monitoring for compliance with the existing routeing agreement on 18 February 2016. One vehicle was found to have breached the requirements of the agreement by travelling towards the concrete batching plant through Sutton. Officers recorded its details and these have been passed to Hanson for investigation.

Additional Representations

- Standlake Parish Council comment as follows:

“Standlake PC is aware of the correspondence between OCC and Stanton Harcourt and Sutton PC regarding the continuing breaches of the Hanson Quarry Products routeing agreement for the B4449 and OCC's lack of rigour in enforcing the same.

While this particular route does not directly affect our parish, it does raise a matter of principle affecting all such agreements. Standlake expresses, in the strongest terms, its concern at the lack of action by OCC in enforcing any routeing agreement and the effect this has on local road conditions and quality of life of those unfortunate enough to live on an affected route.”

- The Eynsham Society comment as follows:

“I am writing on behalf of the Eynsham Society to object strongly to the variation of the routine agreement for concrete lorries travelling from Dix Pit to the construction site at the Westgate Centre in Oxford, to be discussed in agenda item 7 of your meeting on Monday 22nd February.

We understand that the variation permitting the lorries to use the B4449 through Sutton was granted by your Committee in November on the grounds that delays due to the roadworks at the Wolvercote roundabout were increasing delivery times to the point where some batches of concrete were unusable on delivery. This variation was granted despite the fact that the developers had consistently failed to adhere to the agreed A417-A40-A34 route, instead using the B4449 via Sutton, Eynsham & Swinford Bridge, with regular breaches recorded starting on the very day the agreement was signed.

We further understand that even since the variation was granted the developers have repeatedly failed to adhere to the agreed time-of-day restrictions. The effect throughout has been to create enormous nuisance, road damage and danger to the residents of Sutton, Eynsham and Farmoor. The B4449 is narrow and frequently congested even during the supposedly “off-peak” hours cited (presumably “9pm-3pm” in the Committee agenda should read “9am-3pm”, and heavy lorry movements on this route cause delays at the roundabout in Eynsham and danger to cyclists using the B4449.

We might have had some sympathy with the developers if they had made any attempt to adhere to the agreed route and restrictions either before or after the variation. However, it is evident that they have had no intention at any time to do so and have therefore forfeited any right to special treatment at the expense of local residents. The roadworks at the Wolvercote roundabout are due to continue until at least November 2016, and it is intolerable that this dangerous nuisance should continue for another 9 months or more, or that the developers’ cynical disregard of contractual agreements should be rewarded by further slackening of conditions.

Since crossing the Thames is such an obvious barrier to vehicle movements, we have to ask why the developers are not obtaining their concrete from a source south of the river, or using a temporary mixing plant on site. This whole problem is in our opinion a direct consequence of the gross imbalance of minerals extraction in Oxfordshire, whereby some 78% of sand and gravel is extracted in West Oxfordshire but only 38% used there, the majority being moved across the Thames to South Oxfordshire.

We strongly urge the Committee to cancel the variation to the route and impose whatever financial and legal penalties are available on any future breaches of the original routing agreement.”

Northmoor Parish Council comment as follows:

“I write on behalf of Northmoor Parish Council to express their serious concerns over the continuing breach of the routing agreement by Hanson Quarry Products

Ltd using the B4449 through Sutton.

The way Hanson has acted from the very start with this contract is not acceptable. The batching plant at Dix Pit was installed before Planning Consent was granted, they have contravened the Routing Agreement through Sutton from the very start, and then ignored notices requesting them to honour that agreement.

This flagrant disregard of rules and agreements that are designed to safeguard our communities must not be tolerated, because if they are then they will continue to act contrary to their agreements, and next they will ignore the time limit of eighteen months for importing the aggregate into the batching plant rather than using local sourced material.

Northmoor Parish Council is greatly concerned that lack of enforcement now will signal that all other such rules, agreements, and conditions can also be ignored.

This particularly is important to Northmoor in relation to the Stonehenge Quarry (yet to produce a single ton of gravel four years after the Company convinced the Inspector of the urgent need for yet another quarry in West Oxfordshire), where many conditions were laid down by the Appeal Inspector. The first of these was that quarrying had to commence within three years of the consent. This condition being technically achieved by digging a hole and creating a pile of aggregate. Next is the road crossing, nothing done on that yet, and finally the end date for quarrying of 2021.

If the County Council does not penalise this company now then this Parish Council will have years of misery ahead.

There is an agreement, it must be honoured or the consent rescinded.”

- 25 have also been received from local residents, all of which object to the proposed temporary variation to the routeing agreement. Their comments are summarised as follows:
 - i) Continued and ongoing breaches of the existing routeing agreement by Hanson vehicles and contractors and so lack of belief that Hanson will comply with the temporary variation;
 - ii) The state of the highway through Sutton which is damaged by existing excessive HGV usage and poorly maintained by OCC and should in any instance carry a weight restriction of 7.5 tonnes;
 - iii) Danger to pedestrians and other road users from both existing and proposed additional lorries passing through Sutton including dangerous bends and junctions and too narrow a width for HGVs to pass safely;
 - iv) Additional lorry traffic around Eynsham and over the Swinford Toll Bridge and excessive tailbacks of traffic being caused at the toll bridge;
 - v) Materials for the Westgate redevelopment should be sourced from south not west Oxfordshire;
 - vi) Failure of OCC to enforce the requirements of the existing routeing agreement and that enforcement action should now be pursued;
 - vii) If this temporary variation is agreed, Hanson should provide a contribution towards the Sutton Bypass;
 - viii) Noise from traffic impacting on the amenity of local residents;
 - ix) HGVs speed through Sutton and at the very least speed bumps should be provided through Sutton;
 - x) Road blocks should be provided to prevent HGVs passing through

- Sutton;
- xi) The concrete mix should be prepared at the Westgate redevelopment site rather than at remote batching plants;
 - xii) The existing routeing agreement and planning permission for the concrete batching plant should be rescinded;
 - xiii) Local residents who would like to walk or cycle to save car journeys cannot do so due to the high volume of traffic passing through Sutton rendering it unsafe to do so and therefore less sustainable car journeys are made instead;

Copies of all the above referenced comments will be available to members to view in the Members' Resource Centre and at the meeting.

Comments from the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning)

For clarity, the existing routeing agreement is intended to prevent any Heavy Goods vehicles either visiting or departing from the Hanson concrete batching plant at Linch Hill from passing through Sutton and the proposed temporary variation of this would be to allow up to 10 loaded concrete mixer vehicles to depart from the site and pass through Sutton between the hours of 9.00 am and 3.00 pm to the Westgate Centre redevelopment until the completion of the roadworks on the Cutteslowe and Wolvercote roundabouts. There is no current restriction on vehicles passing along the B4044 over the Swinford Toll Bridge in either direction and this route does form part of the alternative route put forward by Hanson when the request for the temporary variation was considered and agreed at the committee meeting on 30 November 2015. It is understood that at present some vehicles travelling between the concrete batching plant and the Westgate Centre redevelopment site are joining and leaving the A40 to the north of Eynsham and travelling along the B4449 to the east of Eynsham and the B4044 over the toll bridge and through Farmoor and this is also not in breach of the existing agreement.

Any Hanson vehicles which are not visiting or departing from the concrete batching plant and so are passing through the area for other reasons are therefore not restricted by the routeing agreement. Of particular note, it is understood that Hanson franchised vehicles are based at the Con Bloc site at Dix Pit but unless these vehicles are serving the concrete batching plant, they are not subject to the requirements of the routeing agreement.

The routeing agreement is a civil matter and so does not fall within the remit of the usual enforcement powers which exist for securing compliance with planning conditions or unauthorised developments. As set out in paragraph 11 of the Committee report, the ultimate sanction to secure compliance is to make an application to the High Court for an injunction. Although one further breach of the existing routeing agreement was recorded on 18 February and this is regrettable, the officer advice remains that the total number of breaches since 1 January 2016 would be a relatively small number of the total vehicle movements to and from the concrete batching plant and it is thought unlikely that the courts would support an injunction based on this evidence and would most likely take this as

an indication of overall compliance.

There is no change to the recommendation in the report.

9. Proposed importation and processing of material on land at Enstone Shooting Range, Enstone for placement on the permitted bunds as per planning permission 14/1178/P/FP at Enstone Airfield, Enstone - Application No. MW.0160/15

Comments from the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning)

We have received additional information from the applicant's agent regarding HGV movements, after the committee papers were published stating that they had incorrectly advised that vehicle movements would be approximately 20 per day. The usual practice is for movements to relate to all vehicle trips and so officers had understood the proposal to be for 10 trips into the site and 10 out.

The submitted Planning Statement attached to the application states:

"It is envisaged that the importation of this material will create approximately 20 HGV movements per day over a five year period. Again, this is permitted under planning application 14/1178/P/FP allows for the importation of 277, 000m³ of material creating approximately 20 HGV movements per day. This proposal does not seek to change this."

The agent has advised this refers to 20 HGV trips into the site, and 20 HGV trips out of the site giving a total of 40 HGV Movements. The increase will not impact on the total amount of material imported into the site.

The case officer re-consulted the council's Transport Development Control officer on the 18 February who advised as follows:

"The new HGV movements of 20 in and 20 out that the applicant is now stating, would not have a significant impact upon the highway network. Even though this figure has doubled and now equates to 4 movements per hour during operational hours, this is still not a huge number of extra HGVs.

If the network that these extra 2 HGVs per hour were going to use, were already congested, then I would have an objection, however, for the majority of the time, the routes they will be using on the routing agreement will be operating to a sufficient capacity flow, so as not to be adversely effected.

As long as they follow the routes set down in the routing agreement and follow the guidelines laid down in their CTMP, to control material from the site encroaching onto the highway, then I do not have an objection."*

*When referring to routeing agreement above, the consultee was referring to the submitted travel plan and Construction Traffic Management Plan (CTMP). This

was confirmed by email.

The amount of material needed to produce the noise attenuation bunds has not increased from the already permitted district planning permission (14/1178/P/FP). As the Transport Development Control officer still has no objection to the application, I still recommend approval for the proposed development. However, in light of the corrected information I would recommend that any resolution to approve the application be subject to an additional 21 days consultation period first being carried out to allow consultees, including the Parish Council, to comment on the revised information and to no overriding objection being received.

Conditions six and seven on the committee report are therefore recommended to read:

(vi) The output of additional waste from the processing operation shall not exceed 20% of the total amount of waste imported to the site per annum and all outgoing waste not suitable for placement in the noise attenuation bunds must be exported on an existing HGV used to import waste to the site. No additional incoming vehicle movements shall be created collecting outgoing waste.

(vii) HGV movements related to importation and export of waste to and from the site shall not exceed a maximum of 40 per day (20 in, 20 out).

A further four comments in support of the application have been received from local residents.