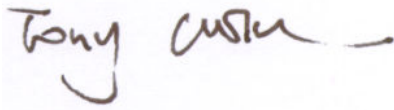


To: Members of the Planning & Regulation Committee

Notice of a Meeting of the Planning & Regulation Committee

Thursday, 12 November 2009 at 10.30 am

County Hall



Tony Cloke
Assistant Head of Legal & Democratic Services

November 2009

Contact Officer: **Graham Warrington**
Tel: (01865) 815321; E-Mail:
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Membership

Chairman – Councillor Steve Hayward
Deputy Chairman - Councillor Mrs Catherine Fulljames

Councillors

Alan Armitage
Anda Fitzgerald-O'Connor
Tim Hallchurch MBE
Jenny Hannaby
Ray Jelf

Peter Jones
Lorraine Lindsay-Gale
David Nimmo-Smith
Neil Owen
G.A. Reynolds

John Sanders
Don Seale
John Tanner

Notes:

- **Date of next meeting: 23 November 2009**

Declarations of Interest

This note briefly summarises the position on interests which you must declare at the meeting. Please refer to the Members' Code of Conduct in Section DD of the Constitution for a fuller description.

The duty to declare ...

You must always declare any "personal interest" in a matter under consideration, ie where the matter affects (either positively or negatively):

- (i) any of the financial and other interests which you are required to notify for inclusion in the statutory Register of Members' Interests; or
- (ii) your own well-being or financial position or that of any member of your family or any person with whom you have a close association more than it would affect other people in the County.

Whose interests are included ...

"Member of your family" in (ii) above includes spouses and partners and other relatives' spouses and partners, and extends to the employment and investment interests of relatives and friends and their involvement in other bodies of various descriptions. For a full list of what "relative" covers, please see the Code of Conduct.

When and what to declare ...

The best time to make any declaration is under the agenda item "Declarations of Interest". Under the Code you must declare not later than at the start of the item concerned or (if different) as soon as the interest "becomes apparent".

In making a declaration you must state the nature of the interest.

Taking part if you have an interest ...

Having made a declaration you may still take part in the debate and vote on the matter unless your personal interest is also a "prejudicial" interest.

"Prejudicial" interests ...

A prejudicial interest is one which a member of the public knowing the relevant facts would think so significant as to be likely to affect your judgment of the public interest.

What to do if your interest is prejudicial ...

If you have a prejudicial interest in any matter under consideration, you may remain in the room but only for the purpose of making representations, answering questions or giving evidence relating to the matter under consideration, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Exceptions ...

There are a few circumstances where you may regard yourself as not having a prejudicial interest or may participate even though you may have one. These, together with other rules about participation in the case of a prejudicial interest, are set out in paragraphs 10 – 12 of the Code.

Seeking Advice ...

It is your responsibility to decide whether any of these provisions apply to you in particular circumstances, but you may wish to seek the advice of the Monitoring Officer before the meeting.

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.

AGENDA

1. **Apologies for Absence and Temporary Appointments**
2. **Declarations of Interest - see guidance note opposite**
3. **Petitions and Public Address**

EXEMPT INFORMATION

In the event that any Member or officer wishes to discuss the implications for the Council's legal position, particularly in relation to any evidence and costs, the Committee will be invited to resolve to exclude the public for the consideration of that discussion by passing a resolution in relation to that item in the following terms:

“that the public be excluded during the discussion since it is likely that if they were present during that discussion there would be a disclosure of “exempt” information as described in Part 1 of Schedule 12A to the Local Government Act 1972 and specified below the item in the agenda”

NOTE: The attached report does not contain exempt information and is thus available for members of the public.

4. **Mineral Extraction and Associated Development - Stonehenge Farm, Northmoor (Pages 1 - 4)**

Report by the Head of Sustainable Development & County Solicitor (**PN4**)

The information that may be discussed is exempt in that it falls within the following prescribed category:

3 - *Information relating to the financial or business affairs of any particular person (including the authority holding that information)*

5 - *Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.*

It is considered that in this case the public interest in maintaining the exemption outweighs the public interest in disclosing the information, in that such disclosure would prejudice the Council's legal position.

Planning & Regulation Committee refused planning permission for mineral extraction and associated development at Stonehenge Farm on 24 November 2008. The reasons for refusal as decided by the committee were:

1. It has not been sufficiently demonstrated to the satisfaction of the County Planning Authority that the impact of the proposed development would not increase the risk to

people, property and businesses arising from additional flood risk.

2. That routeing agreements had proved ineffective in the past and in practice and was therefore considered to be contrary to Oxfordshire Structure Plan (OSP) policy T8.

3. The development is contrary to MWLP Policy PE7 and WOLP NE8 and NE9.

The applicants appealed and an Inquiry is due to start on 17 November 2009.

The reasons for refusal relate to two issues, flood risk and traffic impacts on local roads and villages.

Government Circular 03/2009 ("Costs Awards in Appeals and other Planning Proceedings") provides guidelines so that the parties to an appeal can minimise the likelihood of costs being awarded against them. One such guideline is that parties to an appeal should actively review their cases, respond promptly to changing circumstances and provide a clear explanation of a revised stance or position, with nothing coming as a complete surprise throughout the process.

This report outlines the work that has been undertaken since the Committee made its decision, and seeks the Committee's further instructions as to the stance to be taken at the forthcoming Inquiry in the light of developments since the refusal of permission last year.

No recommendation in relation to the flood risk issue can be made at the time of drafting this report, as our consultant's final conclusions on the robustness of the new modelling exercise are not yet available. A recommendation will be made at the meeting.

In relation to traffic impacts the Committee is **RECOMMENDED** that:

No recommendation in relation to the flood risk issue can be made at the time of drafting this report, as our consultant's final conclusions on the robustness of the new modelling exercise are not yet available. A recommendation will be made at the meeting.

In relation to traffic impacts it is RECOMMENDED that subject to the completion of formal legal agreements in terms to be approved by the Director for Environment & Economy and County Solicitor but to include the matters set out below, the Council does not pursue at the inquiry its reasons for refusal relating to non-compliance with routeing agreements:

- (a) Development traffic to use an approved route (through Dix Pit, west along the B4449 and north along the A415);**
- (b) Appellant to provide £32,000 to enable OCC to carry out 3 (random) monitoring surveys per year, and 3 additional monitoring surveys per year in the event of complaints;**
- (c) Provision for meetings after routeing surveys to discuss action to be taken (if required).**