

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 12 January 2015 commencing at 2.00 pm and finishing at 3.15 pm

Present:

Voting Members: Councillor Mrs Catherine Fulljames – in the Chair
Councillor Neil Owen (Deputy Chairman)
Councillor David Bartholomew
Councillor Mark Cherry
Councillor Pete Handley
Councillor Bob Johnston
Councillor Glynis Phillips
Councillor Anne Purse
Councillor G.A. Reynolds
Councillor John Tanner
Councillor David Wilmshurst (In place of Councillor Patrick Greene)

Other Members in Attendance: Councillor Nick Hards (for Agenda Item 9)

Officers:

Whole of meeting G. Warrington and J. Crouch (Law & Culture); C. Kenneford and D. Periam (Environment & Economy)

Part of meeting

Agenda Item	Officer Attending
6	M. Thompson (Environment & Economy)
7	K. Broughton (Environment & Economy)
8 & 9	R. Goodlad (Law & Culture)

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 and decided as set out below. Except as insofar as otherwise specified, the reasons for the decisions are contained in the agenda, reports and schedule, copies of which are attached to the signed Minutes.

1/15 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

<i>Apology</i>	<i>Temporary Appointment</i>
Councillor Patrick Greene Councillor Stewart Lilly	Councillor David Wilmshurst Councillor Charles Mathew

2/15 MINUTES

(Agenda No. 3)

The minutes of the meeting held on 1 December 2014 were approved and signed.

Minute 36/14 – Minutes

Mr Periam confirmed that he had now circulated details of costs awarded against the Council with regard to the successful appeal against the Council’s decision to refuse planning permission at Sutton Courtenay Waste Management Site.

Minute 39/14 (Sheehans Recycled Aggregates Plant, Dix Pit, Stanton Harcourt – Application No. MW.0003/14)

The Committee noted that the applicant’s agent had raised a number of interpretation issues with regard to her submission to the December Committee which related to details regarding the accuracy of the size of the extension and interpretation of NPPF policy relating to such operations and greenfield sites. No amendments had been made to the minutes.

3/15 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
Evan David Marjorie Sanders David Einig (on behalf of Lee Morris who was unable to attend) Dee Mcdonald)) 6. Manor Farm, Tetsworth –) Application No. MW.0112/14))
Trevor Davies Councillor Nick Hards) 9. Application to register a Village) Green at Queensway, Didcot

4/15 IMPORTATION AND DEPOSIT OF WASTE SOILS IN ORDER TO CONSTRUCT A 6 METRE HIGH LANDSCAPED BUND TO RUN EITHER SIDE OF THE M40 IN THE FIELDS AT MANOR FARM, TETSWORTH, CREATING A BARRIER OF DEFENCE FOR THE ANIMALS AND THE PUBLIC. APPLICATION MW.0112/14

(Agenda No. 6)

The Committee considered (PN6) an application for the importation and deposit of waste soils to construct two 6 metre high bunds to safely contain livestock in the fields adjacent to the M40. The bunds, approximately 600 metres long would require 500,000 tonnes of inert waste material and take five years to construct on either side of the M40 motorway in open fields near Tetsworth.

Having presented the report Ms Thompson addressed questions from:

Councillor Bartholomew – waste going onto the site would be monitored through an EA permit.

Councillor Purse – the proposed diversion was minor and no objection had been received from rights of way.

Councillor Phillips – the fields in question did not have a significant classification.

Councillor Johnston – there had been no objection from the county ecologist.

Evan David had provided veterinary services to Manor Farm for a number of years. He stated that as well as keeping livestock in the proposal was also aimed at keeping cars on the motorway and there had been incidents in the past. The bunds could also help reduce the effects of pollution and noise on livestock, which was a particular problem at lambing and calving times with resultant losses to livestock. There had been occasions when lambs had been able to get through the fence and onto the motorway and he was convinced the bund would provide a more effective barrier.

He then responded to questions from:

Councillor Bartholomew – in addition to preventing potential egress of cars from the motorway the bunds would provide a better and safer environment to work in and reduce noise.

Councillor Phillips – the problem of cars potentially coming through the fence was not a new one but there was now an opportunity to prevent any future occurrences.

Councillor Johnston – he felt the bund would be effective with sheep unlikely to be able to jump the fence after running uphill.

Councillor Mathew – he had been a vet for Manor Farm for 4 years.

Marjorie Sanders a parish councillor in Tetsworth stated that this proposal fitted in with the aims of a local self-help group M40 CEG, which focussed on noise management between High Wycombe to Milton Common and an M40/Highways Agency proposal for a public/private partnership to design and construct sound barriers. The Manor Farm bund with a compatible timescale could form part of that programme. She pointed out that when the M40 was built motorway construction between Lewknor to Milton Common had used spoil from the Stokenchurch cutting and it was proposed to use similar imported material from construction sites for this development. She confirmed that the Parish Council would not have supported the proposal if it had been necessary for lorry traffic to regularly use junction 6 of the M40

necessitating driving through the village. Also bridge traffic, both vehicle and pedestrian, could be controlled by lights and re-routing the footpath was not an issue. Tetsworth Parish Council supported the application and she asked the Committee to bear in mind that the land owner and transport partners both lived and worked locally and a mismanaged project would not be in their interests. Reuse and movement of materials was not new and monitoring would ensure no unsuitable material was deposited. Junctions 6 -7 were an accident black spot and she quoted an incident 2 years previously when a drunk driver had crashed through the barrier and sheep had escaped onto the motorway. Loose animals were a motorway hazard and the recent fatal collision between a motorist and a wild boar on the M4 was a timely reminder of the need to manage risks between animals and motorway in addition to benefits to wildlife, farm animals and residents.

She then responded to questions from:

Councillor Purse – the parish council were active in pursuing where possible opportunities to promote solar panels and worked closely with the M40 motorway users group.

Councillor Cherry – she was aware that Great Haseley parish council had objected but Tetsworth were happy that the material imported would be monitored to ensure that the same material which was used for the Stokenchurch cutting would be used here with no material diverted from landfill.

Councillor Handley – the provision of solar panels on the bund was not part of the proposal but the parish council would support such a proposal if one was submitted.

David Einig read out a statement on behalf of Lee Morris who had been unable to attend. A landscape and visual impact assessment, prepared and based on current best practice namely the Guidelines for Landscape and Visual Impact Assessment (LVIA3), was able to successfully challenge the officer report on a number of points namely:

- paragraph 39 - there would be benefits to the amenity value of the landscape as a result of the proposed footpath resulting from screening of the traffic along the M40 and greater landscape tranquillity.
- Paragraph 45. The character of the site and its context was that of a 'gently rolling vale landscape', as described in the South Oxfordshire Landscape Assessment, and not a flat and open landscape. Furthermore, earthworks associated with the M40 locally had modified the landform pattern through the introduction of cutting and embankment slopes. Within this context, the proposed landform had been sympathetically graded into the natural landform of adjacent fields and for those reasons the scale and the profile of the landform proposed could not be described as prominent and alien. Furthermore it was not considered that a post and wire fence would be visually intrusive in this rural landscape and not elevated, as implied by the comment, "*its height above the surrounding landscape*". Indeed, post and wire fences leading to the M40 overbridge at the southern end of the site were at the same elevation as those proposed.

- Paragraph 46. The LVIA agreed with this statement insofar as the proposed development would mitigate the impacts on the adjacent landscape and views by providing visual screening and reducing noise along a section of the M40 where no form of mitigation had been provided. Whilst driving along the M40 there were numerous distant views into the surrounding landscape which added to the experience of road users. However, once the speed of travel had been taken into account the single incidence or view offered by the site was not significant. The view was short in duration and furthermore landform and vegetation combined to shorten the distance of the view available. Therefore, the amenity benefits resulting from the proposed development for local residents and footpath users, including the Oxfordshire Way Long Distance Path, outweighed any potential loss of amenity for users of the M40.

Dee McDonald highlighted the fact that there had been no objections from the Environmental Agency, the Highways Authority the district environmental health officer, the county drainage team and none from members of the public. Furthermore Natural England had stated that the development was unlikely to affect any statutorily designated sites or landscapes, the Highways Agency were happy with the proposal and safety for road users, as were the county ecologist and archaeologist and the rights of way team had stated it would enhance current provision. She queried why active indications of support from Tetsworth parish council, the NFU, the M40CEG, with regard to traffic noise, local farmers and businesses had not been included in the committee report or placed on the website nor had a letter from Evan David who had spoken earlier. Initially the County Council had indicated the development to be of purely local significance and yet was now recommending refusal on grounds of landscape, even though an independent detailed assessment had concluded otherwise. She was concerned that despite this evidence landscape remained a reason for refusal based on an interpretation by county officers and she maintained the application should have been reviewed by a qualified professional. She tabled photographs of a similar development at junction 13 of the M40 and a similar site in Derby granted on appeal. With regard to need this development had been proposed very much with animal welfare in mind and not as a landfill site. She did not feel the report adequately addressed those issues, again questioning the ability of officers to arrive at a conclusion which doubted that particular need. The bund would improve animal welfare with instances at this site of drivers coming off the motorway, a scenario common on motorways, which was why bunds were common offering greater security for livestock. Re-using waste was second from the top of the waste hierarchy. A concrete barrier would be inappropriate. Tree planting would take too long and in any event would not be completely acceptable to the Highways Agency. Bunds were the safest option, fitting in with the landscape and those most immediately affected (footpath users etc). In view of the local support for the proposal she questioned the justification to recommend refusal and urged the Committee to consider the facts of this planning application, follow the advice given by independent professionals and approve the application. There was no strong or valid reason to do otherwise.

She then responded to questions from:

Councillor Owen – the development would take 5 years (2 ½ and half years on each side. No animals would be on site during work. It would not be a big working operation with only 2 people working on site but it would have long term benefits.

Councillor Johnston –the costs of this development suggested that it was not a money making operation as implied by other respondents.

Councillor Handley – there was no funding available for crash barriers.

Councillor Mathew – details regarding vehicle movements had been set out in paragraph 8 of the officer report.

Councillor Cherry – proposals to monitor drainage would be put in place.

Councillor Phillips – all options had been considered. A fence would not stop large vehicles, a concrete barrier was not suitable and trees would take too long to establish. Therefore this was considered to be the best option.

Councillor Bartholomew considered that the £2m fee quoted seemed a very high price to provide protection for livestock. He had no objection to bunding proposals but felt this was primarily an application for waste disposal.

Councillor Reynolds, however, did have a problem with bunds and felt these would not look normal and, as such, would have an impact. He was also concerned that problems, which existed elsewhere where landfill material was in short supply could be replicated here. He suggested a better alternative could be to provide a fence 10 meters back and infill with trees and shrubs. He agreed that this seemed to be primarily a waste disposal proposal.

RESOLVED: (on a motion by Councillor Reynolds, seconded by Councillor Bartholomew and carried 11 votes to 0, Councillor Wilmshurst recorded as abstaining) that Application MW.0112/14 (P14/S3045/CM) be refused planning permission for the following reasons:

- i) It had not been demonstrated that there was a need for the final disposal of waste in this location. The proposed development lay at the bottom of the waste hierarchy and was not sustainable. This was contrary to Oxfordshire Minerals and Waste Core Strategy policy W7, the aims of the National Planning Policy Framework, paragraph 1 and Appendix A of the National Planning Policy for Waste.
- ii) The development would be in the open countryside and would neither maintain nor enhance the countryside for its own sake and would not be on previously developed land, contrary to the provisions of South Oxfordshire Local Plan policies G2 and G4, and Oxfordshire Minerals and Waste Core Strategy policy W6 and National Planning Policy for Waste paragraph 4.
- iii) The development would introduce a prominent and alien feature which would have an adverse impact and so cause harm to the landscape and countryside contrary to the provisions of South Oxfordshire Core Strategy policy CSEN1,

policy C8 of the Draft Oxfordshire Minerals and Waste Local Plan Core Strategy and paragraph 7 and Appendix B of the National Planning Policy for Waste.

- iv) It had not been demonstrated that there was a definite need for the disposal of waste in this location, therefore the proposal was contrary to Oxfordshire Minerals and Waste Local Plan saved policy W7(a) and there was no overriding need which could weigh against the harm to countryside and landscape, and to the objectives of sustainable development, that the development would cause.

5/15 REQUEST TO WITHDRAW NOTICE OF PERIODIC REVIEW IN ACCORDANCE WITH THE ENVIRONMENT ACT 1995, ON LAND AT THRUPP FARM RADLEY.

(Agenda No. 7)

The Committee considered (PN7) a request to withdraw notice of a review of Mineral Permission (ROMP) for Thrupp Farm, Radley until the decision on the ROMP prohibition order had been made. The need for a review could then be assessed in light of the Secretary of State's decision, which was not expected for some weeks, and, if appropriate, a notice of review reissued at that point. This matter had come to Committee at the request of the local member, Councillor Bob Johnston.

RESOLVED: (on a motion by Councillor Johnston, seconded by Councillor Purse and carried unanimously) that the notice of the ROMP review for Thrupp Farm, Radley be withdrawn and re-served once the Secretary of State's decision on the ROMP Prohibition Order had been made.

6/15 COMMONS ACT 2006: IN THE MATTER OF AN APPLICATION TO REGISTER LAND AT FOXWELL DRIVE, NORTHWAY, OXFORD AS A TOWN OR VILLAGE GREEN

(Agenda No. 8)

Councillor Phillips left the meeting prior to discussion on this item and took no part in the discussion or decision on this item or subsequent items.

The Committee considered (PN8) an application made by Miss Georgina Gibbs for registration of land at Foxwell Drive, Northway, Headington in Oxford as a new town or village green under the Commons Act 2006. The landowner had objected to the application and a public inquiry had been held. The Council was the Commons Registration Authority and the Planning & Regulation Committee had delegated authority to determine such applications.

Regarding the application as an unhelpful attempt to block the development proposals at Barton Councillor Tanner moved the officer recommendation. Councillor Johnson seconding.

RESOLVED: (11 votes to 0) that having received the Opinion of the Inspector set out in Annex 2 to the report PN8 to REJECT the application for registration as a new Town or Village Green that plot of land known as Land at Foxwell Drive, Northway in Oxford that site being indicated clearly on “Map A” of the application submitted by Miss Georgina Gibbs and dated 14 December 2012.

7/15 COMMONS ACT 2006: IN THE MATTER OF AN APPLICATION TO REGISTER LAND AT THE GREEN, QUEENSWAY, DIDCOT AS A TOWN OR VILLAGE GREEN.

(Agenda No. 9)

The Committee considered (PN9) an application made by Mr Trevor Davies for registration of land at Queensway, Didcot in Oxfordshire as a new town or village green under the Commons Act 2006. No objection had been received and the Council as the Commons Registration Authority was now required to determine the application through its Planning & Regulation Committee which had delegated authority to do so.

Councillor Nick Hards and Mr Trevor Davies spoke in support of the application both confirming access for recreation purposes over the required period.

RESOLVED: (on a motion by Councillor Johnston, seconded by Councillor Cherry and carried by 11 votes to 0) to APPROVE the application for registration as a new Town or Village Green that plot of land known as The Green, Queensway, Didcot in Oxfordshire that site being indicated clearly on the map appended to the application submitted by Mr Trevor Davies and dated 25 November 2013.

..... in the Chair

Date of signing