

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 18 May 2015 commencing at 2.00 pm and finishing at 3.10 pm

Present:

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

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
5.	K. Broughton (Environment & Economy)
7.	M. Thompson (Environment & Economy)

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.

22/15 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

<i>Apology for absence</i>	<i>Temporary appointment</i>
Councillor Anne Purse	Councillor Richard Webber

Councillor Peter Handley	-
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23/15 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 2)

With regard to Item 7 (Progressive extraction of sand and gravel, importation of inert waste materials with restoration to nature conservation and an agricultural reservoir at Sutton Wick – Application MW.048/05) Councillor Webber advised that although he had resided some 400m from the site for twenty years he had not been involved in any way with this particular application and therefore intended to take a full part in the discussion and any decision thereon on the basis of the information currently before the Committee.

24/15 MINUTES

(Agenda No. 3)

The minutes of the meeting held on 13 April 2015 were approved and signed.

Minute 21/15 Review of detailed scheme – Ardley EfW site

Having confirmed that no response had as yet been received from Viridor with regard to measures which had been suggested by the Committee to offset the effects of lighting at the Ardley facility officers were asked to request an urgent reply.

25/15 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
Mike Kerford-Byrnes (Finmere Parish Council)	6. Finmere Quarry – Application MW.0031/15
Douglas Symes (Agent for the Applicant)	7. Sutton Wick – Application MW.048/05

26/15 CHAIRMAN'S UPDATES

(Agenda No. 5)

Radley ROMP Prohibition Appeal

Mr Broughton outlined the detail of a recent decision to award costs against the County Council following an appeal against the Radley ROMP Prohibition Order.

Responding to members' questions he explained that both parties at the Inquiry had proceeded on the common understanding that the ROMP was undetermined. The Inquiry, initially set for three days had overrun due in part to the need to sort out the administration of the National Planning Casework Unit. As a result the Inquiry was adjourned to a later date when two further days were programmed. On reconvening new evidence was introduced as a result of which the county council accepted that the prohibition should not be confirmed. That evidence had concerned a delay in sending out a letter back in 2000. That had not been identified by officers as the applicant and the authority had continued to process on the understanding that the application remained undetermined. However, notwithstanding that the new evidence and position had been accepted the Inquiry had sat for a further two days for the benefit of the remaining parties in support of the prohibition namely Radley Parish Council and Friends of Radley Lakes.

The Solicitor to the Council had written to the Secretary of State setting out reasons why the County Council considered that in the light of events it had been harshly treated in having a full award of costs against it. When it was known what those costs were a statement would be prepared for the Committee to consider.

He also advised that he was currently reviewing the history regarding this site before embarking on the next review.

27/15 FINMERE QUARRY - RETROSPECTIVE PLANNING PERMISSION FOR MINOR CHANGES IN ORIENTATION TO A LIMITED PART OF AND AN EXTENSION TO THE FOOTPRINT OF THE MATERIALS RECYCLING FACILITY (MRF) BUILDING THE SUBJECT OF PLANNING PERMISSION REFERENCE 10/00361/CM, CHANGES TO THE SURFACE WATER MANAGEMENT SYSTEM, THE PROVISION OF BOUNDARY FENCING AND NON-MATERIAL AMENDMENTS TO THE CONSENTED MRF BUILDING INCLUDING THE ADDITION OF DOORS, ROOF LIGHTS, SIGNAGE, GENERATORS AND AIR MANAGEMENT EQUIPMENT, EXTERNAL STAIRS, AMENDMENTS TO THE OFFICES AND INTERNAL LAYOUT OF THE BUILDING AND THE VARIATION OF PLANNING PERMISSION REFERENCE 10/00361/CM TO REMOVE CONDITION C24 (LANDSCAPING MITIGATION MEASURES) AND CONDITION C29 (RELATING TO LANDFILL ENGINEERING WORKS). - APPLICATION MW.0031/15

(Agenda No. 6)

The Committee considered (PN6) a partly retrospective application for a larger MRF building facility on a slightly different orientation to that which had been approved in planning permission 10/00361/CM.14.

Mr Periam also referred to the addenda sheet which set out a response from the applicant's agent to an enquiry from county officers regarding the timescale for completion of the commissioning process. It also set out an additional recommendation regarding authorisation to refuse the application should the legal

agreement referred to in the printed recommendation (a) not be completed within 13 weeks of the date of this meeting.

Mr Periam then responded to the following questions from members:

Councillor Phillips – he clarified the additional area of building.

Councillor Lilly - confirmed that a filtering system would be installed to prevent emissions.

Councillor Cherry – the intention was that the MRF facility would not commence operation until the cells had been capped.

Councillor Bartholomew – the building had been enlarged in order to accommodate new processes and equipment required due to advances in technical expertise. There was inevitably a risk involved to applicants when submitting such applications and confirmed that this application had been prompted by county monitoring officers.

Councillor Phillips – any waste which remained in the building after 31 December 2020 would be required to go to landfill.

Mr Kerford-Byrnes then spoke and referred to the complex and troubled history of this site but had been heartened to see that the terms of Condition 2 prevented the facility becoming operational until such time as cells 4, 5 and 8 had been capped and, with that caveat in place, the parish council were happy to support the recommendation and the terms set out as part of the additional recommendation.

Councillor Fulljames as local member criticised the nature of the retrospective application which she felt should have been submitted in the normal way. She confirmed that the problems experienced by local residents such as smell, flies, wind-blown litter had been severe over the years and it was imperative that capping work was completed before the facility became operational but remained concerned regarding enforcement of condition 2.

Mr Periam then responded to further questions from::

Councillor Greene - he confirmed that the Committee could agree to officers seeking a breach of condition notice to secure the capping of cells 4, 5 and 8 by a set date.

Councillor Bartholomew – that a condition could be attached that the company notify when the commissioning certificate had been issued.

RESOLVED: (on a motion by Councillor Tanner, seconded by Councillor Johnston and carried unanimously):

- (a) that subject to the applicant first entering into a Section 106 Legal Agreement to secure that the development would be carried out in accordance with the same requirements of the existing legal agreements including the hinterland

from which the majority of waste could be imported Application MW.0031/15 be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) but in accordance with those set out in Annex 2 to the report PN6 plus additional conditions that:

- (i) the operators notify the County Council immediately when the commissioning certificate had been issued;
 - (ii) that no further commissioning works occur after a date to be determined by officers following consultation with the Chairman of the Planning & Regulation Committee until the capping of cells 4,5 and 8 had been completed;
- (b) that the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) be authorised to refuse the application if the legal agreement referred to in (a) above had not been completed within 13 weeks of the date of this meeting on the grounds that without it the development would not comply with OMWLP policy W3 (a) with regard to the identified hinterland;
- (c) that the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) be authorised to serve a Breach of Condition Notice to secure the capping of cells 4, 5 and 8 by 31 August 2015.

28/15 PROGRESSIVE EXTRACTION OF SAND AND GRAVEL, IMPORTATION OF INERT WASTE MATERIALS WITH RESTORATION TO NATURE CONSERVATION AND AN AGRICULTURAL RESERVOIR AT SUTTON WICK - APPLICATION MW.048/05

(Agenda No. 7)

The Committee considered (PN7) an application to extract 350,000 tonnes of sand and gravel over a period of 5-7 years, infill with inert waste and restore to nature conservation. The site lay within the Sutton Wick complex identified in the Oxfordshire Minerals and waste Plan.

Presenting the report Mary Thompson drew the Committee's attention to the addenda sheet which set out items of clarification in the report with regard to neighbouring properties and an additional recommendation.

Douglas Symes thanked the officers for their comprehensive report and referred to 3 specific issues. Firstly since being purchased by the farmer the site had been used principally for fodder which had resulted in the current diversity of the site. However, if the application were refused then it was possible that it might return to more intensive farming. Secondly, speed limits in place on the Sustrans element of the site (10 mph), Bassetts Lane (15 MPH) and (5 mph) by the cottages could be strengthened through provision of further signing. Thirdly,

although the road was in mainly good fettle there was one area which was bad but confirmed that it would be in the interests of the applicant if it was kept in good repair in order to protect vehicles.

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Councillor Webber speaking as local member pointed out that he suspected the property Willowdene was within 100 meters of the site and therefore did not comply with the terms of condition 10. He welcomed the offer of further signing.

Councillor Fulljames had some concerns regarding lorry traffic and wondered whether or not tracking devices could be used to monitor speed. She then moved and Councillor Johnston seconded that the recommendation set out in the officer report together with the additional recommendation set out in the addenda sheet be approved. The motion was put to the Committee and –

RESOLVED: (unanimously)

(a) that subject to:

- i) notification of the application being sent to the property known as Fairview and no overriding additional reason for objection being raised following officer consultation with the chairman;
- ii) the applicant first entering into a Section 106 legal agreement to cover the funding and implementation of a 20 year long term management plan for the restored site and the provision of a mains water supply should it be necessary to properties currently served by wells;

that Application DRA/3595/3-CM be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) but in accordance with those set out in Annex 1 to the report PN7;

- (b) the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) being authorised to refuse the application if the legal agreement referred to in (ii) above had not been completed within 13 weeks of the date of this meeting on the grounds that without long term management of the restored site the development would not comply with OMWLP policy PE13 and the guidance set out in paragraph 118 of the NPPF.

..... in the Chair

Date of signing