

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 22 June 2015 commencing at 2.00 pm and finishing at 3.17 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 James F. Mills
Councillor Anne Purse
Councillor G.A. Reynolds
Councillor Jenny Hannaby (In place of Councillor Bob Johnston)
Councillor John Sanders (In place of Councillor Glynis Phillips)
Councillor Lawrie Stratford (In place of Councillor Stewart Lilly)

Officers:

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

Part of meeting

Agenda Item

Officer Attending

7. K. Broughton (Environment & Economy)
8. H. Coddington (Archaeology Team)
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.

29/15 ELECTION OF CHAIRMAN FOR THE COUNCIL YEAR 2015/16

(Agenda No. 1)

RESOLVED: that Councillor Mrs Catherine Fulljames be elected Chairman for the Council year 2015/16

30/15 ELECTION OF DEPUTY CHAIRMAN FOR THE COUNCIL YEAR 2015/16

(Agenda No. 2)

RESOLVED: that Councillor Neil Owen be elected Deputy Chairman for the Council year 2015/16

31/15 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 3)

<i>Apology</i>	<i>Temporary Appointment</i>
Councillor Stewart Lilly Councillor Bob Johnston Councillor Glynis Phillips Councillor John Tanner	Councillor Lawrie Stratford Councillor Jenny Hannaby Councillor John Sanders -

32/15 MINUTES

(Agenda No. 5)

The minutes of the meeting held on 21 May 2015 were approved & signed

Minute 24/15 – Minute 21/15 – Review of detailed scheme – Ardley EfW site

Mr Periam advised that a response had been received from Viridor immediately preceding the meeting. However, he had been unable to fully evaluate the response but would do so as soon as possible and circulate to members with his comments.

Minute 26/15 – Chairman’s Updates – Radley ROMP Prohibition Appeal

Mr Broughton advised that negotiations were continuing with the applicants in order to agree a final figure and responding to Councillor Bartholomew confirmed that processes had been reviewed to help prevent similar occurrences.

33/15 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 6)

<i>Speaker</i>	<i>Item</i>
Peter Hore (Woodeaton Parish Council) Brian Henman (Neighbouring landowner)) 8 - Construction of haul road and widening of existing field entrance for temporary use in restoration of Woodeaton Quarry – Application

Suzi Coyne (Agent for the Applicant)) No. MW.0149/14
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34/15 CHAIRMAN'S UPDATES

(Agenda No. 7)

Radley ROMP Prohibition Appeal

Mr Broughton advised that in the light of the Inspector's decision it had been decided to review a different area. He would report to the next meeting on the detail.

35/15 CONSTRUCTION OF HAUL ROAD AND WIDENING OF EXISTING FIELD ENTRANCE FOR TEMPORARY USE IN RESTORATION OF WOODEATON QUARRY - APPLICATION NO. MW.0149/14

(Agenda No. 8)

The Committee considered (PN8) an application for a new haul road to access Woodeaton Quarry required to allow the approved development of the restoration of the quarry to go ahead. Negotiations over the use of the originally proposed access route had not been successful.

Introducing the report Mr Periam referred to the addenda sheet which highlighted representations from the local member Councillor Tim Hallchurch and a number of corrections to the report, including a revised plan showing the correct location where the proposed haul road accessed the B4027. That plan had previously been circulated to members of the Committee and displayed at the meeting. The Committee noted the corrections and information in the addenda sheet.

Mr Periam then responded to questions from:

Councillor Bartholomew – although contractual negotiations between other parties were not a matter for this Committee the application should be deliverable as he understood agreement had been reached between the parties subject to planning permission being granted.

Councillor Mills – a condition would be imposed which would require that no mud be deposited on the highway and that would be achieved by providing some form of wheelwash facility. Hugh Coddington then explained that there would be an archaeological presence during the period of groundworks and any invasive works and any data recorded and published.

Councillor Sanders – he confirmed the road would be classed as temporary with a defined use and then restoration to meadow and woodland.

Peter Hore stated that the application would probably have been less objectionable if there had not already been a perfectly adequate route to the Quarry from the B4027. He accepted that the new haul road might be consistent with planning policy with few but it was fundamentally wrong to spoil the countryside, even temporarily, simply

because agreement could not be reached between two third parties. The application required destruction of a substantial quantity of vegetation along the B4027 with two paved access points within 200 metres of one another on a busy road, one of which would be far wider than necessary when no longer needed for 20 tonne lorries. Heavy goods vehicles using the new road would be visible from some distance, a significant factor which he felt had not been adequately covered in the report before the Committee. Although not strictly relevant to today's decision Woodeaton Parish Council did not want the quarry restored with at least 10 years of disruption nor did they want quarrying to resume and it had been for those reasons that the application had been opposed in 2012. Then, as now, the strongly held view was that the quarry should be left substantially as it is.

Brian Henman advised that at all times he had been willing to negotiate terms for the use of the existing haul road by the applicant and whilst there had been problems negotiating terms with the previous owner for the use of the road until 2042 he stressed that at all times, and despite suggestions to the contrary, he had been willing to negotiate the use of this access with both past and present owners. Prior to their purchase of the quarry the present owners, had asked for a copy of the agreement with the previous operators but I had pointed out that it had demised as they had ceased to use the access-way since August 2003 but confirmed that we could negotiate use of the access. A QC specialising in these matters advised that despite the applicant's suggestion to the contrary, we could grant access to whoever we wished for use of the haul road. The applicant had stated that an alternative access route was necessary as on-going negotiations of the existing route had been unsuccessful and went on to say that he would very much have preferred to proceed with the existing access. However, that had been a derisory attempt which he failed to pursue. Final terms with the present owners had been close in July 2013 when they offered a fee very close to what we had been expecting and this could easily have been negotiated by the two parties. However, they failed to come back to us and in May 2014 it became apparent that the owners were seeking to gain permission for the alternative route. It was stated that we had been unwilling to negotiate terms with them but this had not been the case and misrepresented the true sequence of events. The construction of an access-way across a Scheduled Ancient Monument on which a wild flower meadow had been created did not seem to comply with the reason for its creation and Natural England who administer the Higher Level Scheme for the protection of Ancient Monuments were now endorsing a construction for which the scheme had been created to prevent. The access-way's construction straight onto bare soil would create long term compaction issues which would never be eradicated without ripping and soil loosening and unless that work was undertaken then any compaction would be visible for many years to come and quite possibly in perpetuity. That would certainly be the case where heavy clay soil lay immediately adjacent to the pond and as farmers we had to abide by rulings made by DEFRA to undertake a constant soil protection review to protect against compaction and ponding and there should no exceptions to those rules. I had raised concerns regarding drainage from the site where an unmaintained ditch ran beside the hedge between the two properties, terminating at the road. There were no ditches beside the road and the only place that the water could flow was onto our fields or down the road eventually ending up in Islip. The County Drainage Engineer had not taken this into account. This was a commercial venture by the applicant with the added benefit of the SSSI being restored at the conclusion of the exercise but it had

been implied that there was no access to the SSSI but I would point out that we had been working with the Natural History Museum in London to allow free access along our haul road and I would like to see the quarry reinstated so that the SSSI was protected for the benefit of future generations. The construction of a new access would be expensive, was totally unnecessary and would require removal of many trees on a part of the B4027 where the sightline was inadequate for safety reasons. When the present access was granted permission in October 1989 with a section 52 agreement we had been compelled to move the entrance gateway of the field concerned approximately 100 metres towards Islip to allow the necessary sightline. The existing quarry entrance and haul route were perfectly adequate as a means of restoring both the quarry and SSSI, allowing for future educational and research purposes. The existing access covers all the requirements both now and in the future without the removal of trees and damage to the environment and the risk of flooding to my land and the highway and we remain open to negotiation by the quarry owners..

Suzi Coyne referred to the resolution to grant planning permission for restoration of the quarry in April 2012. Before that application went before Committee and for some considerable time afterwards strenuous efforts had been made to reach agreement over use of the existing haul road, which had been very much the preferred and most straightforward option for accessing the quarry. However, negotiations had stalled in July 2013 when it became apparent that a settlement was not remotely possible that would allow the project to go ahead as planned. It had not been simply that an unaffordable sum of money was being demanded but also the issue of a lease agreement over the road with the previous site operators Earthline, who were also suggesting that they should also receive a royalty payment. The haul road owner had maintained that Earthline had lost their lease entitlement. However, that had not been the case according to the title deeds and therefore the routing agreement could not be completed without them being party to it. Despite the applicant agreeing to pay his costs, Mr Henman did not take any formal steps to have the lease lifted. In light of all this, the applicant felt he had no choice but to seek some other means of accessing the quarry and, therefore, approached the owners of the adjoining land, known as Temple Field. She stressed that it would have been a far easier process for the applicant to use the existing access and he certainly had wished to do so but had simply been unable to reach agreement with Mr Henman, both in relation to a sensible fee and in having confidence that there would then not be any need to have to deal with Earthline as well. The need to construct and then remove a road, as well as the protection of the Scheduled Monument, were all additional complications that the applicant would rather not have, but he was left with no other option of being able to carry out the quarry restoration. She added there would be many benefits that would arise from the proposed quarry restoration scheme, including:

- making a dangerous and unstable quarry void safe;
- securing early restoration of the quarry, which would not be the case if the mineral permission was to be relied upon;
- enabling preservation and enhancement of the full geological interest for which the quarry was designated an SSSI;
- reinstating safe access to the site both for geologists and the local community;
- improving local landscape character; and

- securing reinstatement of land with new wildlife habitats to support local nature conservation aims.

Finally, the development as now proposed with the alternative haul road would have further merit as the owners planned to dedicate the rental payments received for the road to set up a trust for funding a new local environmental and educational project and had agreed to take over the quarry once restored with the intention of using it together with Temple Field, to create a facility for promoting good agricultural and environmental practice. The owners had already established a similar community project over 5 acres of land at Islip and the proposal here would be to create another such farming or land management project, appropriate to the hay meadow nature of Temple Field and the habitats to be created in the quarry, for use and access by the immediate local community. She asked the committee to support the recommendation for approval of this application.

She then responded to questions from:

Councillor Bartholomew – the applicant was committed to the scheme and papers had gone to solicitors in the hope of approval.

Councillor Purse – she confirmed that money for the use of the road would go into a fund for an educational project and that any woodland lost would be reinstated.

Councillor Hannaby – the applicant was eager to commence work within a couple of months.

Mr. Coddington confirmed that English Heritage had not objected to the application.

Councillor Purse considered this a sad state of affairs. The site was in the Green Belt and unless there were special circumstances it would be regrettable if the application were approved. She had been shocked at the length and depth of the hedge proposed to be removed for the vision splay which she considered was equivalent to a small wood and she was amazed that other parties had not shared that view. She felt this was the worst place for an access for slow turning lorries on a very fast road.

Councillor Green understood those concerns but felt there was no option other than to approve the application and he so moved. Councillor Bartholomew seconded the motion.

Councillor Greene with the agreement of the seconder accepted an amendment by Councillor Stratford that Condition 4 when finally drafted should include a specific timescale for restoration after cessation of works.

The motion as amended was put to the Committee and carried by 9 votes to 2.

RESOLVED: that

- (a) Application No. MW.0149/14 be approved subject to conditions as set out below:

1. Complete accordance with plans
2. Commencement within 3 years
3. Use for traffic to Woodeaton Quarry in association with the development permitted by MW.0015/12 only, and only if the original access permitted under MW.0015/12 is not used
4. Restoration following cessation of use
5. No deposit of mud on the highway
6. Operating hours (0730-1800 Mondays to Fridays, 0830-1300 Saturdays)
7. Visibility splays – as per submitted plan and kept clear from obstruction
8. Archaeological watching brief
9. Development to be carried out in accordance with the recommendations of the Ecology Report
10. Updated ecological surveys to be provided if the development is not commenced within one year of the date of consent

Informatives – Protected Species, bird nesting;

- (b) the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) be authorised to approve any amendments to application MW.0015/12 to allow the use of the alternative access road which is the subject of application MW.0149/14;
- (c) references to the ‘northern quarry access’ in the resolution on application MW.0015/12 are amended to ‘northern access shown on MW.0015/12 plans or alternative access shown on MW.0149/14.’

36/15 COMMONS ACT 2006: IN THE MATTER OF AN APPLICATION TO REGISTER THE POND, MAIN STREET, SIBFORD GOWER, OXFORDSHIRE AS A TOWN OR VILLAGE GREEN

(Agenda No. 9)

The Committee considered (PN9) an application made by Mr Peter Hardman on behalf of the Sibford Gower Parish Council for registration of land at The Pond, Main Street, Sibford Gower in Oxfordshire as a new town or village green under the Commons Act 2006. No objection to the registration had been received.

However, despite being duly made during further consideration of the application there was concern that the application did not meet all of the parts of the legal test for registration as set out in section 15(2) of the Commons Act 2006.

Councillor Reynolds speaking as local member advised that the applicants did not agree with the conclusion drawn but would accept it and he duly moved with Councillor Owen seconding that the officer recommendation be agreed.

The motion was put to the Committee and -

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RESOLVED: (unanimously) that the application for registration as a new Town or Village Green that plot of land known as The Pond, Main Street, Sibford Gower, Oxfordshire and identified edged red on the map appended to the report be rejected..

..... in the Chair

Date of signing