

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 27 July 2015 commencing at 2.00 pm and finishing at 3.59 pm

Present:

Voting Members: Councillor Neil Owen – in the Chair

Councillor David Bartholomew
Councillor Mark Cherry
Councillor Patrick Greene
Councillor Ian Hudspeth (In place of Councillor Mrs Catherine Fulljames)
Councillor Bob Johnston
Councillor Stewart Lilly
Councillor James F. Mills
Councillor Glynis Phillips
Councillor Anne Purse
Councillor Lawrie Stratford (In place of Councillor G.A. Reynolds)
Councillor John Tanner

Other Members in Attendance: Councillor Charles Mathew (for Agenda Items 9 & 10)
Councillor Richard Webber (for Agenda Item 8)

Officers:

Whole of meeting J. Crouch and S. Whitehead (Law & Governance); C. Kenneford and D. Periam (Environment & Economy)

Part of meeting

Agenda Item	Officer Attending
6, 8 & 9	Mary Thompson (Environment & Economy)
7	Kevin Broughton (Environment & Economy)
13	Richard Goodlad (Law and Governance) and Anita Coghlan (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. 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.

37/15 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

<i>Apology</i>	<i>Temporary Appointment</i>
Councillor Mrs Catherine Fulljames Councillor George Reynolds	Councillor Ian Hudspeth Councillor Lawrie Stratford

38/15 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 2)

Councillor Bob Johnston declared an interest at Item 8 as a member of the Radley Parish Council but advised that when the matter was discussed he absented himself and took no part in their discussion.

39/15 MINUTES

(Agenda No. 3)

The minutes of the meeting on 22 June 2015 were approved and signed subject to the correction to the spelling of the name of Councillor Greene (Minute 35/15).

40/15 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

John Salmon (for H Tuckwell & Sons Ltd and John Curtis & Sons Ltd.)	7 - Serving of the review of mineral permissions (ROMP) at Thrupp Lane and Thrupp Farm, Radley
Sarah Henderson (FCC Environment) Councillor Richard Webber (Local Member)	8 - Sutton Courtenay Landfill, Appleford Sidings
Bob Smith (for Hanson UK) Councillor Charles Mathew (Local Member)	9. Concrete Batching Plant – Dix Pit, Linch Hill, Stanton Harcourt
Suzi Coyne Councillor Charles Mathew (Local Member)	10 - Controlled Reclamation Landfill Site, Dix Pit, Stanton Harcourt

41/15 CHAIRMAN'S UPDATES

(Agenda No. 5)

Minute 26/15 Radley ROMP Prohibition Appeal.

Members confirmed that the result of the negotiations would come to them for information and that they had not intended to be involved in the approving of any of the negotiations.

42/15 CONSTRUCTION OF HAUL ROAD AND WIDENING OF EXISTING FIELD ENTRANCE FOR TEMPORARY USE IN RESTORATION OF WOODEATON QUARRY.

(Agenda No. 6)

The Committee considered a report that proposed a modification to one of the conditions which was part of the resolution of this Committee for the granting of planning permission for the construction of a haul road and widening of existing field entrance for temporary use in restoration of Woodeaton Quarry (item PN8 22 June 2015, Minute 35/15). This modification was proposed to ensure that the hours of use for the haul road are the same as the hours of use for the quarry infilling operation that the road would serve.

RESOLVED: that condition 6 listed in the resolution for item PN8 Planning & Regulation Committee 22 June 2015 (Minute 35/15 refers) is amended to read: Operating hours (0700-1700 Mondays to Fridays, 0800-1300 Saturdays).

43/15 SERVING OF THE REVIEW OF MINERAL PERMISSIONS (ROMP) AT THRUPP LANE AND THRUPP FARM, RADLEY

(Agenda No. 7)

The Committee had before them a report on the issue of re-serving the ROMP review. Planning & Regulation Committee had instructed that the previous review should be withdrawn and re-served once the Inspector's Decision had been produced. The Inspector's decision raised some issues as to what area the Review should cover and the report set out the area over which the review should take place.

Kevin Broughton introduced the contents of the report and responded to a question from Councillor James Mills, explaining what was involved in modern conditions that covered how sites were worked, processed and restored.

Mr Salmon, speaking for H Tuckwell & Sons Ltd and John Curtis & Sons Ltd spoke against the recommendation stating that the review was not needed at this time as there was no intention to work the site.

Mr Salmon then responded to questions from:

Councillor Tanner – There was a remote possibility that the site could be sold but if there was any hint of a change the Council could then serve a ROMP.

Councillor Johnston supported the proposals as it was important to follow the procedure with regard to ROMPs. Not to do so could result in a precedent being set. The previous EIA was inadequate and some of the old permissions were unenforceable as they did not contain sufficient detail.

Kevin Broughton responding to a question from Councillor Mills explained the context of the 2011 environmental legislation and detailed why it was being recommended to review the planning permissions in this case.

Councillor Bartholomew noted that it was not possible to enter into an agreement not to work the site.

The motion on being put to the meeting was carried by 11 votes to 1 and it was:

RESOLVED: that a review of the planning permissions for areas DD1 and DD2 at Thrupp Lane and Thrupp Farm, Radley be sought and notice of the review of mineral planning conditions served as soon as possible.

44/15 APPLICATION TO CONTINUE THE DEVELOPMENT PERMITTED BY P14/V0479/CM (FOR THE DEPOSIT OF NON-HAZARDOUS WASTE INCLUDING SURCHARGING THE EXISTING LANDFILL, EXTENDING THE DURATION OF LANDFILL AND CLAY EXTRACTION OPERATIONS, TEMPORARY STORAGE OF PFA AND ANCILLARY ACTIVITIES TO RESTORATION) WITHOUT COMPLYING WITH CONDITIONS 1, 10, 15, 17, 28, 30, 32 AND 34, TO AMEND THE LANDFILL PHASING, RESTORATION PLAN FOR PHASE 3, RESTORED CONTOURS OF PHASE 3 AND THE RESTORATION METHOD FOR PHASES 3 AND 4 AT SUTTON COURTENAY LANDFILL, APPLEFORD SIDINGS - APPLICATION MW.0039/15

(Agenda No. 8)

The Committee considered an application for amendments to the conditions on the consent for landfilling at Sutton Courtenay. The proposed amendments alter the sequence of filling to allow Phase 3 to be infilled simultaneously with Phase 4, rather than afterwards. Phase 3 would be filled with inert waste rather than biodegradable waste and Phase 3 would be restored to a level 1 metre above original ground levels, rather than 8 metres above as currently approved. The final restoration of Phase 3 would be amended to include biodiversity enhancements. The proposed amendments offered a number of environmental benefits in terms of infilling being completed sooner than it otherwise would, to a lower level and with a waste type less likely to have amenity impacts. An Environment Statement was submitted to consider the potential impacts of simultaneous infilling of Phases 3 and 4. There have been no objections to this application from consultees. Although four letters of representation have been received these were concerned with the principle of amending permissions and with the general amenity issues associated with landfilling and did not object to the specific changes proposed in this application.

Mary Thompson introduced the contents of the report.

Sarah Henderson (FCC Environment) spoke in support of the recommendation stating that they had worked hard to consult with local people and believed this to be a positive outcome. There was an impact on right of way users but this would end once the site was restored. The amendments would not change the amount ported to site each year.

Sarah Henderson then responded to questions from members:

Councillor Greene - Sutton Courtenay Parish Council had declined to comment until a previous condition was enforced but that condition did not effect this proposal.

Councillor Lilly – As they were using inert material there would be less settlement and certainly not below the ground level.

Councillor Richard Webber (Local Member) supported the recommendations and commended the work of the Liaison Committee. The two letters of concern from residents had been addressed. With regard to the drainage condition this was being dealt with and the only reason work had not begun was due to Environment Agency concerns over the bird nesting season.

The motion on being out to the meeting was agreed by a show of hands by 11 votes to 1 and it was:

RESOLVED: that Application MW.0039/15 be approved subject to conditions as on existing consent P14/V0479/CM, with the amendments to conditions and additional conditions and informatives to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) but in accordance with the details set out in Annex 1 to this report and with any necessary updates to the wording of existing conditions to ensure clarity and reflect changes to policy since the original permission was issued.

45/15 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 MW.0153/15

(Agenda No. 9)

The Committee considered a report on an application for the temporary siting of a concrete batching plant at Dix Pit, a former quarry and current landfill site. The application site is within the area also covered by the landfilling permission and a concrete batching plant was located on the site until 2014. The proposed new plant would occupy the same footprint and is located 180 metres from the Devil's Quoits, a Scheduled Ancient Monument (SAM).

Mary Thompson introduced the contents of the report. The site was currently vacant and well screened. It would be visible from the scheduled monument but due to distance there was no significant impact. Referring to paragraph 12 she informed the Committee of a correction as taking into account the routeing agreements in place the distance between the 2 sites was 29 miles.

She then responded to questions from:

Councillor Mills – the developer would have details on the number of movements per day from Stonehenge Farm. During later discussion the number of movements per day was clarified by reference to paragraph 16 of the report.

Councillor Hudspeth – The applicant had advised that there was no space at Linch Hill.

Councillor Bartholomew – The application site was on the same footprint as the previous plant.

Bob Smith, for Hanson UK spoke in support of the application. Concrete plants were regularly associated with sand and gravel works. The company had permission for sand and gravel extraction at Stonehenge Farm but had a short term need to service the Westgate Centre redevelopment. There was a Liaison Group at Stanton Harcourt and usually the proposal would have been raised with them but the timing of meetings was not compatible. They had been advised in writing in March. The location was a former concrete plant and although a modern facility this was the same basic process. It would require aggregate importation for the first 18 months. The company was more than happy to sign up to the routeing agreement.

Mr Smith then responded to questions from members:

Councillor Greene – The plant would cease operation when the Stonehenge Farm permission ended.

Councillor Hudspeth – With regard to Stonehenge Farm significant capital funds were required to develop reserves of this nature and it had not been possible to bring forward. In order to comply with the permission a token amount had already been extracted but this remained on site.

Councillor Cherry – There would be tracking devices to monitor the routeing agreement. Not only was there a routeing agreement but also a routeing monitoring agreement.

Councillor Charles Mathew, speaking as a local councillor and as the Chairman of Sutton Harcourt Parish Council raised a number of difficulties with the application: the distance between the sites was a considerable distance and he queried whether large lorries driving over this distance was environmentally sound in line with green policies; there was no current permission for Bridge Farm; he did not accept that the Linch Hill site was not large enough and it had 2 major advantages with regard to the noise impacts and sightlines; timing as the permission for Stonehenge Farm was 7 years behind so it could be in use until 2028/29 which was not clear from the report and there would be 36 lorry movements per day.

Mary Thompson confirmed that the distance between sites taking into account the routeing agreement was 29 miles. It was clear that Bridge Farm did not have a current permission and that no permission for this application would be granted until the permission for Bridge Farm was in place. Currently the permission for

Stonehenge Farm ended in 2021. It was possible that the firm could work faster than planned and finish on time.

The Chairman expressed some unease and queried whether there was a feeling from the Committee that a deferral would be appropriate. Councillor Tanner supported the recommendations and stated that it would be unreasonable to refuse. He was delighted to see the use of local materials in the Westgate Centre redevelopment. The points raised by Councillor Mathew had been answered and the fall back was that the source of the gravel had to be in place before the permission was granted. He could see no grounds for refusal and felt that any such refusal would be lost on appeal.

In response to concern from Councillor Bartholomew that the time limit in paragraph 12 was not referenced in the recommendations an amendment was proposed to include an 18 month time limit.

Councillor Purse expressed concerns that the applications were the wrong way about and that if it was so urgent then the Bridge Farm site permission should have been resolved. She sympathised with concerns over the mileage between sites. She noted what was said about the scheduled monument but was still uneasy about the impact on it.

Mary Thompson confirmed that routeing agreements were routinely monitored.

Councillor Hudspeth in supporting the use of local cement queried what would happen if Stonehenge Farm was not working in 18 months. He would encourage working with West Oxfordshire District Council to bring forward proposals for the western bypass to alleviate transport issues. He still believed that it would be better to be at Linch Hill as he expected that if Stonehenge Farm was not dug out by 2021 there would be an extension of the permission.

David Periam clarified that the Bridge Farm permission would not need to come to Committee as they had already determined it and it was awaiting implementation once agreement was reached.

The motion as amended on being put to the vote by a show of hands was agreed by 9 votes to 1 with 1 abstention and it was:

RESOLVED: that subject to:

- i) an agreement to ensure that vehicles associated with the development are routed via the A415 and the A40 to avoid Sutton; and
- ii) planning permission for MW.0126/12 (P12/V1729/CM) first being issued;

that Application MW.0053/15 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 1 to this report and an additional condition imposing a time limit of 18 months for the supply of sand and gravel from Bridge Farm Quarry in line with paragraph 12 of the report.

NB. Councillor Purse asked that she be recorded as having voted against the application and Councillor Hudspeth asked that he be recorded as having abstained.

46/15 PROPOSED ENGINEERING OPERATIONS FOR RESTORATION OF FORMER LANDFILL SITE AND TEMPORARY PROVISION OF AN AREA FOR TOPSOIL RECYCLING AT CONTROLLED RECLAMATION LANDFILL SITE, DIX PIT, STANTON HARCOURT - APPLICATION NO. MW.0150/14

(Agenda No. 10)

The Committee considered an application that proposed that existing material in excess of that permitted on a previously consented landfill site should be retained and partly re-graded to achieve revised contours within a 12 month period. The area to be regraded covers approximately 5 ha of the total site area (running north-westwards up from the site boundary with the Blackditch access road). Approximately 52,000 m³ of waste would be regraded in this area. The rest of the application site would not be subject to any re-grading or any other works and so would remain as existing. Both the pre-settlement and post-settlement contours (no significant settlement is anticipated in this area) would be approximately three metres higher than the pre-settlement contours previously approved (and which are required under the provisions of an enforcement notice) at the highest part of the site, which is towards its centre. Within the area to be regraded, the contours would create a steeper slope, to the lower south-eastern part of the site than previously approved. Should planning permission be granted an additional time period to allow for topsoil manufacture and placement of the soil until end of October 2016 would be required. Following the placement of final restoration soils, the site would be planted and grass-seeded. The whole area would be subject to a five years period of aftercare.

The report considered the application against relevant planning policies and other material considerations.

David Periam introduced the contents of the report and advised that the information in the addenda was that referred to at paragraph 57 of the report. Responding to a question from a member he advised that the applicant had proposed a move to the existing bridleway and the creation of a permissive bridleway. The recommendation made provision by way of a legal agreement for funding for this work.

He then responded to further questions from:

Councillor Johnston – the over tipping had been noted and raised with the applicant and a fully comprehensive survey had been needed to prove over tipping.

Councillor Hudspeth – It would not be possible to draw the materials down into a separate area without a further application.

Suzi Coyne, for the applicant spoke in support of the recommendation and commented that the applicant was keen to get on with restoring the site. He had acquired the site in 2000. It was not practical to move the waste to the adjacent area suggested by Councillor Hudspeth.

Councillor Charles Mathew (Local Member) emphasised the degree of overtipping. He referred to buildings which were very visible from the B4449 and that if anything could be done to screen them this would be advantageous. He recognised that the recommendation was a compromise and he was not an expert so merely stated that it was an unfortunate position.

Councillor Greene in supporting the recommendation stated that it was the best option. This view was supported by Councillor Johnston.

Councillor Purse queried whether all the information requested by the County Council's Ecologist Planner had been received and was included in the recommendations. David Periam explained that the recommendation set out heads of term but that a reference to the need to reflect her views could be included.

Councillor Stratford requested a copy of the plan in A3.

Councillor Lilly emphasised the need going forward to pick up problems quickly so that the need to solve at a later date was avoided.

On being put to a vote by a show of hands it was:

RESOLVED: that subject to the provision of a Section 106 legal agreement to secure the provision of a £10,000 financial contribution to be used to fund the aims of the Lower Windrush Valley Project, that Application MW.0150/14 (14/02397/CM) be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) including:

- i) No HGV movements to be generated directly to or from the site other than for the provision and removal of any plant required for the development to be completed;
- ii) Hours of operation to be not other than 7.00 am to 6.00 pm Mondays to Fridays and 7.00 am to 1.00 pm on Saturdays;
- iii) No topsoil generated through the topsoil recycling area to be removed from the site and to be solely used in the restoration works hereby permitted;
- iv) Other than planting and grass seeding, final restoration of the site and removal of all plant and machinery to be completed no later than 3 October 2016;
- v) All landscape planting to be completed no later than 31 March 2017;
- vi) All grass seeding to be completed no later than 31 May 2017;
- vii) Five years period of aftercare including replacement planting of any trees or shrubs which die with others of the same size and species.

Note: (v), (vi) and (vii) to encompass the views of the County Council's Ecologist Planner following consideration of the further detail submitted as set out in the addenda.

47/15 RESPONSE OF VIRIDOR TO REVIEW OF EXTERNAL LIGHTING AT ARDLEY ENERGY FROM WASTE FACILITY, ARDLEY

(Agenda No. 11)

The report related to an application for the consideration of the review of the external lighting details for the Energy from Waste Facility which has been granted planning permission at Ardley Fields, Ardley Landfill Site, Ardley. The report updated the Committee with regard to correspondence between the County Council and the site operator with regard to the review of the external lighting and also the internal lighting and coloured panels used in the construction of the building. Copies of the relevant correspondence were attached to the report.

Councillor Stratford noted that progress had been made and that there was a need to see what the impact was when there were darker evenings.

Councillor Bartholomew commented that he had been impressed by the professionalism shown during a recent visit to the site.

Councillor Greene proposed that Viridor be thanked for their efforts so far and asked for an update in due course.

RESOLVED: that the Committee notes the report and officers be asked to request an update from Viridoe in due course.

48/15 COMMONS ACT 2006: DELEGATION OF DECISION MAKING POWERS TO OFFICERS

(Agenda No. 13)

Further provisions of the Commons Act 2006 have recently been brought into force, which are expected to result in an increase in routine applications under the Act. Officers are of the view that all routine or uncontroversial decisions under the Act can be made at officer level, with those that are controversial, of strong local or County interest or which require an exercise of judgment still being reported to the Committee. The Committee considered a report seeking approval to a delegation to the Director for Environment & Economy to determine various types of applications under the 2006 Act, subject to the conditions and procedures set out in the report.

Councillor Phillips asked that councillors be advised of the applications determined by officers and was advised that a process would be put in place. She commented that she would wish to see information across the County and not just for her own area.

Councillor Bartholomew commented that he would wish members to be able to refer a decision to the Committee for determination.

Councillor Tanner proposed an amendment to condition (d) in the recommendations to allow a number of councillors joining together to call in a decision for determination by the Committee. There was support for this amendment and it was agreed that 5 councillors was an appropriate number.

Councillor Purse stressed the importance of local members knowing about this and added that where people made comments it was important that they received a response.

RESOLVED: to delegate to the Director for Environment & Economy the power to determine applications under the Commons Act 2006 as follows and subject to the stated conditions:-

- a) the power to grant any application or proposal;
- b) the power to refuse any application or proposal;
- c) the power to accept or reject any purported withdrawal of application, proposal or objection;
- d) the power to accept or reject an amendment to any application or proposal;
- e) the power to implement any decision of a Court or the Planning Inspectorate without need for further reference to the Committee;
- f) the power to accept or reject any repeated or materially identical application or proposal; and
- g) the power to grant or refuse in part any application or proposal.

In all cases, the exercise of these delegated powers by officers will be subject to such of the following conditions that apply to the determination in question:-

- a) there have been no objections to the application or proposal or all such objections have been withdrawn by the objector;
- b) officers are satisfied that all relevant legal requirements are met (to the standard of the balance of probabilities);
- c) legal advice is taken from the County Solicitor where necessary;
- d) the Chairman of the Committee (on his/her own initiative or if requested by any Member) may or shall if requested by any 5 county councillors 'call in' any application or proposal to be determined by the Committee;
- e) officers may refer any application or proposal to the Committee where, although they are empowered to determine it under delegated powers, they consider that the decision is controversial or there is otherwise good reason for the Committee to consider and determine it; and
- f) there is no other relevant decision-making body (e.g the Planning Inspectorate) to whom the decision must (or may where officers consider it necessary or appropriate) be referred for determination.

..... in the Chair

Date of signing

2015