

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 30 November 2015 commencing at 2.00 pm and finishing at 4.32 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 James F. Mills
Councillor Glynis Phillips
Councillor Anne Purse
Councillor G.A. Reynolds
Councillor John Tanner

Other Members in Attendance:

Councillor Charles Mathew (for Agenda Item 6)
Councillor Richard Webber (for Agenda Item 7)
Councillor Arash Fatemian (for Agenda Item 8)
Councillor Judith Heathcoat (for Agenda Item 11)

Officers:

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

Part of meeting

Agenda Item

6.

7 & 8

9

10

11

Officer Attending

M. Thompson & J. White (Environment & Economy)

M. Thompson (Environment & Economy)

K. Broughton (Environment & Economy)

M. Case (Environment & Economy)

R. Goodlad (Law & Governance)

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.

61/15 MINUTES

(Agenda No.3)

The minutes of the meeting held on 19 October 2015 were approved and signed.

Minute 55/15 - Minutes

Councillor Phillips advised that Hansons had now contributed towards improvements on Moreton lane, Northmoor.

62/15 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
Councillor Charles Mathew	6. Dix Pit, Stanton Harcourt – Application No. MW.0053/1
Councillor Richard Webber	7. Hanson Building Products, Sutton Courtenay – Application No. MW/0135/15
Bryn Williams Tony Castle-Miller District Councillor Mike Kerford-Byrnes Councillor Arash Fatemian))8. Duns Tew Quarry, Middle Barton – Application No. MW.0036/14))
Councillor Judith Heathcoat	11. Commons Act 2006: Registration of Humpty Hill as a Town or Village Green

63/15 CHAIRMAN'S UPDATES

(Agenda No. 5)

The Chairman congratulated Smith & Sons of Bletchington who had received a national award for restoration work undertaken at Gill Mill, Ducklington. The Committee also recorded its thanks to Mary Thompson (Environment & Economy) for her work on the project.

64/15 REQUEST FOR TEMPORARY RELAXATION OF REQUIREMENTS OF ROUTEING AGREEMENT ASSOCIATED WITH PLANNING PERMISSION FOR 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 NO MW.0053/15

(Agenda No. 6)

The Committee had before it a report (PN6) which considered a proposed modification to the approved route for vehicles associated with the concrete batching operation at Dix Pit to enable the developer to meet delivery times to the Westgate redevelopment in central Oxford, which were being adversely affected by roadworks on the Wolvercote and Cutteslowe roundabouts to the extent that some deliveries of concrete had been out of specification on arrival and had had to be returned. The proposed alternative route would use the B4449 and the B4044 to reach Oxford from the west and included the B4449 through the village of Sutton, which had been specifically protected from a significant increase in traffic intrusion by development plan policy. The proposal was to use the alternative route for the duration of the roadworks, only during off peak hours (9am-3pm) and only by vehicles carrying concrete to the Westgate redevelopment in central Oxford.

Mary Thompson presented the report and confirmed that the alternative route would be a temporary variation during the redevelopment of Westgate and limited to off-peak hours and outward bound journeys only. She referred to 3 late submissions which had been published with the addenda but which had raised no new issues in addition to those covered in the report and therefore no change had been proposed to the printed recommendation.

She then responded to questions from:

Councillor Johnston – there would be on average 21 vehicles per day half of which would be returning vehicles.

Councillor Phillips – hours currently allowed were 7 am to 5 pm which were the standard hours of operation.

Councillor Mills – the variation was proposed only for those vehicles supplying the Westgate re-development.

Councillor Lilly – if the roadworks at the Wolvercote and Cutteslowe roundabouts were to finish earlier than planned then the temporary variation would end.

Councillor Mathew reminded the Committee that he had expressed grave concerns when this permission had been originally granted and subsequently when changes had been made to the terms of that permission and now the Committee were faced with more. Traffic continued to increase and was getting worse which called into the question the decision not to retain the Sutton Bypass, particularly as the project would have been partly funded by local gravel operators. He queried the statement that 2 hours was not long enough to get this material into Oxford as he understood that it was possible to add a retardant to the mix to lengthen its life. Hansons also had an operational unit at Horspath only 2.9 miles away which could supply this development yet in the meantime lorries continued to travel through Sutton. He had TV evidence that this had been going on for some time prior to this decision today and therefore this constituted a retrospective application. He advised that he had followed a lorry only that morning and that the practice was severely interfering with

the lives of residents and in fact the Minerals and Waste Local Plan stated that if an application aggravated traffic then it should not proceed. He had received over 50 emails from people directly affected and 160 from Oxfordshire residents not directly affected all of which seemed to call into question the view of highway development control which he felt was not equitable.

In response to a question from Councillor Greene officers confirmed that on average 10 vehicles per day would leave the site. That averaged one vehicle every half hour and as 4,500 vehicles travelled through Sutton per day it had been felt that the overall impact would be minimal, although officers had not stated that it was a desirable route.

Councillor Mathew then responded to questions from:

Councillor Bartholomew – the routeing agreement was clearly not being respected and since 16 November he had taken up to 6 calls daily with reports of lorries ignoring the agreed route.

Councillor Johnston – the lack of respect for the routeing agreement was indicative of the attitude adopted by the operator and that he had raised the issue with enforcement officers on 16 November 2015.

Councillor Owen – neither he nor, as far as he understood, had other residents made direct contact with the operator but there was a liaison committee which had last met 3 weeks previously when Hansons had not raised these issues.

Councillor Cherry – the B4449 has a higher accident rate than normal which should have formed part of the highway consultation.

Councillor Tanner appreciated the inconvenience clearly being suffered by local people but this was a relatively short term variation and the Committee needed to get some sense of proportion between that and the need to complete this major re-development. He moved and Councillor Reynolds seconded that the officer recommendation be approved as published.

The Chairman then invited Mr Tony Zilger to the table to take questions from members regarding the technical specification of the material being delivered. He responded to:

Councillor Bartholomew – he explained that it was not simply a question of life span for the material but one of compliance with an exact and very explicit specification insofar as any material older than 2 hours was non-compliant and could not, therefore, be used. That 2 hour period included the production time from first placing water into the cement (10 minutes) to placement on site (15 minutes) which allowed a journey time of only 1 hour 35 minutes, which could on occasion be very tight.

Councillor Johnston – it was not possible to mix material on site as that process needed a high specification forced action mixer in order to get the right dispersal of material and there was no room for that on the Westgate site.

Councillor Phillips – he understood that to date 12 loads had been rejected.

Councillor Cherry – there were between 18-20 tonnes of material per load.

Councillor Mills – the primary source of material was from Horspath but it was not possible to supply enough material for this contract from that site alone.

Councillor Mills then referred to the issue of road safety and why local residents were so concerned. He could not accept the argument that the amount of traffic was insignificant as these were very large lorries travelling on roads with serious bends. Policy SH2 stated that there should be no intensification of or increased traffic unless mitigation measures were taken and that needed to be a material consideration in this case. There was an alternative option to route traffic over Swinford Toll bridge, which he felt had not been adequately considered in the officer report and for those reasons he could not support the proposal.

Mrs White confirmed there had been 4 reported serious accidents over the past 5 years.

Councillor Lilly respected the feelings of local residents and had also been surprised that the alternative route as previously mentioned had not been considered. He moved an amendment that the application be deferred to enable consideration of the alternative route via Swinford Toll bridge. Councillor Phillips seconding.

Councillor Tanner felt a deferral would not be helpful as it represented another period of delay.

Councillor Lilly's amendment was put to the Committee and lost by 6 votes to 4.

Councillor Tanner's motion which had been amended with his and his seconder's approval at the suggestion of Councillor Mills and Councillor Cherry was put to the Committee and carried by 6 votes to 4 (Councillor Johnston recorded as having abstained).

RESOLVED: that

- (a) the County Council enter into a deed of variation to the existing routeing agreement for application MW.0053/15 to allow off-peak HGV movements on the alternative route to Oxford for concrete mixer trucks travelling to the Westgate redevelopment in central Oxford only, until the completion of roadworks on the Cutteslowe and Wolvercote roundabouts subject to that variation terminating on completion of the roundabout works or the Westgate development whichever was earlier.
- (b) officers seek a contribution from the operators for temporary signing on approaches to the 'S' bend at Bell Bridge.

65/15 SECTION 73 APPLICATION TO CONTINUE THE DEVELOPMENT OF 'TO CRUSH, SCREEN, BLEND AND STOCK REJECT BUILDING BLOCKS, FURNACE BOTTOM ASH AND REJECT MATERIALS FROM CONCRETE MAKING TO MAKE MATERIAL FOR BLOCK MAKING' WITHOUT COMPLYING WITH CONDITION 5 TO ALLOW OPERATIONS TO TAKE PLACE 52 WEEKS A YEAR AT HANSON BUILDING PRODUCTS, SUTTON COURTENAY - APPLICATION NO. MW.0135/15

(Agenda No. 7)

The Committee had before it (PN7) an application which considered removal of a condition to an existing consent for the crushing of reject blocks at Sutton Courtenay which limited crushing activity to 6 weeks in any year. The removal of the condition

would allow crushing to take place up to 52 weeks per year with no increase in the amount of material permitted to be imported to the site, or to vehicle movements. The limitation to 6 weeks had been the result of an error in the original application which made it impossible to crush the material which they were permitted to import in only 6 weeks per year.

Having presented the report Mary Thompson confirmed that no complaints had been received regarding noise over the 3 years or so that the block crushing had been operational. However, one representation had been received stating that the proposal would affect the 'amenities of local residents' which could be interpreted to include noise.

Councillor Webber advised that new housing planned for Appleford and Sutton Courtenay some of which would be within 300m of this activity and he questioned whether that had been taken into account when arriving at this recommendation. He was concerned that the original application had been an error and questioned how many other errors there were, how this one had come to light and why had it taken 2 years for it to come to light. He questioned whether the intention had in fact been to crush for 12 days rather than 6 which would explain the apparent error once crushing operations had been started and the need for more time discovered. He did not recall this issue ever being raised at any liaison committee and what confidence could local residents have that further errors would not lead to further increased activity. If agreed he asked how the new limits would not be breached and with that in mind it was important that the liaison committee was used correctly.

Endorsing the comments made by Councillor Webber Councillor Lilly felt that Hansons did not seem to be fully engaged with local issues which was why it was imperative that the liaison committee was fully involved.

RESOLVED: (on a motion by Councillor Greene, seconded by Councillor Tanner and carried by 11 votes to 0, Councillor Johnston recorded as having abstained) that subject to the same conditions as permission MW.0129/11 (the original planning permission) amended as set out in Annex 1 to the report PN7 and as may be otherwise necessary to reflect the approval of schemes previously required pursuant to conditions, that planning permission for application MW.0135/15 be granted.

66/15 PROPOSED NORTHERN AND EASTERN EXTENSION TO DUNS TEW QUARRY (EAST) TO EXTRACT APPROXIMATELY 415 000 TONNES OF SALEABLE SAND AND THE CONTINUATION OF IMPORTATION OF AGGREGATE FOR BLENDING AND MERCHANTING/ONWARD SALE FOR 16/17 YEARS WITH RESTORATION TO A MIX OF WOODLAND, GEO-DIVERSITY BENEFITS AND NATURE CONSERVATION AT DUNS TEW QUARRY (EAST), HORSEHAY FARM, DUNS TEW ROAD, MIDDLE BARTON - APPLICATION NO. MW.0036/14

(Agenda No. 8)

The Committee considered (PN8) an application for the extraction of approximately 415,000 tonnes of sand from an area adjacent to the existing Duns Tew Quarry. The land would be restored to a mixture of woodland and nature conservation, with geodiversity benefits. Extraction would take place on a campaign basis for up to two

months in each calendar year for a period of up to 17 years. It is also proposed to import aggregate to the site for blending and merchandising.

Bryn Williams addressed the Committee as the resident of Blue Barn Farm the site presented major problems from dust, safety and ecology. Dust pollution was particularly bad as a strong south west wind prevailed throughout the year and to bring this operation closer would be overwhelming and in order to address his issues he suggested a number of measures to ameliorate the effects. He was not objecting specifically but wanted the operator to be more aware of the problems facing local people.

Tony Castle-Miller a resident of Duns Tew for 24 years endorsed the comments made by Mr Williams. Residents had learnt to live with the site but a bit more give from the operator would help everyone. Increased operations meant increased numbers of lorries which were getting larger and whilst he appreciated the need for them to carry on their business there should be some consideration for local residents. He suggested they should restrict vehicles to 32 tonnes, contribute to measures to reinforce the side of roads and provision of passing bays. There had been no accidents to date but larger vehicles would present a greater danger on narrow roads.

District Councillor Mike Kerford-Byrnes referred to concerns regarding dust and traffic. With regard to dust he welcomed the proposal to straighten out the eastern end of the boundary which would take working further away from Blue Barn Farm and suggested further restrictions to limit working if wind speed on the eastern boundary was above acceptable levels. On traffic it was imperative to route vehicles on the most suitable routes to the A4260 and clearly the route now used was the least suitable. The size, weight and frequency of vehicles had increased and the operator should therefore contribute to road repairs as a condition on the permission along with the change to the eastern boundary.

Mary Thompson confirmed that:

- implementation of proposed highway improvement works (condition 39)
- vehicle size and type (condition 10)
- limits to exported material (condition 9)
- dust management (condition 38)

were all covered by conditions as marked above.

The speakers then responded to questions from:

Councillor Greene – Councillor Kerford-Byrnes welcomed the straightening the eastern boundary to remove the dog-leg would be most welcome.

Miss Thompson added that a condition to amend the extraction boundary had not been recommended because the environmental work had shown that it was not necessary to do so in order to make the development acceptable. However, the Committee could if it wished choose to add such a condition and the applicant had confirmed that they would not appeal it.

Councillor Phillips – Mr Williams would have preferred 24 hour monitoring to be put in place with Councillor Kerford-Byrnes adding that anemometer measurements should be taken. Mr Castle-Miller highlighted that there were many other hauliers who were not part of the routeing agreement for Duns Tew.

Mr Layer referred to the special geology at Duns Tew which was underlain by a seam of soft sand. Quarrying had been carried out by Smiths since the 1950s with no readily alternative source in north Oxfordshire other than one some 25 miles away at Upwood Quarry. It was used extensively throughout the area in building conservation works, extensions and new builds. The quarry had a strong north Oxfordshire customer base with a consistent demand which met the local needs of local businesses. Smiths had its own liveried fleet of trucks but there was also a high proportion of customers collecting their own materials in trailers, tippers and vans which reflected the small local nature of the quarry operation. Quarrying at Duns Tew was not complicated with no complex processing, washing and silt settlement but simply dry screening of the excavated sand to sieve out any coarse material. The screened sand was then sold as is or blended with washed fine sands imported for the purpose to meet more exacting construction specifications. The quarry had one full time quarry foreman but supported 4 lorries and drivers who were local and based at the quarry. The existing routeing agreement prohibited lorries travelling through Duns Tew unless delivering locally and all company vehicles had GPS tracking. Restoration of the area west of Duns Tew road would be completed in 2016, restored to promote biodiversity, opened to the public and managed by Smiths for the next 25 years as a nature reserve. The proposed extension would enhance that geodiversity and biodiversity as well as establishing 23 acres of new deciduous native woodland with further public access and long term management. The proposal before the Committee would maintain the status quo of the last 20-30 years of operation without problem or complaint, supply of material to north Oxfordshire to meet local demand and jobs and he commended the application to the Committee.

Mr Layer then responded to questions from:

Councillor Fulljames – about 50% of trucks were not obliged to abide by the routeing agreement but for those vehicles that were then Smiths were quick to act on any breaches and that message was conveyed to all users. He quoted a recent case where a contract had been terminated.

Councillor Bartholomew – moving the boundary would in the Company's view sterilise unnecessarily an area which would need to be found elsewhere but the Company would stand by the offer to rationalise the boundary line.

Councillor Greene – the Company would submit a dust management plan as a standard rule and also look at precedent in other quarries for limiting work in strong wind.

Councillor Cherry – Smiths were not the only users of roads in the area with farm vehicles, school buses and other haulage operators and as such demands for anything over and above the offer made to help with highway improvements would be considered unfair. The Company had offered to stop articulated lorries using the quarry.

Councillor Fatemian speaking as local member highlighted the positive approach taken with regard to this application with a lot of mitigation measures but he called for more specific discussions with regard to highway issues. He called for a specific limit to be set on imported material and a maximum size for vehicles. He believed that the Company would make every effort to respect the routeing agreement but as some vehicles to the site were not theirs he supported moves that that all vehicles to the site were fitted with tracking devices with records of vehicles circulated to the County Council and Parish Council annually. He also asked the Committee to impose the change to the eastern boundary of the site as a condition to any permission.

Councillor Lilly appreciated the comments that other vehicles used the site but bearing in mind earlier comments that if the sand wasn't there then the roads would not be in the state they were in and he felt the Company could do more.

Officers advised that it was not a reasonable condition that all vehicles to the site be fitted with GPS tracking.

Councillor Bartholomew felt that most of the concerns had been dealt within the proposed conditions and he welcomed the amendment proposed to the eastern boundary but felt that needed to be incorporated as a condition and proposed the officer recommendation with that amendment. His motion was seconded by Councillor Johnston and on being put to the Committee it was:

RESOLVED: (unanimously) that subject to:

- (i) a Section 106 legal agreement to cover the matters outlined in Annex 2 to the report PN8;
- (ii) a routeing agreement to ensure that vehicle movements from the new development were covered by the existing routeing arrangements;

that planning permission for application no. MW.0036/14 be granted subject to:

- (iii) conditions to be determined by the Deputy Director for Environment and Economy (Strategy & Infrastructure Planning) to include the matters set out in Annex 3 to the report; and
- (iv) an additional condition preventing extraction in an area to the east of a straight line up from the south eastern corner of the site.
- (v) the Deputy Director for Environment and Economy (Strategy & Infrastructure Planning) being authorised to refuse the application if the legal agreement referred to in (i) above had not been completed within 10 weeks of the date of this meeting on the grounds that it would not comply with OMWLP policy PE13 and the guidance set out in paragraph 118 of the NPPF (in that there would not be satisfactory provisions for the long term management of the restored site).

67/15 SECTION 73 APPLICATION TO VARY CONDITIONS 3, 6 AND 14 OF PLANNING PERMISSION NO. MW.0097/14 TO EXTEND THE TIME PERIOD FOR THE REMOVAL OF ALL BUILDINGS, PLANT, MACHINERY OR STRUCTURES AND THEIR FOUNDATIONS AND BASES, TOGETHER WITH ANY HARD STANDINGS, BUNDS OF OVERBURDEN, QUARRY WASTE OR SOIL AND COMPLETE RESTORATION BY 30TH SEPTEMBER 2016 AT WICKLESHAM QUARRY, SANDSHILL, FARINGDON - APPLICATION NO. MW.0134/15

(Agenda No. 9)

The Committee had before it (PN9) applications which sought an extension of time for the restoration of the quarry and an extension of time for the soil blending operation on the site.

Mr Broughton presented the report and drew the Committee's attention to an amended restoration scheme as set out in the addenda.

RESOLVED: (on a motion by Councillor Owen seconded by Councillor Johnston and carried by 10 votes to 0, Councillor Purse recorded as having abstained) that:

- a) planning permission for application no. MW.0134/15 be approved subject to conditions to be determined by the Deputy Director (Strategy & Infrastructure Planning) but to include the following:
 - 1) The development should be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of this permission.
 - 2) No operations, including HGVs entering and leaving the site, other than water pumping or environmental monitoring, should be carried out at the site except between the following times:
 - 0700 and 1800 hours Mondays to Fridays and 0700 to 1300 hours on Saturdays;No operations should take place at any time on Sundays or recognised public holidays.
 - 3) No winning and working of mineral or sale of processed mineral should take place. The site should be completely restored by 30 September 2016 in accordance with the approved restoration scheme.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order amending, replacing or re-enacting that Order), the access to the development hereby permitted should not be other than as shown as 'new access' on approved plan 010/4.
 - 5) All internal haul roads should be maintained in a condition free from potholes.

- 6)** All buildings, plant, machinery or structures and their foundations and bases, together with any hard standing should be removed from the site by 30 September 2016.
- 7)** The operators should insulate plant or machinery, silence vehicles and provide acoustic screening as might be necessary to ensure that noise levels or frequencies should not exceed 55 dB(LAeq) (1hour) freefield during the hours of operation permitted under condition 2, at the facades of the nearest residential properties.
- 8)** Dust control measures should be utilised as set out in paragraph 3.11.5 of the approved Planning Statement dated July 2014.
- 9)** No commercial vehicles should enter the public highway unless their wheels and chassis were clean such that mud and dust were not deposited on the highway.
- 10)** All turf, topsoil, subsoil and overburden stripped prior to mineral extraction, or quarry waste or such similar materials presently stored on site should be used for site restoration only.
- 11)** No storage or respreading of topsoil and subsoil should take place unless the percentage moisture in the subsoil and topsoil to be moved was less than the percentage moisture at the plastic limit of each of the topsoil and subsoil respectively.
- 12)** The full depth of the restored topsoil and the top 0.15 metres of subsoil should be ripped with an agricultural wing tine implement at a spacing not exceeding 1.5 times the working depth. All stones and rocks exceeding 100mm in any dimension and other deleterious material should be removed.
- 13)** No bunds of overburden, quarry waste or soil should be left on the site after 30 September 2016.
- 14)** No mineral should be exported from the site with the exception of the stones to be removed under condition 12, and the hardstanding to be removed under condition 6.
- 15)** No building, plant or machinery or structure of fixed or mobile design should be located or operated other than on the quarry floor at the base of the deposit known as the sponge gravels except machinery engaged in storage and respreading of soil and overburden.
- 16)** Oil and fuel storage bunds should only be sited on impervious bases and surrounded by oil tight bund walls; the bunded areas should be capable of containing 110% of the tank's volume and should enclose all fill and draw pipes.
- 17)** There should be no discharge of water containing sand, gravel, soil or grease.

- 18) No reversing beepers should be fixed to, or used on, any mobile plant.
- 19) The field access directly from the A420 into the western part of the site should not be used for the development the subject of this planning permission or for any purpose connected with it.
- 20) No works should be carried out other than in accordance with the approved mitigation and enhancement scheme section 6 (Mitigation Measures) of the Extended Phase 1 Habitat Survey Report dated September 2012, the Reptile Method Statement submitted 28 February 2013, the Tree Planting & Grassland Mix dated 28 February 2013 and section 1.8 of the 2013 Great Crested Newt Refresher Surveys (enzygo 2013) report dated 5 July 2013.
- 21) Warning signs to users of footpath no. 17 of vehicles crossing the access road and to drivers of vehicles of pedestrians should be erected and maintained for the duration of the development hereby permitted.

Informatives

All bird nests, eggs and young were protected under the Wildlife & Countryside Act 1981 (as amended) which made it illegal to intentionally take, damage or destroy the nest of any wild bird while it was being used or being built. Therefore, no removal of [trees, scrub, hedgerows, and grassland] should take place between 1 March and 31 August inclusive to prevent committing an offence under the Wildlife & Countryside Act 1981 (as amended).

If any protected species [e.g. bats, badgers, dormice, otters, water voles, reptiles, amphibians, and breeding birds] were found at any point, all work should cease immediately. Killing, injuring or disturbing any of these species could constitute a criminal offence. Before any further work took place a suitably qualified ecological consultant should be consulted for advice on how to proceed. Work should not recommence until a full survey had been carried out, a mitigation strategy prepared and licence obtained (if necessary) in discussion and agreement with Natural England.

It is recommended that the native trees and seeds to be used in the restoration scheme should be of UK (or ideally more local) provenance. For example, the Flora Locale website gave contact details for suppliers of UK provenance seed and plants:

<http://www.floralocale.org/HomePage>

A Habitat Regulations licence from Natural England for great crested newts might be required to make this permission lawful.

- b) planning permission for application no. MW.0133/15 be approved subject to conditions to be determined by the Deputy Director (Strategy & Infrastructure Planning) but to include the following:

PN3

- 1) The development should be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of this permission.
- 2) No operations, including HGVs entering and leaving the site, other than water pumping or environmental monitoring, should be carried out at the site except between the following times:
 - 0700 and 1800 hours Mondays to Fridays and 0700 to 1300 hours on Saturdays;No operations should take place at any time on Sundays or recognised public holidays.
- 3) Imported material should be used only in connection with the restoration of the quarry in accordance with the approved restoration scheme.
- 4) All internal haul roads should be maintained in a condition free from potholes.
- 5) There should be no import of waste on site except soils.
- 6) All buildings, plant, machinery or structures and their foundations and bases, together with any hard standing should be removed from the site by 30 September 2016.
- 7) The operators should insulate plant or machinery, silence vehicles and provide acoustic screening as might be necessary to ensure that noise levels or frequencies did not exceed 55 dB(LAeq) (1hour) freefield during the hours of operation permitted under condition 2, at the facades of the nearest residential properties.
- 8) Dust control measures should be utilised as set out in paragraph 3.11.5 of the approved Planning Statement dated July 2014.
- 9) No commercial vehicles should enter the public highway unless their wheels and chassis were clean such that mud and dust were not deposited on the highway.
- 10) Oil and fuel storage bunds should only be sited on impervious bases and surrounded by oil tight bund walls; the bunded areas should be capable of containing 110% of the tank's volume and should enclose all fill and draw pipes.
- 11) There should be no discharge of water containing sand, gravel, soil or grease.
- 12) No reversing beepers should be fixed to, or used on, any mobile plant.
- 13) Warning signs to users of footpath no. 17 of vehicles crossing the access road and to drivers of vehicles of pedestrians should be erected and maintained for the duration of the development hereby permitted.

- 14) No works should be carried out other than in accordance with the approved mitigation and enhancement scheme section 6 (Mitigation Measures) of the Extended Phase 1 Habitat Survey Report dated September 2012, the Reptile Method Statement submitted 28 February 2013, the Tree Planting & Grassland Mix dated 28 February 2013 and section 1.8 of the 2013 Great Crested Newt Refresher Surveys (enzygo 2013) report dated 5 July 2013.

Informatives

All bird nests, eggs and young were protected under the Wildlife & Countryside Act 1981 (as amended) which made it illegal to intentionally take, damage or destroy the nest of any wild bird while it was being used or being built. Therefore, no removal of [trees, scrub, hedgerows, and grassland] should take place between 1 March and 31 August inclusive to prevent committing an offence under the Wildlife & Countryside Act 1981 (as amended).

If any protected species [e.g. bats, badgers, dormice, otters, water voles, reptiles, amphibians, and breeding birds] were found at any point, all work should cease immediately. Killing, injuring or disturbing any of these species could constitute a criminal offence. Before any further work took place a suitably qualified ecological consultant should be consulted for advice on how to proceed. Work should not recommence until a full survey had been carried out, a mitigation strategy prepared and licence obtained (if necessary) in discussion and agreement with Natural England.

It is recommended that the native trees and seeds to be used in the restoration scheme should be of UK (or ideally more local) provenance. For example, the Flora Locale website gave contact details for suppliers of UK provenance seed and plants:

<http://www.floralocale.org/HomePage>

A Habitat Regulations licence from Natural England for great crested newts might be required to make this permission lawful.

68/15 THE ERECTION OF A FLAT ROOFED MOBILE UNIT TO PROVIDE CATERING FACILITIES AT CLANFIELD C OF E PRIMARY SCHOOL, MAIN STREET, CLANFIELD - APPLICATION NO. R3.0096/15

(Agenda No. 10)

The Committee considered (PN10) a planning application for the erection of a flat roofed mobile unit to provide catering facilities for the school pupils of Clanfield Church of England Primary School in line with a recent central government directive requiring the provision of school meals to primary schools.

Mr Case presented the report and responded to questions from:

Councillor Johnston – the building would be delivered in sections over 2 days after which smaller vehicles would be accessing the site.

Councillor Cherry – concrete pad foundations would be laid 150 millimeters deep which would be equivalent to the depth of the existing hard surface playground.

Councillor Mills – only lunchtime meals would be served so there would be no intensification of use.

Officers advised the school were happy with the area of playground which remained and that the building complied with heating requirements.

Councillor Mills felt all concerns had been addressed including traffic movements and he moved that the officer recommendation be approved. The motion seconded by Councillor Greene was put to the Committee and -

RESOLVED:(by 10 votes to 0) that planning permission for application R3.0096/15 be granted subject to conditions to be determined by the Deputy Director for Environment and Economy (Strategy and Infrastructure Planning) to include the following:

- i. The development to be commenced within a period of three years from the date of the permission.
- ii. Development to be carried out in accordance with the submitted documents and plans.
- iii. Translucent film being attached to the southern elevation windows and door to obscure views to the neighbouring boundaries.
- iv. Access to the development during the construction phase to be solely via the northern access onto and from the access road to the east.
- v. During the construction phase of the development the applicant should provide adequate protection to the large Corsican Pine on the southern boundary.
- vi. Soakage tests being carried out and the soakaway design submitted for approval prior to the operational phase of the development.

69/15 COMMONS ACT 2006: IN THE MATTER OF AN APPLICATION TO REGISTER HUMPTY HILL, HIGHWORTH ROAD, FARINGDON AS A TOWN OR VILLAGE GREEN

(Agenda No. 11)

The Committee considered (PN11) an application made by Mr Robert Stewart for registration of land at Humpty Hill, Highworth Road, Faringdon in Oxfordshire as a new town or village green under the Commons Act 2006. An objection had been received from the landowner 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.

The matter had been deferred at the October meeting of the Planning & Regulation Committee to enable the Inspector to consider a last minute submission received from the objectors.

Mr Goodlad presented the report and referred to further submissions from the objectors received after publication of the latest report. Responding to questions from members he confirmed that the latest submissions did not challenge new parts of the Inspector's decision from the earlier submissions. Law & Governance had reviewed the latest submissions as far as possible in the time available and were satisfied that they did not raise points which made the Inspector's recommendation unreliable. As such the recommendation was to register and the landowner could, if they thought there were grounds to do so, challenge that decision in the High Court. He confirmed that if the case went to the High Court then there was the risk that costs could be awarded against the Council if the case was lost.

Councillor Heathcoat speaking as local member advised that she had resided in the area for 37 years and represented Faringdon town as a Town Councillor, District Councillor and since 1997 as County Councillor. She knew the area well and had walked her dog twice daily in the field that had become known locally as Humpty Hill. She also advised that she knew the people who had been named in the report with regard to the application to register this land as a town or village green, the users of the field and the land owners. She confirmed that the land had most definitely been used on two separate occasions for cattle, hay baling when local children would play. No arable crops had been planted in the area. She referred to the "speculative" planning application by Gladman Development Ltd which had been rejected by the Faringdon Town Council Planning and Highways Committee and also by the Vale White Horse Planning and Development Committee following which a subsequent appeal against that refusal had been dismissed by the Secretary of State. She confirmed that recreational activities had taken place in this field from the locals who lived on this side of Faringdon town.

Councillor Johnston considered the case had been made and he duly moved, Councillor Tanner seconding, that the officer recommendation be approved. The motion was then put to the Committee and -

RESOLVED: (by 10 votes to 0) that having received the Opinion of the Inspector set out in Annexes 2 and 5 to this report, the Committee is RECOMMENDED to APPROVE the application for registration as a new Town or Village Green that plot of land known as Humpty Hill, Highworth Road, Faringdon in Oxfordshire that site being indicated clearly on the map included in the application submitted by Mr Robert Stewart on 19 April 2013.

..... in the Chair

Date of signing