



To: **Members of the Planning & Regulation Committee**

***Notice of a Meeting of the Planning & Regulation
Committee***

Monday, 28 November 2016 at 2.00 pm

Committee Rooms 1 and 2, County Hall, New Road, Oxford

Peter G. Clark
County Director

November 2016

Contact Officer: **Graham Warrington**
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Members are asked to contact the case officers in advance of the committee meeting if they have any issues/questions of a technical nature on any agenda item. This will enable officers to carry out any necessary research and provide members with an informed response.

Membership

Chairman – Councillor Mrs Catherine Fulljames
Deputy Chairman - Councillor Neil Owen

Councillors

Lynda Atkins
David Bartholomew
Mark Cherry
Patrick Greene

Bob Johnston
Stewart Lilly
James Mills
Glynis Phillips

Anne Purse
G.A. Reynolds
John Sanders

Notes:

- **A site visit is required for Item 6**
- **Date of next meeting: 16 January 2017**

Declarations of Interest

The duty to declare.....

Under the Localism Act 2011 it is a criminal offence to

- (a) fail to register a disclosable pecuniary interest within 28 days of election or co-option (or re-election or re-appointment), or
- (b) provide false or misleading information on registration, or
- (c) participate in discussion or voting in a meeting on a matter in which the member or co-opted member has a disclosable pecuniary interest.

Whose Interests must be included?

The Act provides that the interests which must be notified are those of a member or co-opted member of the authority, **or**

- those of a spouse or civil partner of the member or co-opted member;
- those of a person with whom the member or co-opted member is living as husband/wife
- those of a person with whom the member or co-opted member is living as if they were civil partners.

(in each case where the member or co-opted member is aware that the other person has the interest).

What if I remember that I have a Disclosable Pecuniary Interest during the Meeting?.

The Code requires that, at a meeting, where a member or co-opted member has a disclosable interest (of which they are aware) in any matter being considered, they disclose that interest to the meeting. The Council will continue to include an appropriate item on agendas for all meetings, to facilitate this.

Although not explicitly required by the legislation or by the code, it is recommended that in the interests of transparency and for the benefit of all in attendance at the meeting (including members of the public) the nature as well as the existence of the interest is disclosed.

A member or co-opted member who has disclosed a pecuniary interest at a meeting must not participate (or participate further) in any discussion of the matter; and must not participate in any vote or further vote taken; and must withdraw from the room.

Members are asked to continue to pay regard to the following provisions in the code that *“You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself”* or *“You must not place yourself in situations where your honesty and integrity may be questioned.....”*.

Please seek advice from the Monitoring Officer prior to the meeting should you have any doubt about your approach.

List of Disclosable Pecuniary Interests:

Employment (includes *“any employment, office, trade, profession or vocation carried on for profit or gain”*.), **Sponsorship, Contracts, Land, Licences, Corporate Tenancies, Securities.**

For a full list of Disclosable Pecuniary Interests and further Guidance on this matter please see the Guide to the New Code of Conduct and Register of Interests at Members’ conduct guidelines.

<http://intranet.oxfordshire.gov.uk/wps/wcm/connect/occ/Insite/Elected+members/> or contact Glenn Watson on **07776 997946** or glenn.watson@oxfordshire.gov.uk for a hard copy of the document.

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, but please give as much notice as possible before the meeting.

AGENDA

1. **Apologies for Absence and Temporary Appointments**
2. **Declarations of Interest - see guidance note opposite**
3. **Minutes** (Pages 1 - 10)

To approve the minutes of the meeting held on 5 September 2016 (**PN3**) and to receive information arising from them.

4. **Petitions and Public Address**
5. **Chairman's Updates**
6. **Section 73 application to continue the development of waste disposal and ancillary operations, extraction of clay and backfilling with controlled waste, without complying with conditions 1, 2, 4, 13, 14, 21, 22 and 24 to allow for a revised working plan and restoration scheme at Dix Pit Quarry & Landfill Site, Linch Hill, Stanton Harcourt - Application No. MW.0088/16** (Pages 11 - 40)

Report by the Acting Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) (**PN6**).

This is an application to amend the conditions on the consent for Dix Pit landfill site, to allow the restoration plan to be amended to reduce the area that would be backfilled and to manage those areas where backfilling would no longer take place for nature conservation. As a result the end date for landfilling could be brought forward from 2028 to 2021. Changes are also proposed to the rights of way and public access across the restored site. This application is being brought to committee because the applicant has not agreed to the routeing arrangements requested by the local member. They have proposed that the current routeing arrangements would continue. The report assesses the proposals against relevant planning policy.

It is RECOMMENDED that subject to:

- i) A legal agreement to bring forward relevant provisions from the existing agreement, including the dedication of public rights of way and securing of 20 years long term management for the area now proposed to be restored to nature conservation.***
- ii) A supplemental routing agreement linking the proposed development to***

the existing 1998 routing agreement.

that Application MW.0088/16 be approved subject to conditions as on existing consent 09/1182/P/CM, with the amendments to conditions and additional conditions and informatives to be determined by the Acting Director for Environment and Economy, in accordance with the details set out in Annex 2 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.

7. Details Pursuant to Condition 22 (perimeter fencing) of Planning Permission P11/W2208/CM (MW.0015/12) at Woodeaton Quarry, Woodeaton - Application No. MW.0105/16 (Pages 41 - 50)

Report by the Acting Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) (**PN7**).

The proposal relates to a requirement by condition (22) of permission P11/W2208/CM to submit details of perimeter fencing to approve by the Waste Planning Authority. The proposed perimeter fencing will be between 1.2 – 2 metres in height using a mixture of stock proof netting and barbed wire. The fencing will be rural in nature to blend into the landscape.

It is RECOMMENDED that subject to no over-riding issue being raised by outstanding consultees, Application MW.0105/16 be approved.

8. Minerals and Waste Site Monitoring & Enforcement (Pages 51 - 82)

Report by the Acting Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) (**PN8**).

The report updates members on the regular monitoring of minerals and waste planning permissions and on the progress of enforcement cases for the period 1 April 2016 to 31 October 2016. The routine monitoring programme continues to pay dividends by increasing compliance with planning conditions, and in identifying and rectifying matters where conditions are not being complied with on all mineral and waste planning permissions. The service is generally well received by householders, liaison committees, parish and town councils with access to compliance reports providing a basis for discussions with operators on the progress on sites in their locality. It seeks to provide a timely response to local people's concerns and serves to pre-empt issues which are likely to affect the amenities of an area. Officers in the team also provide key support in ensuring that details pursuant to permissions are submitted where these are required by planning conditions before a development starts. They often co-ordinate action between Development Management planners, Highways, Ecology and other County services and the operator. The aim is to ensure pre commencement works are completed in a timely manner and before the main development is started.

It is RECOMMENDED that the Schedule of Compliance Monitoring Visits in Annex

1 and the Schedule of Enforcement Cases in Annex 2 be noted.

9. Public Rights of Way Orders - Objected to Orders (Pages 83 - 202)

- (a) **The Oxfordshire County Council, Idbury Footpath No 4, Public Path Extinguishment and Definitive Map and Statement Modification Order 2012
The Oxfordshire County Council, Idbury Footpath No. 15, Public Path Creation and Definitive Map and Statement, Modification Order 2012**

Report by the Deputy Director for Environment and Economy – (Commercial) **(PN9(a))**.

Idbury Fp.No. 4 is shown on the current (2006) Definitive Map and Statement for Oxfordshire as a cul-de-sac path on the front garden of Idbury House stopping short of reaching Idbury village.

Application has been made by the owner of Idbury House to Oxfordshire County Council (the Council) to remove a dead-end footpath from her private garden whilst providing the public with a replacement route. Orders were made by the Council to extinguish Idbury Fp 4 and instead create a new public footpath connecting the road with the existing rights of way network.

Following the order advertising statutory representation was received from a local resident. Due to the outstanding representation the Council cannot now confirm the orders. Any confirmation would need to be carried out by the Secretary of State via a written representation procedure, a public hearing or a public inquiry.

Under the Council's Constitution part 7.3 any objected to public path order is required to be forwarded to the Planning & Regulation Committee. The report sets out background to the case, the content of the representation and provides an assessment of the order against the relevant legislative criteria thereby assisting the Committee in deciding that either:

- The orders should now be submitted to the Planning Inspectorate for the Secretary of State in order to be determined as to whether they should be confirmed or;
- The orders should be withdrawn in light of the representation.

The Committee is **RECOMMENDED** to submit the 2012 Orders for the Extinguishment of Idbury Fp4 and the Creation of Idbury Fp15 to The Secretary of State for Environment, Food and Rural Affairs for determination.

- (b) **The Oxfordshire County Council, Nuffield Footpath No 25 and Stoke Row Footpath No 24 (part) Public Path Diversion and Definitive Map and Statement Modification Order 2015.**

Report by the Deputy Director for Environment and Economy – (Commercial)

Nuffield Fp 25 is shown on the 2006 Definitive Map and Statement for Oxfordshire as running through the garden of Howberrywood Farmhouse at Nuffield.

Application has been made by the owner of Howberrywood Farmhouse to Oxfordshire County Council (the Council) to divert the footpath from its route across the garden to an alternative route across an adjacent field. The diversion would provide the owner and occupiers with privacy and enjoyment of the garden as well as addressing security concerns at the property.

An Order was made by the Council and advertised in September 2015. Statutory objection was received from the Open Spaces Society. Due to the outstanding objection the Council cannot now confirm the order. Any confirmation would need to be carried out by the Secretary of State via a written representation procedure, a public hearing or a public inquiry.

Under the Council's Constitution part 7.3 any objected to public path order is required to be forwarded to the Planning and Regulation Committee. The report sets out background to the case, the content of the objection and provides an assessment of the order against the relevant legislative criteria thereby assisting the Committee in deciding that either:

- The order should now be submitted to the Planning Inspectorate for the Secretary of State in order to be determined as to whether it should be confirmed or;
- The order should be withdrawn in light of the objection.

The Committee is RECOMMENDED to submit the 2015 Order for the diversion of Nuffield Fp 25 and Stoke Row Fp 24 to The Secretary of State for Environment, Food and Rural Affairs for determination.

- (c) The Oxfordshire County Council, Rollright Footpath No 7
Public Path Diversion and Definitive Map and Statement Modification Order 2015.

Report by the Deputy Director for Environment and Economy – (Commercial) **(PN9(c))**.

Rollright Fp 7 is shown on the 2006 Definitive Map and Statement for Oxfordshire as running south-westwards through Manor Farm at Little Rollright to Salford Fp 6 at the Salford Parish boundary.

Application has been made by the owner of Manor Farm to Oxfordshire County Council (the Council) to divert the footpath from the property's garden immediately "inside" the south-eastern garden boundary wall and its route through a 3m high retaining wall to a new route outside of the garden and close to agricultural buildings and open countryside.

An Order was made by the Council and advertised in June 2015. Following the

Order advertising statutory objection was received from the Open Spaces Society. As such the Council cannot now confirm the Order. Any confirmation of the Order would need to be carried out by the Secretary of State via a written representation procedure, a public hearing or a public inquiry.

Under the Council's Constitution part 7.3 any objected to public path Order is required to be forwarded to the Planning and Regulation Committee. The Committee has the option of either:

- Deciding that the Order should now be submitted to the Planning Inspectorate for the Secretary of State in order to be determined as to whether they should be confirmed or;
- That the Order should be withdrawn in light of the objection.

The Committee is RECOMMENDED to submit the 2015 Order for the diversion of Rollright Fp 7 to The Secretary of State for Environment, Food and Rural Affairs for determination.

- (d) The Oxfordshire County Council, Rollright Footpath No 15 (part) and Rollright Footpath No 19 Public Path Diversion and Definitive Map and Statement Modification Order 2015.

Report by the Deputy Director for Environment and Economy – (Commercial) **(PN9(d))**.

Rollright Fp 15 and Fp 19 are shown as a continuous footpath on the 2006 Definitive Map and Statement for Oxfordshire as running south-eastwards between St Phillips Church and Manor Farm at Little Rollright.

Application has been made by the owner of Manor Farm to Oxfordshire County Council (the Council) to divert the footpath from its route immediately past the property to a new route running around Little Rollright beside open countryside and on the opposite side of the Church.

An order was made by the Council and advertised in June 2015. Statutory objections were received from the Open Spaces Society and a local resident. Due to the outstanding objections the Council cannot now confirm the order. Any confirmation would need to be carried out by the Secretary of State via a written representation procedure, a public hearing or a public inquiry.

Under the Council's Constitution part 7.3 any objected to public path order is required to be forwarded to the Planning and Regulation Committee. The report sets out background to the case, the content of the objections and provides an assessment of the order against the relevant legislative criteria thereby assisting the Committee in deciding that either:

- The order be submitted to the Planning Inspectorate for the Secretary of State in order to be determined as to whether it should be confirmed or;
- The order should be withdrawn in light of the objections.

The Committee is RECOMMENDED to withdraw the 2015 Order for the diversion of Rollright Fp 15 (part) and Fp 19.

10. Relevant Development Plan and other Policies (Pages 203 - 220)

Paper by the Acting deputy Director for Environment & Economy (Strategy & Infrastructure Planning) (**PN10**).

The paper sets out policies in relation to Items 6 and 7 and should be regarded as an Annex to each report.

Pre-Meeting Briefing

There will be a pre-meeting briefing at County Hall on **Monday 28 November 2016** at **12.midday** for the Chairman, Deputy Chairman and Opposition Group Spokesman.