

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 28 November 2016 commencing at 2.00 pm and finishing at 5.10 pm

Present:

Voting Members: Councillor Mrs Catherine Fulljames – in the Chair
Councillor Neil Owen (Deputy Chairman)
Councillor Lynda Atkins
Councillor David Bartholomew
Councillor Mark Cherry
Councillor Patrick Greene
Councillor James F. Mills
Councillor Glynis Phillips
Councillor Anne Purse
Councillor G.A. Reynolds
Councillor John Sanders
Councillor Lawrie Stratford (In place of Councillor Stewart Lilly)

Other Members in Attendance: Councillor Charles Mathew (for Agenda Item 6)

Officers:

Whole of meeting G. Warrington and D. Mytton (Law & Culture)

Part of meeting

Agenda Item	Officer Attending
6,7 & 8	C. Kenneford & D. Periam (Environment & Economy)
6.	G. Crossley (Environment & Economy)
7.	M. Case (Environment & Economy)
8	C. Hodgkinson (Environment & Economy)
9(a), (b), (c) & (d)	A. Sylvester (Environment & Economy)

The Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting, together with a schedule of addenda tabled at the meeting and decided as set out below. Except as insofar as otherwise specified, the reasons for the decisions are contained in the agenda, reports and schedule, copies of which are attached to the signed Minutes.

38/16 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

<i>Apology for Absence</i>	<i>Temporary Appointment</i>
Councillor Stewart Lilly Councillor Bob Johnston	Councillor Lawrie Stratford -

39/16 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 2)

<i>Councillor</i>	<i>Nature of Interest</i>
Councillor Neil Owen	Item 9(c) and (d) Member of West Oxfordshire District Council. However, he did not consider that sufficient to prevent him from participating in the discussion and voting on Items 9(c) and (d).
Councillor James Mills	Item 9(c) and (d) Member of West Oxfordshire District Council. However, he did not consider that sufficient to prevent him from participating in the discussion and voting on Items 9(c) and (d).

40/16 MINUTES

(Agenda No. 3)

Subject to Councillor James Mills being added to the attendance list for the 5 September 2016 meeting the minutes of that meeting were approved and signed.

41/16 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

<i>Name</i>	<i>Item</i>
Nick Baston Councillor Charles Mathew) 6. Dix Pit Quarry & Landfill Site)
Suzi Coyne	7. Woodeaton Quarry
Mrs R. B. Grimond	9(b). Objected to Orders – Nuffield FP25 and Stoke Row FP24
Chris Hall Michael Wood & Tom Macfarlane)) 9(c) and (d). Objected to Order –)Rollright FP7
Peter Smith Chris Hall Michael Wood & Tom Macfarlane)9(d) Objected to Order – Rollright FP15) (part) & FP19)

42/16 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

(Agenda No. 6)

The Committee considered (PN6) an application amending conditions attached to a consent for Dix Pit landfill site to allow the restoration plan to be amended in order to reduce the area to be backfilled and to manage for nature conservation those areas where backfilling would no longer take place. The end date for landfilling would be brought forward from 2028 to 2021 with changes also proposed to the rights of way and public access across the restored site.

The application had been brought to committee at the request of the local member because of concerns regarding routeing arrangements.

Having presented the report Ms Crossley responded to questions from:

Councillor Bartholomew – overall the application had been considered non-controversial having been brought to Committee because of an objection by the local member.

Councillor Mills – some additional features had been proposed as part of the restoration scheme although the applicants had been reluctant to provide other items due to the potential for vandalism and damage. However, they were happy to discuss such matters with any groups who wished to take that forward.

Nick Baston for the applicants explained that the application had been made largely in response to a dramatic reduction in the availability of infill material. The scheme complied with Policy SH2 as there would be no intensification or increase in vehicle numbers through Sutton village. Furthermore the period for infilling would be substantially reduced by 7 years which meant that traffic to the site would cease that much earlier. FCC had applied for a new environmental permit and agreed proposals for provision of connecting permissive paths when restoration had been completed.

He then responded to questions from:

Councillor Bartholomew - the Company had reacted to a dramatic reduction in the availability of non-hazardous waste and, rather than leave the situation as it was, had taken a pragmatic decision having looked at the options open to it.

Councillor Owen – the Company had agreed to reinforce the existing routeing agreement. Reductions to the period of time for restoration also meant a reduction in the time that vehicles would be required to travel to and from the site. Current levels would remain as consented.

Councillor Mrs Fulljames – the Company through its existing contracts were able to influence the behaviour of drivers i.e. compliance with speed limits. Lines of communication were good and existing procedures robust which meant that any serial breaches were dealt with.

Councillor Mathew speaking as local member and Chairman of Stanton Harcourt Parish Council highlighted the comments set out in paragraph 36. In his view work had intensified and traffic had increased which meant the proposal did not comply with Policies SH2 and SH3. He referred to discussions which he had had with a previous employee regarding routeing agreements but 3 years later the Company had refused to honour that agreement with large vehicles continuing to blight the lives of residents in Sutton village. The argument in paragraph 93 regarding restrictions on vehicle movements was fallacious and the agreement which had sought to prevent any increase in traffic through Sutton should be honoured. He acknowledged the reduction in the time frame for the life of the site but 27 vehicles a day remained too high and he asked the Committee to enforce the routeing agreement which he had referred to.

Councillor Mathew then responded to questions from:

Councillor Owen – he confirmed that the employee with which he had discussed the terms of a routeing agreement had since left the Company.

Councillor Greene – he did not have specific information regarding accidents involving lorries but had witnessed many incidents with reports of other regular instances where evasive action had been required.

Councillor Bartholomew – he was unable to provide any evidence regarding the routeing agreement.

In the light of that Councillor Bartholomew accepted that as the application was non-controversial and indeed offered some benefit he moved that the recommendation as set out in the officer report be approved. Councillor Greene seconded.

With his seconder's agreement he accepted an amendment from the Chairman to include an additional condition to secure provision of additional benches and bird hides.

The motion as amended was then put to the Committee and –

RESOLVED: (unanimously) 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 routeing agreement linking the proposed development to the existing 1998 routeing agreement.

that Application MW.0088/16 be approved subject to:

- (a) conditions as on existing consent 09/1182/P/CM, with 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 to the report PN6 and with any necessary updates to the wording of existing conditions to ensure clarity and reflect changes to policy since the original permission had been issued;
- (b) an additional condition to secure provision of additional benches and bird hides.

43/16 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

(Agenda No. 7)

The Committee considered (PN8) a proposal relating to a requirement by condition (22) of permission P11/W2208/CM to submit details of perimeter fencing for approval by the Waste Planning Authority. The proposed perimeter fencing between 1.2 – 2

metres would use a mixture of stock proof netting and barbed wire and be rural in nature in order to blend into the landscape.

Having presented the report and additional information as set out in the addenda sheet which had referred to changes to the proposals made following a recent site meeting between representatives of Woodeaton School, the local member, county officers and the applicant Mr Case then responded to questions from:

Councillor Mills – he confirmed that the school were content with the revised proposals which now seemed to address earlier concerns regarding noise and its impact on some of the children at the school. He also confirmed that as land to the south side was now well established there seemed to be little merit in seeking provision of a solid fence.

Councillor Cherry – the applicant had undertaken to monitor and maintain the fence.

Councillor Stratford – confirmed that only one badger access point had been provided as there was only one existing sett in that particular corner of the site.

Suzi Coyne advised that the proposals had been extensively discussed. The applicant was keen to see the site restored and was going beyond what had been required. The site would be safely secured but reminded members that there was also a duty of care on the school to keep its pupils safe within the school boundary. She commended the recommendation to the Committee.

Councillor Purse agreed that the applicant had made significant changes and she was grateful for that although it had been regrettable that the school had not been consulted originally. She moved the recommendation which having been seconded by Councillor Greene was put to the Committee and –

RESOLVED: (unanimously) that subject to no over-riding issue being raised by outstanding consultees, Application MW.0105/16 be approved.

44/16 MINERALS AND WASTE SITE MONITORING & ENFORCEMENT

(Agenda No. 8)

The Committee considered (PN8) a report updating members on regular monitoring of minerals and waste planning permissions and progress of enforcement cases for the period 1 April 2016 to 31 October 2016.

Mr Hodgkinson responded to questions from:

Councillor Mrs Fulljames (Finmere MRF) – the site remained in the hands of administrators.

Councillor Greene (Great Tew Quarry) – although the report showed only 3 visits from a projected target of 8 he advised that there had been a number of other visits and those had been referred to in the enforcement section of the report.

Councillor Mills (Black Bourton) – as the planning permission had expired early last year the site was no longer deemed to be active and so had not been included. However, the site would be added as and when a planning permission was granted.

Councillor Mrs Fulljames (Chinnor Cement Works) – a breach of condition notice had been served requiring completion by 31 May 2017.

Councillor Cherry and Councillor Sanders (Great Tew Ironstone Quarry) –outlining the current situation as set out in the report he confirmed that it would need to come back to Committee. The County Council were unable to charge for enforcement proceedings but if and when it became a matter for the courts then a claim could then be made.

Councillor Reynolds (Barford Road Farm) referred to the inordinate amount of time it had taken to resolve issues at this site. There had been delays in getting a permission issued in the first place and since that had been issued 18 months ago conditions were being consistently broken with agreements yet to be signed.

RESOLVED: that the Schedule of Compliance Monitoring Visits in Annex 1 to the report PN8 and the Schedule of Enforcement Cases in Annex 2 to the report PN8 be noted.

**45/16 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**
(Agenda No.9(a))

The Committee considered (PN9(a)) an objected to order for footpath No 4 in Idbury.

Prior to consideration Mr Sylvester explained why objected to orders were required to come to Committee for decision and the strict legal criteria which underpinned the process.

Mr Mytton advised that if the Committee wished to defer whether an order should be forwarded to the Secretary of State was deferred then a site visit would need to be arranged.

The Committee then considered the Order for Idbury FP 4.

Responding to a question from Councillor Bartholomew regarding the possibility of land ownership changes Mr Sylvester confirmed that the third party owner supported the application.

RESOLVED: (on a motion by Councillor Atkins, seconded by Councillor Stratford and carried by 10 votes to 0) 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.

46/16 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.

(Agenda No.9(b))

The Committee considered (PN9(b)) an objected to order for Nuffield Fp25 from its route across the garden of Howberrywood farmhouse to an adjacent field in order to provide privacy and improved security.

Mr Sylvester advised that although there had been no objections to an informal consultation the Open Spaces Society had done so to a formal consultation on the grounds that the diverted path was substantially less convenient.

Councillor Bartholomew queried whether privacy and security were genuine concerns as they must have existed when the property was bought by the current owners and applicants for the diversion.

Mr Sylvester considered that they were relevant issues and in any event there was no legal reason which prevented them from applying.

Mrs Grimond advised that the property had been in the family's ownership for 100 years and set out the reasons for the application. They had been sensitive to the needs of walkers but felt the proposed diversion was a more practical option, a view endorsed by the levels of support as set out in the report.

Councillor Reynolds pointed out that many footpaths were historical originally serving a need for workers to get to their employment. That had now changed with the onus in recent times switching to recreation. For that reason he felt that small diversions were better and safer and the issues raised were issues that should be considered by an Inspector. He moved the recommendation which, having been seconded by Councillor Greene was put to the Committee and –

RESOLVED: (by 10 votes to 0 with 1 abstention) 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.

47/16 THE OXFORDSHIRE COUNTY COUNCIL, ROLLRIGHT FOOTPATH NO 7 PUBLIC PATH DIVERSION AND DEFINITIVE MAP AND STATEMENT MODIFICATION ORDER 2015.

(Agenda No.9(c))

The Committee considered (PN9(c)) an objected to order to divert Rollright Fp7 from the garden of Manor Farm to a new route outside the garden.

Introducing the report Mr Sylvester advised that Manor Farm was a working farm. The Open Spaces Society had objected on the grounds that the proposed diverted route was less convenient and had also challenged the grounds of privacy. He advised that if the path was retained on its existing line then it was likely that the applicant's in order to preserve their privacy would build a second wall effectively enclosing the footpath on both sides and forming a tunnel. He had considered the diversion was not substantially less convenient, that the grounds for privacy had been made out and, together with the high probability of the existing footpath being enclosed had recommended that the matter be referred to the Secretary of State.

Chris Hall for the Open Spaces Society stated that this was a complicated and difficult case in one of the most beautiful and historic villages in West Oxfordshire and if the diversion were allowed to go forward as proposed together with the other order for Rollright Fp 15 & 19 it would effectively mean that Rollright became a village with views lost. The distance between the house and path meant privacy and security were not a relevant issue and he urged the Committee to reject the application to submit Fp7 to the Secretary of State and support withdrawal of the order for FP 15 & 19.

He then responded to questions from:

Councillor Greene – the Committee needed to consider the current situation and not take into account threats to build a second wall. Ownership had changed hands 3 times in the last 15 years and he suggested that the Committee should visit the site.

Councillor Sanders – he did not have figures for useage but pointed out that it was very popular because it formed part of the D'arcy Dalton Way.

Michael Wood supported the recommendation. The path was well used which meant that privacy and security were important issues and quoted a case at Bodicote Mill which had been upheld on similar grounds. He agreed that it was a difficult and complicated case and for that reason it was sensible to refer it to the Secretary of State to adjudicate.

Councillor Bartholomew asked why it was not an option to demolish the existing wall and rebuild it in the right place.

Mr Wood replied that it would be more expedient to build a second.

Councillor Sanders pointed out that the right of way at Bodicote Mill had only been was 2 meters from the house whereas this path was 50 meters away so the Inspector could take a different view.

Mr Wood replied that he might but it was best to have discussions in an independent forum when all issues could be considered.

Tom McFarlane endorsed the comments made by Mr Wood and referred to specific issues of security when it had been evident that people were using the path to observe the house and grounds.

Councillor Bartholomew remained concerned that the existing wall was in the wrong place and in his view should be demolished. The Committee should not be influenced or threatened by promises of a second wall being built and he was minded not to accept the recommendation.

Mr Mytton advised that the Committee were not required to consider whether the existing wall should have been removed or not but needed to take a view on the likelihood of a new wall being built as that was relevant as were with the issues of privacy and security and if the recommendation was agreed then it would be for an Inspector appointed by the secretary of State to judge if those tests had been met.

However, some members remained concerned about the legitimacy of the existing wall and felt that it should be removed or at least any decision on this application deferred.

Councillor Greene, however, considered that the Secretary of State should be allowed to decide on this matter and he moved the recommendation. Councillor Reynolds seconded and it was put to the Committee and –

RESOLVED: (by 6 votes to 3, with 1 abstention) 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.

48/16 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.

(Agenda No.9(d))

The Committee considered (PN9(d)) an objected to order to divert Rollright Fp15 and Fp19 from its route immediately past the property known as Manor Farm to a new route running around Little Rollright beside open countryside and on the opposite side of the church.

Introducing his report Mr Sylvester referred to 2 objections which had been received from the Open Spaces Society and Peter Smith, a local resident. Both referred to a loss of enjoyment of the existing route and views of the church. He went on to explain that although the proposed route would add approximately 35% extra length compared to the existing path he did not consider that to be substantially less convenient. He also explained that as a result of the information provided by objectors regarding existing views of the church it was clear in his view that the diversion route would detract considerably from the uniqueness of the existing route.

Thanking Mr Sylvester for his balanced report Peter Smith reiterated the importance of the views of the church as illustrated in the works of Nicholas Pevsner and the significance of the route to the character of the village. He did not consider the public interest would be best served by this diversion and asked the Committee to support the recommendation.

Chris Hall reminded the Committee that voting against the officer recommendation would deprive people of the opportunity of walking along a medieval street. The

..... Manor and Church were dominant and any closure would effectively privatise the village and prevent views of the church rising above the settlement and ancillary buildings of the Manor and result in a diminution of what the village was like.

Michael Wood did not feel the diverted route was less enjoyable nor substantially more inconvenient with no objections received from the Ramblers' Association or CPRE. He felt there was a balance between benefit to the landowner and the public and questioned the pedigree of some of the so called medieval buildings. Furthermore when Nicholas Pevsner wrote about views of the church there had been no opportunity to view that building from the other approach. The proposal allowed for full vehicular access and parking for the Rollright Stones and he urged the Committee to look at the whole package and refer the matter to the Secretary of State to consider.

Responding to Councillor Bartholomew who had asked why the applicant could not allow the permissive route to continue if the diversion wasn't granted Mr Wood confirmed that the Church had wanted somewhere to park. That was part of the proposed package which would be lost.

RESOLVED: (on a motion by Councillor Stratford, seconded by Councillor Sanders and carried by 9 votes to 0 with 1 abstention) to withdraw the 2015 Order for the diversion of Rollright Fp 15 (part) and Fp 19.

..... in the Chair

Date of signing