

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 4 March 2019 commencing at 2.00 pm and finishing at 2.47 pm

Present:

Voting Members: Councillor Les Sibley – in the Chair

Councillor Jeannette Matelot (Deputy Chairman)
Councillor Mrs Anda Fitzgerald-O'Connor
Councillor Stefan Gawrysiak
Councillor Bob Johnston
Councillor Glynis Phillips
Councillor G.A. Reynolds
Councillor Judy Roberts
Councillor John Sanders
Councillor Alan Thompson
Councillor Richard Webber
Councillor Hilary Hibbert-Biles (In place of Councillor Mike Fox-Davies)
Councillor Liam Walker (In place of Councillor Dan Sames)

Officers:

Whole of meeting G. Warrington & D. Mytton (Law & Governance); R. Wileman, D. Periam and K. Broughton (Planning & Place)

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.

8/19 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

<i>Apology for Absence</i>	<i>Temporary Appointment</i>
Councillor Mike Fox-Davies Councillor Dan Sames	Councillor Hilary Hibbert-Biles Councillor Liam Walker

9/19 MINUTES

(Agenda No. 3)

The minutes of the meeting held on 21 January 2019 were approved and signed subject to amending the words “by 12 votes to 9, with one abstention” to read “by 12 votes to 0, with one abstention” in the resolution to Minute 7/19.

10/19 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

Speaker	Item
Gemma Crossley (Agent for the Applicant)	6. Continuation of development without complying with Condition 2 (mineral extraction cessation date) of Planning Permission no. 18/00060/CM (MW.0001/18) in order to extend the period permitted for the extraction of mineral from 31 December 2018 to 31 December 2019 - MW.0001/19

11/19 CONTINUATION OF DEVELOPMENT WITHOUT COMPLYING WITH CONDITION 2 (MINERAL EXTRACTION CESSATION DATE) OF PLANNING PERMISSION NO. 18/00060/CM (MW.0001/18) IN ORDER TO EXTEND THE PERIOD PERMITTED FOR THE EXTRACTION OF MINERAL FROM 31 DECEMBER 2018 TO 31 DECEMBER 2019 - MW.0001/19

(Agenda No. 6)

The Committee considered a report (PN6) outlining relevant planning policies and main issues associated with an application to allow a further period of time, up to 31 December 2019 for extraction of unworked permitted reserves within the Shipton on Cherwell Quarry. The report concluded that the effect of an extension on local

amenity could be controlled by conditions, there was a need to remove the reserve rather than have it sterilised and therefore had recommended that the application be approved.

Mr Broughton presented the report and addenda sheet referring to a petition received containing 101 signatures and also addressing comments received from Shipton-on-Cherwell parish council. Officers then responded to questions from:

Councillor Sanders – confirming that there was regular monitoring of the site and some complaints but no evidence on which to base further action with regard to noise and dust issues. Regarding dust mitigation if the applicant had been found to be in persistent breach of a condition then a breach of condition notice could be served and if that breach continued then the operator could be prosecuted through the courts. Regarding the railhead there was no guarantee that that would be built.

Councillor Roberts – there was no automatic noise monitoring on the site but if complaints were received then officers would visit and take readings over a period of time. However, it appeared that to be specific noises affecting residents rather than prolonged and persistent noise levels. Stages of restoration for the site were then explained and confirmation given that that work was also monitored.

Councillor Matelot – with regard to the suggested condition from the parish council as set out on page 6 of the addenda that they should be given full consultee status officers explained that conditions could only be enforced by the County Council and not by a third party.

Councillor Phillips – officers agreed that 6 months could be seen as a reasonable time in which to complete extraction and confirmed that in their opinion there would be adequate room available on site to store extracted material away from residential areas.

Councillor Thompson – it was not anticipated that lorry movements would increase and if the application were approved an informative could be added to encourage moves to secure the railhead.

Mr Warrington then reported a submission received from Marian Fox on behalf of local residents. She had intended to speak at the meeting but had been unable to do so due to a hospital appointment. Her submission referred to the impact of the application on local amenity; restoration of the site; the role of the liaison committee; stockpiling; remediation schemes and Section 73 applications. In conclusion, her submission stated that while residents understood that excavation of the remaining mineral would be necessary in order to avoid sterilisation of the material the impact on the community from the site was well documented and that needed to be considered as part of any decision. Therefore, residents felt that any steps necessary to conclude the extraction in a timely manner using conditions, a monitored extraction programme, a change to the cessation date to 30 September 2019 or all three should be included in any approval.

For the applicant Gemma Crossley confirmed that the current application related to a small part of a much larger quarry site which had a complicated history and an

assortment of other activities going on and involving a number of other operators. Following its inception in 2018 the Liaison Committee had now met twice with a further meeting scheduled for May 2019 and had proved to be very useful. The parish council also had a direct line to the quarry manager which helped in targeting specific issues. Regarding the development of the railway sidings she understood talks were on-going particularly as road access to the site would stop after 2025. She confirmed that the remaining material could potentially be extracted within 6 months but the applicant had sought an end date of one year to allow some flexibility with fluctuating markets.

She then responded to questions from:

Councillor Phillips – work should not be starting before 7 am.

Councillor Johnston – she couldn't confirm whether or not the company had retained the right to be rail connected but as discussions were currently ongoing regarding the railway sidings she assumed that would be a matter which had been or would be clarified as part of those discussions.

Empathising with local residents and their concerns regarding the effect on local amenity Councillor Hibbert-Biles felt that as this was now the third application for an extension the applicants should be advised that there was now an expectation on the part of the Committee that this would be the last and that they should complete the work as soon as possible so the impact on the amenity of local residents was limited to the time period necessary for the remaining material to be extracted.

RESOLVED: (on a motion by Councillor Phillips, seconded by Councillor Johnston and carried by 12 votes to 0, with one abstention) that:

- (a) planning permission for application no. MW.0001/19 be approved subject to conditions to be determined by the Director of Planning and Place to include the Conditions set out in Annex 1 to the report PN6 subject to:
 - (i) amending Condition 2 to read “The extraction of minerals shall cease by 30 September 2019”;
 - (ii) an additional informative to encourage the applicants to implement the rail sidings as included in the planning permission; and
- (b) a report on progress of extraction and restoration of the site to be submitted to the Planning & Regulation Committee in 6 months.

..... in the Chair

Date of signing