

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 1 June 2020 commencing at 2.00 pm and finishing at 2.55 pm

Present:

Voting Members:

Councillor Jeannette Matelot – in the Chair

Councillor Stefan Gawrysiak (Deputy Chairman)

Councillor Mrs Anda Fitzgerald-O'Connor

Councillor Pete Handley

Councillor Damian Haywood

Councillor Mrs Judith Heathcoat (In place of Councillor Mike Fox-Davies)

Councillor Bob Johnston

Councillor G.A. Reynolds

Councillor Judy Roberts

Councillor Dan Sames

Councillor John Sanders

Councillor Alan Thompson

Councillor Richard Webber

Officers:

Whole of meeting

G. Warrington & J. Crouch (Law & Governance); R' Wileman and D. Periam (Planning & Place)

Part of meeting

Agenda Item

6

Officer Attending

C. Kelham (Planning & Place)

8.

B. Stewart-Jones (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.

15/20 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

<i>Apology for Absence</i>	<i>Temporary Appointment</i>
Councillor Mike Fox-Davies	Councillor Judith Heathcoat

16/20 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 2)

Councillor Fitzgerald-O'Connor (Local Member) advised that she was the local member for Item 6 (Land to the West of Hatford Quarry – Application MW.0066/19).

17/20 MINUTES

(Agenda No. 3)

The minutes of the meeting held on 9 March were approved.

There were no matters arising.

18/20 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
Gemma Crossley (Agent for Hatford Quarry Ltd)	6. Hatford Quarry – Application MW.0066/19

19/20 CHAIRMAN'S UPDATES

(Agenda No. 5)

There were no Chairman's updates.

20/20 EXTRACTION OF MINERAL AND RESTORATION TO AGRICULTURE AND NATURE CONSERVATION BY INFILLING WITH IMPORTED INERT MATERIALS ON LAND TO THE WEST OF HATFORD QUARRY, FERNHAM ROAD, HATFORD, FARINGDON - APPLICATION MW.0066/19

(Agenda No. 6)

The Committee considered (PN6) an application to extract 875,000 tonnes of mineral from a 23-hectare extension to the west of the existing Hatford Quarry and restoration of the quarry to agriculture using imported inert materials and materials from the site. The application had been considered against development plan policies and other material considerations and recommended for the grant of conditional planning permission subject to the completion first of a legal agreement setting out a 20 years' long term management of restored habitats, to be funded by the applicant and a routing agreement to ensure that HGVs followed the route approved for HGVs associated with the existing quarry.

Gemma Crossley the Agent for the applicant was in attendance to respond to questions.

Catherine Kelham presented the report along with a further comment from the Environmental Strategy Officer raising no objection to the proposed development subject to conditions requiring a barrier to protect trees and woodland to be put in place prior to commencement of site clearance and there after maintained for the duration of the development; that farming operations increased the level of soil organic matter to enhance soils and natural capital and that the Landscape and Ecological Management Plan included details of how agricultural operations would be conducted to protect the environmental areas from contamination with fertiliser, pesticide and herbicide drift and surface run off.

Responding to:

Councillor Johnston - she confirmed that about a million tonnes of material would be extracted and tipping undertaken as part of the restoration programme would be monitored.

To Councillor Haywood who had raised the issue of a breach of condition at the site involving mud and sand deposits on the highway as detailed under Item 8 on this agenda she confirmed that recent resurfacing of the long haul road should help to resolve future issues.

Councillor Heathcoat - there would be no change to the current operation of the hydraulic breaker and with regard to lighting she suggested that the agent might be better placed to provide details for that element of the scheme.

Mrs Crossley confirmed that no new lighting was proposed and other than headlights on vehicles in the new extraction would be restricted to existing operational areas such as the site office and weighbridge area and then only during operational hours such as early am or late pm during winter months. Lighting would be low level and downward facing.

Councillor Handley – a detailed dust management and monitoring plan would be conditioned with bunding along the northern boundary of phase one and moved south to the northern boundary of phase 2 and removed following the restoration of phase 3. There was also a bund on the southern site boundary to mitigate impacts on the footpath and would be in place for the duration of the works.

Councillor Roberts – the noise from the breaker would be weighted to the human ear and assessed by the Environmental Health officer and factor into that assessment the issue of intermittent noise.

Councillor Webber – there were currently 51 conditions which was not unusual. The list was to be finalised with every likelihood that that figure would reduce where some elements requested by different consultees could be merged into one condition.

Responding to Councillor Haywood Mrs Crossley advised that were several reasons for not including the mineral processing plant in with the western extension application:

- It was not just the processing plant that would have needed to be included, but also the silt ponds, internal roads, site office, weighbridge and access road. This supporting infrastructure was positioned in such a way that the red line around all of it would have been rather convoluted.
- There was some life remaining on the existing planning permission which contained the processing plant and other supporting infrastructure and it made sense to ensure getting the western application approved prior to extending the life of the supporting infrastructure.
- The red line boundary was smaller without the existing infrastructure being included, which made the planning application fee lower.
- There were other amendments to submit under a Section 73 Variation of Condition application and so it made more sense to apply for one application incorporating the extension of time, following determination of the western extension application.

RESOLVED: (on a motion by Councillor Johnston seconded by Councillor Sanders and carried nem con) that subject to the applicant signing a Section 106 agreement for the matters outlined in Annex 2 to the report PN6 and a routeing agreement to ensure that HGVs follow the route approved for HGVs associated with the existing quarry that planning permission for MW.0066/19 be approved subject to conditions to be determined by the Director of Planning and Place, to include those set out in Annex 1 to the report PN6.

21/20 SERVING OF THE PROHIBITION ORDER FOR THE REVIEW OF THE MINERAL PLANNING PERMISSION (ROMP) AT THRUPP FARM AND THRUPP LANE, RADLEY

(Agenda No. 7)

The Committee had before it a report (PN7) on the issue of the serving of the Prohibition Order for the Review of the Mineral Planning Permission (ROMP) at Thrupp Farm and Thrupp Farm, Radley which it had resolved to progress at its

meeting on 9 September 2019. The report set out the issue to be considered which was whether the recent submission of a related planning application for a processing plant, conveyor and Bailey bridge for the removal of the mineral from part of the ROMP site changed the committee's previous decision as to whether mineral working from the ROMP had permanently ceased or not and therefore the duty to serve a Prohibition Order or not.

However, since the publication of the report, on Wednesday 27 May, officers had received a lengthy Counsel's opinion and summary written statement from the agent for H. Tuckwell and Sons Ltd and John Curtis and Sons Ltd. The Counsel's opinion had raised various points on which officers considered advice needed to be obtained from the council's own Counsel before officers could reasonably advise the committee with regard to the information contained therein. Given the late receipt of the information, it had not been possible to obtain further Counsel's opinion on behalf of the council prior to the committee meeting and therefore officers were now recommending that the committee defers consideration of item 7 to its next committee meeting on 20 July 2020. If members were minded to do so then officers would not progress service of the Prohibition Order pending the outcome of members' consideration of the item at that committee meeting.

The Committee also noted that a submission has also been received from Radley Parish Council stating that they would wish to make counter representations at the July meeting in respect of any further consideration to set aside the prohibition order which they fully supported.

RESOLVED: (nem con) that the Planning & Regulation Committee's previous conclusion from its meeting on 9 September 2019 (Minute 39/19) that mineral working on the Radley ROMP site had permanently ceased and that there was a duty to serve a Prohibition Order be reviewed at its meeting on 20 July 2020 in the light of the new planning application submitted for processing plant, a conveyor and a Bailey Bridge for the removal of mineral extracted from part of the ROMP permission areas DD1 and DD2 and the Counsel's opinion and Written Statement provided on behalf of H. Tuckwell and Sons Ltd and John Curtis and Sons Ltd and received on the 27 May 2020.

22/20 PROGRESS REPORT ON MINERALS AND WASTE SITE MONITORING AND ENFORCEMENT

(Agenda No. 8)

The Committee considered (PN8) a report on the regular monitoring of minerals and waste planning permissions for the period 1 April 2019 to 31 March 2020 and progress of planning enforcement cases.

Presenting the report David Periam and along with Bill Stewart-Jones responded to members' questions as follows:

Regarding Shellingford Quarry extensive tarmacking would improve the situation with regard to mud on the road. Similarly, as reported under Item 6, improvements had been made to the haul road at the Hatford site to improve conditions there.

Shipton on Cherwell - a S73 application had been submitted to address some of the breaches there and that was currently being validated.

Sutton Courtenay Landfill site - Councillor Webber had referred to a number of complaints received regarding odour. Mr Periam advised that he was unaware of any such complaints but undertook to speak with Councillor Webber after the meeting.

Councillor Roberts - the County Council did not specifically send out a questionnaire to parish councils regarding performance but there were a number of liaison groups operating at a number of the larger sites where issues were discussed and parishes represented. He would also look into the number of visits in Cherwell which Councillor Roberts had felt were low.

Alkerton - Mr Stewart-Jones confirmed minerals were being removed under the old permission as part of the ROMP. Regarding land south of Barford Road Mr Periam undertook to look into the issue of unauthorised deposit of waste and respond to Councillor Reynolds after the meeting.

Regarding Harwell UKAE Mr Stewart-Jones advised that he had been due to try and visit the site but the Covid restrictions had prevented that. Mr Periam added that Harwell was a secure and strictly regulated site and because of that it had been generally felt to be low priority for additional visits to those already carried out by the nuclear regulatory authorities.

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

..... in the Chair

Date of signing