

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 10 September 2012 commencing at 2.00 pm and finishing at 3.25 pm

Present:

Voting Members:

Councillor Steve Hayward – in the Chair

Councillor Mrs Catherine Fulljames (Deputy Chairman)

Councillor Alan Armitage

Councillor Tony Crabbe

Councillor Patrick Greene

Councillor Jenny Hannaby

Councillor Stewart Lilly

Councillor David Nimmo-Smith

Councillor Neil Owen

Councillor G.A. Reynolds

Councillor John Sanders

Councillor Bill Service (In place of Councillor Mrs Anda Fitzgerald-O'Connor)

Councillor John Tanner

Councillor Nicholas P. Turner (In place of Councillor Lawrie Stratford)

Councillor David Wilmshurst (In place of Councillor Ray Jelf)

Officers:

Whole of meeting

G. Warrington and J. Crouch (Law & Culture); P. Lerner and D. Groves (Environment & Economy)

Part of meeting

Agenda Item

6

7 & 8

Officer Attending

M. Thompson (Environment & Economy)

N. Fagan (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.

45/12 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

<i>Apology</i>	<i>Temporary Appointment</i>
Councillor Ray Jelf Councillor Anda Fitzgerald-O'Connor Councillor Lawrie Stratford	Councillor David Wilmshurst

46/12 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 2)

<i>Councillor</i>	<i>Item</i>	<i>Nature of Interest</i>
Mrs Fulljames	6. Application to continue importing leachate for treatment at Ardley Leachate Treatment Plant	Disclosable pecuniary interest by reason of proximity. She advised that after making representations as local member she would leave the meeting taking no part in the substantive discussion or voting thereafter.
Lilly	8. Extend existing dust storage shed used in connection with existing asphalt plant at Hansons Aggregates, Appleford Sidings, Sutton Courtenay – MW.0104/12	Personal. Local Member for the Sutton Courtenay and Harwell Division. He advised that he had not expressed an opinion on the application in that capacity and intended to take part in the discussion and voting on the application.
Service	7. Change of use of part of sawmill, timber treatment and fencing and timber building manufacturing depot to waste transfer station – Pennyroyal Sawmill site, Goring Heath – MW.0100/12	Personal. Member of South Oxfordshire District Council who owned land adjacent to this site. He did not consider that that affected his discretion to participate in the discussion and voting on the item.

	8. Extend existing dust storage shed used in connection with existing asphalt plant at Hansons Aggregates, Appleford Sidings, Sutton Courtenay – MW.0104/12	Personal. Local Member for the Didcot Ladygrove which was adjacent to the application site. He advised that he had not expressed an opinion on the application in that capacity and intended to take part in the discussion and voting on the application.
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47/12 MINUTES

(Agenda No. 3)

The Minutes of the meeting held on 9 July 2012 were approved and signed.

Minute 43/12 – Application to continue importing leachate for treatment at Ardley Leachate Treatment Plant

Officers advised that there had as yet been no response from the Secretary of State to the request made by Sir Tony Baldry MP to call in the application for determination.

48/12 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
Hazel Watt Chris Herbert Mark Matthews	)) Ardley Leachate Treatment Plant)

49/12 CHAIRMAN'S UPDATES

(Agenda No. 5)

Waterstock Golf Course

Officers advised that at the latest High Court hearing the Judge had ruled that the Wyatt brothers should begin their prison sentence with immediate effect but that they had instantly appealed. Although the detail of that appeal was not yet known the presumption was that it had been made against imprisonment as a result of contempt of court and not the judgement regarding restoration of the site which remained.

The Chairman confirmed that the Council had been awarded costs.

50/12 APPLICATION TO CONTINUE IMPORTING LEACHATE FOR TREATMENT AT ARDLEY LEACHATE TREATMENT PLANT

(Agenda No. 6)

In July 2012 the Planning & Regulation Committee had deferred an application by Viridor which had sought planning permission to use the existing leachate treatment plant at the Ardley site to treat leachate imported from other sites. That decision had been taken as a result of concerns expressed by residents regarding incidents of flooding from the sewer in the locality of Bucknell and to give Thames Water and the Environment Agency the opportunity to address those concerns and attend the meeting when the application was reconsidered. The July report considered the proposed development acceptable as there had been no objection from either the Environment Agency or Thames Water in terms of drainage or pollution and it was in accordance with planning policy relating to the location of waste development. The Committee were now asked to consider the application in the light of meetings which had taken place, the original report to the July Committee, the latest report by the Deputy Director for Environment & Economy and a tabled recommendation by him to approve the application.

Hazel Watt thanked the Committee for their decision to defer the application in July and county officers for their assistance since then in arranging stakeholder meetings, though, unfortunately not all parties had been able to attend until the latest meeting on the previous Friday. She reiterated that Viridor had stated that there was no proven link between their operation and incidents of flooding yet there was no proof that it could not be linked and she maintained that if the slightest doubt existed then it would be negligent of the County Council to approve the application. She referred to further evidence from 2 residents who had experienced flooding earlier this year.

Chris Herbert confirmed that Viridor had ceased importation as instructed immediately after the decision to defer and been involved in the meetings subsequently. He referred to the addenda sheet which reaffirmed that neither Thames Water or the Environment Agency had lodged an objection or suggested any link between leachate discharge and incidents of flooding. There was clearly a potential flooding problem in Bucknell but it was equally clear from submissions by both Agencies that they felt leachate was not the cause. He urged the Committee to approve the application.

Mr Herbert then responded to questions from:

Councillor Greene – import of leachate was limited to 18,200 tonnes pa and roughly split equally between imported material and material produced on site. However, the company might need to limit imported material from time to time in order to treat any increase in material produced on site.

Councillor Tanner – material was imported as other sites were either too old or too small to justify their own dedicated facility.

Councillor Sanders – following processing treated leachate was introduced into the sewer.

Mark Matthews thanked county officers for their help in arranging Friday's meeting which had been very useful and also Hazel Watt for her assistance. He acknowledged the extreme concerns locally regarding sewer flooding and the existence of a problem in Bucknell. However, that could be attributed to a number of

causes including debris, oil and green build up, fungus and storms and Thames Water were committed to working with the parish council and local residents to correlate previous incidences to see if a cause could be established. In the meantime he confirmed that Viridor was meeting the terms of its discharge licence and that this operation would not require a new discharge licence and reaffirmed that Thames Water had not objected to the application.

Mr Matthews then responded to questions from:

Councillor Greene – Thames Water had looked through the recorded incidences and had tested samples to try and replicate fungus growth but could not prove a link between the two.

Mary Thompson advised that the Environment Agency had emailed that morning reaffirming that it did not object to the application and confirming their reasons as follows:

The current permit issued to the operator of the landfill by the Environment Agency, already allowed for the importation and treatment of non hazardous leachate from other sites.

The amount and quality of leachate that could be discharged into the sewer from the treatment plant was controlled under the Trade Effluent Discharge consent issued by Thames Water.

The volume and quality of the discharge was not affected by the origin of the Leachate i.e. the limit was specified in the discharge consent regardless of where it came from. The operator could discharge the same maximum amount of treated leachate down the sewer from the Ardley landfill.

The Agency also confirmed that it had not received any calls to its Incident Hotline since 2010 about sewer flooding in the Bucknell area and the operator had continued to discharge leachate to the sewer network in accordance with its discharge consent. The 2010 incident had been investigated by Thames Water and attributed to heavy debris in the sewer with no proven link that treated landfill leachate had caused any of the blockages. Two cases (spring 2012) had been reported at the meeting on Friday but these had not been reported to Thames Water either and had been dealt with privately. Consequently there was no information available to suggest what had caused the blockage. Prior to that in 2007 the Bucknell pumping station had been upgraded by Thames Water after working with the Agency. The Agency would continue to work with all parties and in general expected Thames Water to manage their network to prevent surcharging and to regulate what went into the sewer from the treatment plant via the trade effluent consent.

At Friday's meeting Thames Water had also given a commitment to working with Bucknell Parish Council to investigate the two sewer flooding incidents to try and establish a root cause, but it was stressed that this was completely independent of the planning process. It was also reiterated that people should report sewer flooding to both Thames Water and the Environment Agency to help track the effectiveness of completed projects and assess the need for any future works.

Councillor Mrs Fulljames thanked Rob Dance and Mary Thompson for meeting residents at Ardley and Bucknell but unfortunately she had not been invited. A lot of uncertainty still remained over this operation and the Environment Agency should have been present to address these serious problems. She maintained that the Committee should not overturn a condition imposed by a government appointed inspector. Ardley was a distressed area which was fast becoming a dustbin for the county's waste as well as for imported waste and she asked the Committee to think seriously about the plight of local residents and refuse the application.

In response to a question from Councillor Tanner officers confirmed that restoration of the site was planned for 2019 but it was expected that the treatment plant would be retained after that date in order to treat leachate produced on site although it was difficult to predict how long that would be for.

RESOLVED: (on a motion by the Chairman, seconded by Councillor Nimmo-Smith and carried by 10 votes to 4) that subject to a routeing agreement to ensure that vehicles associated with this development followed the same route as waste vehicles associated with the EfW and landfill (avoiding Middleton Stoney) planning permission be approved for application MW.0084/12 to continue importing leachate for treatment at Ardley Leachate Treatment Plant at Ardley Landfill Site subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) but to include those matters listed below:

Heads of Conditions

1. Complete accordance with application
2. End date for importation to coincide with the end of the treatment of leachate generated onsite
3. Standard working hours for deliveries
4. Maximum annual import of 180 000 tonnes, as proposed
5. Leachate to be delivered in sealed tankers only
6. White noise on reversing beepers

Informative

Conditions 3 and 4 of permission 08/02472/CM sets out annual and daily maximum tonnages of waste to be imported to this site. Imported leachate permitted under this consent is included in those totals.

51/12 CHANGE OF USE OF PART OF SAWMILL, TIMBER TREATMENT AND FENCING AND TIMBER BUILDING MANUFACTURING DEPOT TO WASTE TRANSFER STATION - PENNYROYAL SAWMILL SITE, GORING HEATH - APPLICATION NO. MW.0100/12

(Agenda No. 7)

The Committee considered (PN7) a planning application to change the use of part of an existing sawmill the site to a waste transfer station.

Councillor Greene referred to an email which he had received from the applicant at 7.40 am that morning stating that he (the applicant) had only just found out that the application would be considered at this meeting. He had informed the Chairman and officers.

Mr Fagan advised that he had spoken to the applicant during the previous week and that an acknowledgement letter sent out in response to the application had stated when the application was likely to be considered. He confirmed that all normal requirements had been fulfilled and statutory notices completed with regard to this application and further advised that the local member supported the recommendation, the site was brownfield and situated in the AONB.

The Committee noted two amendments to the report. The first to paragraph 35, line one "OMWLP" (Oxfordshire Minerals & Waste Local Plan) to read "OMWCS" (Oxfordshire Minerals & Waste Core Strategy) and the second to Annex 2 - Consultation Responses, South Oxfordshire District Council to read "did not comment on the application" rather than "No objection" as it had merely passed objections it had received to the application directly on to the County Council.

Councillor Nimmo-Smith who had sought confirmation as to classification of the site considered the idea a good one but felt the site was in the wrong place and questioned the local need for such a site.

Councillor Crabbe referred to a similar site in his division which had expanded and was now causing considerable problems.

RESOLVED: (on a motion by Councillor Nimmo-Smith, seconded by Councillor Crabbe and carried by 14 votes to 0, Councillor Service recorded as having abstained) that Application MW.0100/12 be REFUSED for the following reasons:

1. The development was contrary to policy W4 of OMWLP as it had not been demonstrated that there was an overriding need to justify the countryside location.
2. On the basis of the information provided, the development proposed would have an unacceptable impact on a public right of way running across the site, contrary to policy OMWLP PE18 and OMWCS policy C9.
3. Insufficient information had been supplied regarding lorry traffic generation. A substantial increase over existing levels would be contrary to OMWCS policy C8 because the site was located off a narrow rural lane.
4. The proposed development was not appropriate in the AONB. It had not been demonstrated that the development would be a small scale facility serving local needs. It was contrary to OMWCS policy W6.

52/12 EXTEND EXISTING DUST STORAGE SHED USED IN CONNECTION WITH EXISTING ASPHALT PLANT AT HANSON AGGREGATES, APPLEFORD SIDINGS, SUTTON COURTENAY - APPLICATION NO. MW.0104/12

(Agenda No. 8)

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The Committee considered (PN8) a planning application submitted by Hanson Aggregates for an extension to an existing dust shed at the Hansons site within the Sutton Courtenay waste complex while noting an amendment to paragraph 4, line 1 that "0-20mm" should have read "0-.02mm".

Councillor Lilly advised that the operation was closer to Appleford than Sutton Courtenay and at the last meeting of the Local Liaison Group nothing had been raised by way of objection to the proposal.

Councillor Service referred to doubts regarding the permanency of Appleford sidings and planned growth for Didcot which justified the possibility of an additional condition regarding traffic routeing and access to this site.

Mr Groves advised that that would not be possible as this application was for storage and not an application for all uses.

Councillor Armitage considered that the same grounds for refusal applied to this application as had applied to the energy from waste application.

RESOLVED: (on a motion by Councillor Hannaby, seconded by Councillor Greene and carried 14 votes to 1) that planning permission be approved for application MW.0104/12 to extend existing dust storage sheds used in connection with existing asphalt plant, subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) but to include those matters listed below:

Heads of Conditions

1. Complete accordance with application
2. Development to commence within 3 years of the date of permission
3. External materials as per existing building

..... in the Chair

Date of signing