

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 4 March 2013 commencing at 2.00 pm and finishing at 4.18 pm

Present:

Voting Members: Councillor Steve Hayward – in the Chair
Councillor Mrs Catherine Fulljames (Deputy Chairman)
Councillor Alan Armitage
Councillor Tony Crabbe
Councillor Mrs Anda Fitzgerald-O'Connor
Councillor Patrick Greene
Councillor Jenny Hannaby
Councillor Ray Jelf
Councillor Stewart Lilly
Councillor David Nimmo-Smith
Councillor G.A. Reynolds
Councillor John Sanders
Councillor Lawrie Stratford
Councillor John Tanner
Councillor David Wilmshurst (In place of Councillor Neil Owen)

Other Members in Attendance: Councillor Iain Brown (for Agenda Item 6)

Officers:

Whole of meeting G. Warrington and J. Crouch (Law & Culture),
C. Kenneford and D. Periam (Environment & Economy)

Part of meeting

Agenda Item	Officer Attending
6.	Taufiq Islam (Environment & Economy)
7.	D. Periam (Environment & Economy)
8.	N. Fagan (Environment & Economy)
9.	K. Broughton (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.

6/13 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

<i>Apology for absence</i>	<i>Temporary Appointment</i>
Councillor Neil Owen	Councillor David Wilmshurst

7/13 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 2)

Councillor Lilly declared a personal interest in respect of Item 6 (Harwell Campus) insofar as he was a joint local member for the application site.

8/13 MINUTES

(Agenda No. 3)

The Minutes of the meeting held on 14 January 2013 were approved and signed.

9/13 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
Dr John Sharp (East Hendred Parish Council) Terry Joslin Andy Staples (RSRL) Richard Lightowlers (RSRL) Kevin Gleeson (Agent for RSRL) Dr Matthew Clarke (Nuclear Decommissioning Authority) Councillor Iain Brown (Local Member))))) 6. Harwell Campus –) Application No. MW.0183/12))))
Robert Ryan (Viridor) Ginny Dalrymple (Architect, Viridor)) 7. Ardley Landfill Site – Application) MW.0139/12
Michael Roberts (Wroxton with Balscote Parish Council)	9. Wroxton Fields Quarry

10/13 CHAIRMAN'S UPDATES

(Agenda No. 5)

Revocation of South East Plan

The Committee were advised that a laid order in Parliament due to come into effect on 25 March 2013 would revoke the South East Plan and that effectively all policies after that date, except for some specific policies relating to the former Upper Heyford air base would cease to exist. In the meantime all policies would remain a material consideration but that any weight attached to them when considering applications should be substantially decreased.

11/13 APPLICATION FOR PLANNING PERMISSION COMPRISING A WASTE STORAGE FACILITY FOR INTERMEDIATE LEVEL RADIOACTIVE WASTE AND ASSOCIATED INFRASTRUCTURE INCLUDING SURFACE WATER MANAGEMENT SYSTEM, HARD STANDINGS, INTERNAL ROADS, LANDSCAPING, FENCING AND LIGHTING AT HARWELL CAMPUS, OXFORDSHIRE - APPLICATION NO

(Agenda No. 6)

The Committee considered an application for a new intermediate level waste (ILW) storage facility at Harwell Oxford Campus for the temporary safe storage for solid ILW arising from the decommissioning of RSRL's facilities at Harwell (Oxfordshire) and Winfrith (Dorset) and the JET (Joint European Torus) facility at Culham (Oxfordshire).

Taufiq Islam confirmed that capacity at Sellafield was sufficient only for waste produced at that site with no extra capacity for waste from Winfrith. He referred to the addenda sheet which detailed amendments to paragraph 17 and Condition 19 and set out comments from the county's arboricultural officer who, having considered the tree survey submitted by the applicant to be acceptable had raised no objection.

Dr Sharp confirmed that East Hendred Parish Council had not objected to the element of this application which referred to storage of waste produced in Oxfordshire but had, as indeed had other parish councils in the area and the CPRE, objected to the importation of waste from Winfrith. That seemed to be driven by financial interests as a consequence of which the storage complex at Harwell was larger than it needed to be. It was felt that there was spare capacity at Sellafield and the full implications of the proposal had not been fully addressed. There was no direct benefit to be gained by the local community from this proposal which would have waste stored within its environs for the next 50 years.

Terry Joslin considered the proposal integral to the civic expansion of the campus site. Waste had been stored very securely on site for a long time without serious incident and the proposal to transfer benign waste onto the site meant that other sites could revert to green field status. In economic terms Harwell was a significant focal point for the region. In planning terms this application had been scrutinised by officers, received a lot of support but only 4 objections. Harwell had been a high level site for 65 years and the fears which had been expressed were unfounded and the national interest would not be best served if the application was refused.

Kevin Gleeson advised that work on this project had been ongoing for 2 years and would allow for the decommissioning and development of the campus site. Any potential impact would be subject to tight controls and he endorsed the view put forward in the officers report (paragraph 69) regarding a justifiable case for importing waste rather than building 3 separate storage units. Planning conditions would limit import of waste. Impact on the AONB had been fully considered and a case had been made for exceptional circumstances to build within the AONB. The case for importing waste had been fully considered and endorsed by the nuclear decommissioning authority.

Andy Staples advised that Sellafield would be used to some extent. However, providing one store would enable the complete closure of Winfrith and other sites and represented the best use of the national infrastructure in order to deal with this waste source.

Richard Lightowlers endorsed the comments made by the previous speakers and responded to questions from:

Councillor Greene – security would remain at current levels and the proposal for wood cladding (paragraph 23) was purely aesthetic. He confirmed it was not the type of waste which would be considered useful to terrorists.

Councillor Armitage – tritium was difficult to contain fully but any emanating from the store would fall within current tritium waste allowance limits for the site.

Taufiq Islam confirmed that the Environment Agency had not considered that the tritium issue warranted an additional planning permission but only a small modification to the plan and building.

Andy Staples then responded to questions from:

Councillor Hannaby – as some canisters had started to deteriorate some waste was currently being repackaged and stored in the vault store and would remain at Harwell. Other waste would be sent to Sellafield. Waste from JET, Winfrith and Harwell would be stored in robust concrete boxes.

Councillor Fitzgerald-O'Connor – the movement of material would start within the next month or so and continue until 2021. Other waste would be stored at Harwell until 2050.

Councillor Hayward – 25% of stored waste would come from Winfrith.

Matthew Clarke advised that the nuclear decommissioning authority was responsible for decommissioning and clearing up sites across the UK and ensuring the availability of disposal facilities. This application formed a critical part of that process. He confirmed that every effort was being made to use assets in the best way possible which inevitably meant that some waste would need to be transported.

Councillor Iain Brown questioned the motives for importing material into Harwell and considered the proposal did not conform with policies in the minerals and waste strategy. There were concerns with drainage from this site into local watercourses and ultimately the Thames. There was no perceived community gain from this application, which would see waste stored here for a considerable time and if there was any doubt in the minds of the Committee then further consideration should be given to the impacts of the proposal.

Responding to a question from Councillor Hannaby Councillor Brown accepted that waste would be more stable whilst being stored and that the waste would eventually be moved but he still questioned the acceptability of transporting waste from Winfrith to Harwell.

Taufiq Islam confirmed that community benefit was not a planning consideration.

Councillor Tanner felt that generally speaking waste should be left where it was generated and that for some time the expectation had been for provision of a central geological deposit store. That now seemed unlikely to happen and it should reasonably be expected that this waste would be stored here for a longer period than had been indicated. He did not consider Winfrith's waste to be Oxfordshire's problem and suspected the proposal was to some extent financially driven.

He moved and Councillor Sanders seconded that the recommendation in the officers report be accepted but with the exclusion of waste imported from Winfrith.

Councillor Greene expressed some concerns regarding safety during transfer.

Taufiq Islam confirmed that that process would be monitored and regulated.

Councillor Crabbe thanked officers for their response to detailed written questions which he had submitted regarding the application but referred to concerns he had regarding the imprecise terms for low, intermediate and high levels of waste and asked whether a specific maximum level could be applied to the intermediate level.

Mr Staples advised that a definition of radiation field would be displayed on boxes and that the maximum was a clearly defined level.

Taufiq Islam confirmed that Councillor Crabbe's concerns would be covered under Condition 1.

Matthew Clarke added that high level waste was heat generating and only stored at Sellafield. The site at Harwell was unsuitable for that type of waste. Intermediate level of waste was not a top limit but limits to be applied to transportation would help define safety.

The motion by Councillor Tanner was then put to the Committee and lost by 10 votes to 3.

Councillor Hannaby then moved and Councillor Nimmo-Smith seconded that the officer recommendation as printed in the report be approved subject to the

amendment to Condition 19 as set out in the addenda. The motion was put to the Committee and carried by 12 votes to 2.

RESOLVED: that subject to a routeing agreement to ensure that vehicles related to this development follow specific routes proposed in the application that Application No. MW.0183/12 be approved subject to conditions to be determined by the Deputy Director (Strategy and Infrastructure Planning) to include the following matters:

- (1) Complete accordance with approved plans;
- (2) Commencement within 3 years;
- (3) The ILW store should be removed and the site restored by 2064;
- (4) The ILW store should only be used for the storage of Intermediate Level Waste materials arising from Harwell, Culham and Winfrith;
- (5) No radioactive waste from Winfrith should be brought to Harwell until a set amount of radioactive waste from Harwell had been moved to Sellafield;
- (6) No processing of waste on site;
- (7) Construction operations (including the manoeuvring, loading or unloading of vehicles) should only take place between the hours of:
 - 07:00 - 18:00 hours Monday to Friday
 - 07:00 - 18:00 hours Saturdays
 - 07:00 - 14:00 hours Sundays and Bank Holidays;
- (8) Measures to be taken to prevent the deposit of mud and dust on the highway;
- (9) All vehicles, plant and machinery operated within the site should be fitted with and use effective silencers;
- (10) Submission of a scheme to deal with risks associated with the contamination of the site;
- (11) Submission of verification report demonstrating completion of works set out in the approved remediation strategy;
- (12) No piling or any other foundation designs using penetrative methods;
- (13) No infiltration of surface water drainage into the ground from vehicle delivery areas;
- (14) No night working;
- (15) Submission of a detailed landscaping planting scheme prior to commencement of development;
- (16) No works of decommissioning until submission of an updated ecological survey;
- (17) Submission of a 5 year aftercare scheme for biodiversity enhancement within 1 year of commencement of development;
- (18) Submission of samples of all external materials for the roof and walls of the building prior to commencement of development;
- (19) No floodlighting should be erected on site;
- (20) Records should be kept of waste importation and exportation and made available on request to the County Planning Authority;

- (21) Submission and approval of a Construction/Demolition Traffic Management Plan before commencement of development;
- (22) Submission and approval of SUDS compliant Drainage Strategy before commencement of development.

The Committee acknowledged the work carried out by Taufiq Islam on a very complicated application.

12/13 DETAILS PURSUANT TO CONDITION 33 (EXTERNAL MATERIALS SAMPLE) OF PLANNING PERMISSION 08/02472/CM (MW.0044/08) AT ARDLEY LANDFILL SITE - APPLICATION NO MW.0139/12

(Agenda No. 7)

The Committee resumed following an adjournment for 5 minutes to allow Members of the Committee to view alternative roofing materials in an adjoining room.

The Committee then considered a 'details pursuant' application providing details required by condition on an existing planning consent granted by the Secretary of State for an Energy from Waste plant at Ardley landfill site. Condition 33 to that permission had required that the applicant provide details of external materials for the building for approval by the Waste Planning Authority. There was no statutory requirement to consult on such details but as the Ardley Energy from Waste plant had represented a major development it had been considered appropriate to do so and a consultation exercise was undertaken with local County Councillors and Parish Councils. Concerns had been raised locally regarding the appropriateness of the material proposed for the roof within the site's rural context and these had in turn been brought to the Committee for consideration.

Robert Ryan and Ginny Dalrymple (Viridor) addressed the Committee. Mr Ryan set out some of the history of the development and proposals for its future operational life. He suggested that the uncoated material represented the best option and although it would shine at first it would weather over a period of 16 – 24 months. His company fully acknowledged local concerns regarding the proposed material and had provided alternatives for the Committee to examine. It was an option to select a pre-weathered material but as the photomontages showed there was little difference between weathered and painted materials and he suggested the grey alternative would be the most suitable of those.

Ginny Dalrymple then took the Committee through each of the photomontages.

Mr Ryan and Ms Dalrymple then responded to questions from:

Councillor Crabbe – there was no significant difference in cost between the various options.

Councillor Hayward – there had been general support for the greyer material option at other facilities.

Councillor Hannaby – there would be significant difference in maintenance between the stucco embossed option at zero maintenance and the painted option, which would require a maintenance regime with the paint finish guaranteed for 15 years. An annual clean would then be required and that would have inevitable health and safety consequences for maintenance operatives.

Councillor Mrs Fulljames pointed out that the word ‘green’ in line 2 of paragraph 10 of the report should have read ‘grey’. She then referred to strong local concerns regarding the proposed material and confirmed that local councils had not had an opportunity to comment on the alternative options.

RESOLVED: (on a motion by Councillor Mrs Fulljames, seconded by Councillor Greene and carried unanimously) to defer consideration of Application MW.0139/12 to enable further consultation with local parish councils on available alternative roof materials/finishes for determination at the 15 April 2013 meeting of the Planning & Regulation Committee.

13/13 ERECTION OF SINGLE STOREY EXTENSION TO VICARAGE ROAD FRONTAGE AT NEW HINKSEY CE PRIMARY SCHOOL, VICARAGE ROAD, OXFORD, OX1 4RQ - APPLICATION NO. R3.0192/12

(Agenda No. 8)

The Committee considered (PN8) an application for a proposed extension to the school in the light of an objection from the City Council.

Councillor Tanner would have preferred to see a sloping rather than a flat roof in order for the building to complement the surrounding street scene.

RESOLVED: (on a motion by Councillor Stratford, seconded by Councillor Hannaby and carried by 11 votes to 4) that planning permission be approved for Application R3.0158/12 subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) but to include the following:

1. The development should be carried out solely in accordance with details submitted with the application.
2. Matching materials as specified.
3. Construction in accordance with specification set out in the FRA.
4. Protection of adjacent tree Root Protection Area.

Informative:

Contractor traffic movements, parking and deliveries would need to take account of the narrow and tight nature of residential streets and on-street parking restrictions in the vicinity of the School. This was in the interest of safety for all highway users including the School.

14/13 IMPORTATION OF OVER 40,000 CU METRES OF EXTRANEIOUS MATERIAL TO THE WROXTON FIELDS QUARRY (WROXTON NR BANBURY) EXPLAINING THE PLANNING CONDITIONS UNDER WHICH THIS IMPORTATION HAPPENED AND HEALTH HAZARDS, IF ANY, THIS IMPORTATION MAY HAVE BROUGHT ABOUT.

(Agenda No. 9)

The Committee considered a matter raised by Councillor George Reynolds under Standing Order 7(d) regarding the importation of over 40,000 cu metres of extraneous material to the Wroxton Fields Quarry.

Councillor Reynolds outlined the history regarding this matter and expressed concerns on several levels regarding the amount of material imported, secrecy, health hazards and planning aspects. The secrecy aspect had been bound to give rise to local suspicion and although there had been undertakings given that there was no health hazard there was still a worry not least of which was that the material would contain heavy metals and consequently anything grown on that land could not be used for human consumption for some years. He asked for clarification as to whether the importation needed planning permission and if so why no application had been submitted and if not then it was imperative to offer some protection to local communities in these instances.

Michael Robarts (Wroxton with Balscote Parish Council) advised that the material was extremely unpleasant and smelly and importation had been directly licensed by the Environment Agency with no reference to the planning authority and no local consultation undertaken. There seemed to be an obvious gap in the planning system. The restoration plan for the site, as approved by the Mineral Planning Authority in 2002 had not mentioned biosolids. He questioned the motive for importation as expressed by Bennies who had stated it had been for soil enrichment although they had accepted payment for doing so. He reiterated the comment by Councillor Reynolds that no crops could be grown on it for two years. The Parish Council considered there should be safeguards against this sort of activity, particularly for this area bearing in mind the imminent consideration of the Shenington ROMP.

Mr Broughton confirmed that there was no record of any consultation by the Environment Agency and health issues were within that Agency's remit. With regard to planning issues it was possible that there had been a technical breach of conditions as one of the conditions attached to this site had concerned soil improvement with particular reference to artificial fertilisers. He was not able to comment on the motive for importation but it seemed inevitable that there was some financial aspect involved and that technically planning permission was required.

There was general concern amongst members regarding the lack of consultation and that the matter should be taken up with the Environment Agency in the strongest terms.

RESOLVED: that officers be requested to write to the Environment Agency in the strongest terms expressing dismay at the lack of consultation on this matter.

PN3

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..... in the Chair

Date of signing