

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 21 October 2013 commencing at 2.00 pm and finishing at 3.30 pm

Present:

Voting Members: Councillor Mrs Catherine Fulljames – in the Chair

Councillor Neil Owen (Deputy Chairman)
Councillor David Bartholomew
Councillor Mark Cherry
Councillor Patrick Greene
Councillor Pete Handley
Councillor Bob Johnston
Councillor Anne Purse
Councillor G.A. Reynolds
Councillor John Tanner
Councillor Nick Hards (In place of Councillor Glynis Phillips)
Councillor David Wilmshurst (In place of Councillor Stewart Lilly)

Officers:

Whole of meeting G. Warrington and D. Mytton (Law & Culture); C. Kenneford and D. Periam (Environment & Economy)

Part of meeting

Agenda Item	Officer Attending
6 & 7	D. Groves (Environment & Economy)
6	K. Broughton (Environment & Economy)
7	M. Thompson (Environment & Economy)
8 & 9	C. Hodgkinson (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.

44/13 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

<i>Apology for absence</i>	<i>Temporary Appointment</i>
Councillor Stewart Lilly Councillor Glynis Phillips	Councillor David Wilmshurst Councillor Nick Hards

45/13 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 2)

Councillor	Item	Nature of interest
Neil Owen and Peter Handley	7. Waste Transfer Station, Stanton Harcourt – Application No. MW.0097/13	Bias. As members of West Oxfordshire District Council they declared that as there could be a risk of potential challenge as a result of a perceived bias because of the objection lodged by West Oxfordshire DC on financial grounds they would withdraw from the meeting for the duration of item 7.

46/13 MINUTES

(Agenda No. 3)

The minutes of the meeting held on 9 September 2013 were approved and signed subject to amending the name Matthews in paragraphs 16 and 19 of Minute 41/13 to read Marsh.

Minute 41/13 - Sutton Courtenay Waste Management Site

The Committee were advised that Application MW.0090/13 had been resubmitted but nothing further had been received as yet with regard to Application MW.0088/13.

47/13 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

Speaker	Item
Michael Robarts – Wroxton Parish Council	6. Wroxton Fields Quarry – Application No. MW.0108/13
Claire Locke (West Oxfordshire District Council) Richard Hollidge) 7. Waste Transfer Station, Stanton) Harcourt – Application No.) MW.0097/13

48/13 SECTION 73 APPLICATION TO VARY CONDITION 109 OF PLANNING PERMISSION 12/01365/CM TO ALLOW THE IMPLEMENTATION OF AN UPDATED RESTORATION SCHEME AT WROXTON FIELDS QUARRY - APPLICATION MW.0108/13

(Agenda No. 6)

The Committee considered (PN6) an application to vary the existing restoration aftercare scheme to allow biosolids to be imported and used as part of the site restoration.

Mr Broughton advised that the Environmental Health Officer at Cherwell District Council supported the officer recommendation and that the applicant had not responded to requests for further information.

Mr Robarts advised that since he had last addressed the Committee in March more had been learned about the regulations governing this issue. The Environment Agency had since expressed serious reservations regarding the issue of the first licence and the applicants had now withdrawn a second although they apparently retained an option of applying for what was called a customised application. The initial deposit of biosolids had totalled 50,000 tonnes. That had breached accepted limits by a factor of 20:1 effectively limiting future use after restoration to forestry for some years. He understood that if a S73 application were approved then it could allow a loophole for further applications and so he urged that if the Committee were minded to agree this application then it must be made clear that it was a one off approval.

Councillor Reynolds thanked Wroxton Parish Council and Cherwell and County Council officers for helping to resolve this issue. He was in no doubt that it represented waste disposal but under the terms of the licence there had been no control over what had been brought in to the site and recently more material had been imported than exported. He urged the Committee to be wary of setting a precedent.

RESOLVED: (on a motion by Councillor Reynolds, seconded by Councillor Greene and carried unanimously) that Application no. MW.0108/13 (13/01257/CM) a section 73 application to vary condition 109 of planning application 12/01365/CM to allow the implementation of an updated restoration scheme, be refused planning permission for the following reasons:

- 1) As submitted, the application could not be approved as a variation to the existing planning permission no. 12/01365/CM on the grounds that it would permit disposal of waste on the site which was new development that had not been contemplated by the original planning permission;
- 2) The proposed development would result in pollution through the generation of odour and consequent loss of amenity to local residents contrary to the provisions of policies PE18 of the OMWLP, ENV1 of the CLP, EN3 of the CNSLP and SO15 of the CLPPSD;
- 3) Insufficient information had been submitted to demonstrate that the proposed development would not cause undue harm to the water environment and nature conservation interests contrary to the provisions of policies PE5, PE7 and PE18 of the OMWLP, and EN1, EN12 and EN23 of the CNSLP and ESD10 of the CLPPSD.
- 4) The continued disturbance of restored areas would result in an adverse impact on an Area of High Landscape Value contrary to the provisions of policies PE13 of the OMWLP, C13 of the CLP and ESD13 of the CLPPSD.

49/13 PROPOSED DEVELOPMENT AND OPERATION OF A WASTE TRANSFER STATION INCLUDING ANCILLARY DEVELOPMENT AT FORMER CON BLOC WORKS, STANTON HARCOURT - APPLICATION MW.0097/13

(Agenda No. 7)

Councillor Owen and Councillor Handley withdrew from the meeting.

The Committee considered (PN7) an application to build a waste transfer facility and noted three further submissions from West Oxfordshire District Council, the Waste Disposal Authority and County Councillor Charles Mathew all of which had been tabled with the addenda sheet.

Officers explained that routeing agreements avoiding Sutton village had been completed for other developments at Dix Pit in recent years. The proposed routeing agreement plan was shown to the Committee.

Claire Locke, West Oxfordshire District Council advised that the District Council supported the waste transport strategy and endeavoured to operate its waste collection service efficiently within that strategy in order to minimise both the cost of service and its environmental impact. However, this proposed routeing agreement would impact severely on the current service through increased fuel costs of £28,000 pa and the likely requirement of an additional vehicle and crew at a cost of approximately £148,000 pa and the District Council objected strongly to it. There

would also be an environmental cost. This would not be in the District Council's interest and they would therefore be instructing their waste collection contractor not to sign up to the agreement. Without the consent of all parties the routeing agreement would not be put in place and the permission could not be issued therefore making the imposition of an agreement as part of any planning approval effectively unenforceable. They considered the removal of the existing agreement to be disproportionate particularly as the transfer operation would lead to no overall increase in vehicles delivering waste. Furthermore they considered the consultation process flawed as it had not referred to a routeing agreement but which was now being recommended as a condition to planning permission. The District Council formally requested that their refuse collection vehicles be exempted from any routeing agreement and that it be applied only to bulked waste vehicles. As a minimum the District Council sought deferral of a decision pending a joint meeting to discuss the wider implications including the strategic implications on waste operations in Oxfordshire.

She then responded to questions from:

Councillor Tanner – a high proportion of their fleet would be affected estimating a third of vehicles. She also explained the current route through Sutton.

Councillor Cherry – the District Council had not negotiated revised costs with the contractor but had based their increased costs on the additional mileage which would be required. The other cost was a standard cost for crewing an additional vehicle.

Councillor Greene – it would be difficult to monitor but if imposed solely on the haulage contractor then the County Council could do so.

Councillor Johnston – confirmed that if the status quo was maintained then villages would be no worse off.

Councillor Reynolds – confirmed the District Council would not sign up to a new agreement as proposed.

Mr Mytton confirmed that neither the District Council nor the contractor would be a party to the agreement but they would nevertheless be affected by it.

Mr Periam confirmed that the routeing agreement had not been part of the consultation process.

Councillor Greene considered it reasonable to alter the agreement to enforce contractors to use the agreed route and to exclude West Oxfordshire refuse collection vehicles.

Richard Hollidge advised that the Company did not believe that traffic movements would significantly increase as waste received at the transfer station was currently delivered to the adjacent Dix Pit landfill site. The only increase in vehicle movements would be the bulking vehicles taking waste away from the site and that would equate to approximately 7 additional vehicles a day. Although the application had received no objections during the first or second round of consultation FCC had, in relation to

this particular aspect, agreed to a restriction on tonnages through both the existing landfill and proposed transfer station to ensure that vehicle movements were maintained at current levels. There was currently no tonnage restriction on the landfill so this therefore had been a voluntary move on FCC's behalf .

The company had also agreed to a routeing agreement for vehicles under its control i.e. bulking, trade and commercial waste vehicles. However, the Planning Authority had asked that it include all vehicles visiting the site including Local Authority refuse collection vehicles. Those vehicles were not within FCC's control and they were concerned about the impact that the proposed agreement might have on those collection rounds and he asked that those concerns be considered when any routeing agreement was drafted.

The original application had assumed that the site would be open from 7am to 5pm seven days a week and had been fully assessed in terms of noise. No objections had been received. However, in the light of comments raised by the nearest resident, FCC had voluntarily proposed an amendment to clarify the extended hours on Saturday afternoons and Sundays, as follows: The site would be only used during these times for the receipt of local authority waste following bank holidays, if required. No commercial waste would be accepted on Sundays, extended Saturday afternoons and Bank holidays .

FCC had undertaken local community liaison via a number of open days, which had helped shape the application including the reduction in tonnage from that originally envisaged and the location. A second round of consultation had been undertaken as a result of the proposed amendments and again no objections had been raised. The applicants believed that the application demonstrated that the proposal would not have a significant impact on the environment or local amenity and the Environment Agency had prepared a draft permit which it was waiting to issue and he asked the Committee to agree the application.

With regard to Councillor Mathew's request the Company considered that an airlock system was unnecessary as the housing of waste within the building complied with Environment Agency regulations.

He then responded to questions from:

Councillor Reynolds – confirmed that the company would be happy with an exclusion for West Oxfordshire DC vehicles.

Councillor Hards – FCC monitored vehicle movements through spot checks and also responded to reports from local residents. If one of the company's drivers were guilty of a misdemeanour then he would be disciplined. If it was found to be a commercial vehicle then a warning would be issued with eventual restrictions if it continued to transgress.

Councillor Johnston and Cherry – he confirmed vehicles were fitted with tachographs and satellite tracking.

Councillor Greene then moved that the officer recommendation be agreed subject to an amendment to the routing agreement to ensure that HGVs associated with the development with the exception of refuse collection vehicles were routed via the A415 and the A40. The motion was seconded by Councillor Cherry.

Councillor Tanner however supported moves to encourage vehicles to use main roads as soon as possible and the officer recommendation as set out in the report did that in line with County policies. He did not support the District Council's submission nor accept their argument for special arrangements and was cautious regarding setting any precedents.

Councillor Hards stated that policies as set out in the report were there for a reason and should be enforced. The A40 would be quicker and therefore more cost effective.

Councillor Reynolds echoed concerns regarding exceptions for refuse collection vehicles and the precedent that might set.

The motion by Councillor Greene was then put to the Committee and lost by 5 votes to 4.

RESOLVED: (on a motion by the Chairman, duly seconded and carried 6 votes to 0) that subject to a routing agreement to ensure that vehicles associated with the development are routed via the A415 and the A40, subject to exclusions for waste collection vehicles collecting in the local area that Application MW.0097/13 be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy and Infrastructure Planning) but in accordance with those set out in Annex 3 to the report PN7.

Councillor Neil Owen and Councillor Peter Handley rejoined the meeting.

50/13 PROGRESS REPORT ON MINERALS AND WASTE SITE MONITORING & ENFORCEMENT

(Agenda No. 8)

The Committee considered (PN8) an update on monitoring of minerals and waste planning permissions and progress on enforcement cases for the period 1 April 2013 to 30 September 2013.

Ewelme – responding to concerns expressed by Councillor Wilmshurst regarding the number of visits to that site Mr Hodgkinson explained that due to reduced staff levels visits were down by 40%. However, he had visited the site the previous week and staff levels were now back up to a full complement.

Woodeaton Quarry – responding to Councillor Purse he would clarify for future reports the site's exact location.

Worsham Quarry – responding to Councillor Handley he advised that a charge could only be made for an active landfill site or one which was winning minerals.

..... Waterstock – responding to Councillor Purse officers advised that the owners were considering whether or not to submit a planning application on the basis of advice given to them by county officers.

Bicester Golf Course – noted it was situated in Chesterton not Kirtlington.

Ferris Hill Farm – responding to Councillor Reynolds Mr Hodgkinson advised that further information was being gathered before formal action taken.

Members thanked officers for the clear and helpful report and welcomed particularly those notifications regarding cases closed.

RESOLVED: 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.

51/13 THE OXFORDSHIRE LOCAL MONITORING AND ENFORCEMENT PLAN

(Agenda No. 9)

The Committee considered (PN9) a report setting out a Local Monitoring and Enforcement Plan for Oxfordshire to replace the existing enforcement policy.

RESOLVED: that the Oxfordshire Local Monitoring and Enforcement Plan as set out at Annex 1 to the report PN9 be adopted.

..... in the Chair

Date of signing