

## PLANNING & REGULATION COMMITTEE

**MINUTES** of the meeting held on Monday, 11 April 2016 commencing at 2.00 pm and finishing at 2.55 pm

### Present:

**Voting Members:** Councillor Mrs Catherine Fulljames – in the Chair

Councillor David Bartholomew  
Councillor Mark Cherry  
Councillor Patrick Greene  
Councillor Bob Johnston  
Councillor James F. Mills  
Councillor Glynis Phillips  
Councillor Anne Purse  
Councillor G.A. Reynolds  
Councillor John Tanner  
Councillor Lawrie Stratford (In place of Councillor Stewart Lilly)

### Officers:

Whole of meeting G. Warrington and D. Mytton (Law & Governance); D. Periam; M. Case and C. Rossington (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.*

### 11/16 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

| <i>Apology for absence</i>                       | <i>Temporary Appointment</i>     |
|--|----------------------------------|
| Councillor Stewart Lilly<br>Councillor Neil Owen | Councillor Lawrie Stratford<br>- |

**12/16 MINUTES**

(Agenda No. 3)

Subject to the following amendments to Minutes 9/16 and 10/16 the minutes of the meeting held on 22 February 2016 were approved and signed.

*Minute 9/16 – Proposed extension to waste transfer apron and provision of a waste picking station at Ferris Hill Farm, Sibford Road, Hook Norton – Application No. MW.0132/15*

Paragraph 8, line 3 “trammel” to read “trommel”

*Minute 10/16 – Proposed Importation and processing of material on land at Enstone shooting range, Enstone for placement on the permitted bunds as per planning permission 14/1178/P/FP at Enstone Airfield, Enstone – Application No. MW.0160/15*

Paragraph 13, line 3 “B430” to read “B4030”

**13/16 PETITIONS AND PUBLIC ADDRESS**

(Agenda No. 4)

| <i>Speaker</i>   | <i>Item</i>  |
|--|--|
| Robert Johnston ( <i>Enstone Uplands District &amp; Conservation Trust</i> ) | )  |
| Deborah Caedel ( <i>Knights</i> )  | )  |
| Jeremy Hurlstone ( <i>Transport Consultant for Applicant</i> )               | ) 6. Enstone Shooting Range – Application No. MW.0160/15 |
| Dee McDonald ( <i>Agent</i> )  | )  |

**14/16 CHAIRMAN'S UPDATES**

(Agenda No. 5)

*Appeal against application no. MW.0003/14 for proposed extension to site area of aggregate recycling facility for processing and stockpiling waste materials and recycled products and variation of conditions 1 and 15 of planning permission MW.0184/12 to provide for revisions to the approved site fencing, landscaping and drainage system at the Sheehans Recycled Aggregates Plant, Dix Pit, Stanton Harcourt.*

An appeal lodged against a decision by the Planning & Regulation Committee on 1 December 2014 to refuse permission had been allowed by an Inspector following an Inquiry held on 26 & 27 January. No costs had been applied for by any party.

*Finmere Recycling Centre*

The Chairman reported details regarding a fire on 28 February 2016 at Finmere Recycling Centre.

**15/16 UPDATE REPORT - PROPOSED IMPORTATION AND PROCESSING OF MATERIAL ON LAND AT ENSTONE SHOOTING RANGE, ENSTONE FOR PLACEMENT ON THE PERMITTED BUNDS AS PER PLANNING PERMISSION 14/1178/P/FP AT ENSTONE AIRFIELD, ENSTONE - APPLICATION MW.0160/15**

(Agenda No. 6)

On 22 February 2016 the Planning & Regulation Committee had deferred an application for the importation and processing of material on land at Enstone Shooting Range, for the placement of recycled waste to form the permitted bunds as per planning permission 14/1178/P/FP issued by West Oxfordshire District Council. That deferral allowed for a further 21 days of consultation on additional information relating to HGV movements and travel routes. The Committee now considered (PN6) the application in the light of that consultation.

Presenting the report together with additional comments received which had been set out on the addenda sheet Mr Case confirmed that although officers were not recommending a routeing agreement the applicants had confirmed that they were happy to enter into one.

He then responded to questions from:

Councillor Bartholomew – officers had not recommended a routeing agreement because they had felt that the number of proposed lorry movements at 40 per day would have a minimal impact particularly as those movements were being spread over a number of routes, one of which was also subject to restriction.

Councillor Greene – the concreted surface referred to in condition xiv related to the access track (old runway).

Councillor Cherry – it had been anticipated that the majority of journeys would be on A361 which was a strategic route.

Councillor Purse – it was difficult to predict accurately where material would come from but all proposed routes were acceptable.

Councillor Tanner – records kept by the operator would be available for inspection with monitoring and enforcement visits undertaken.

Robert Johnston emphasised the importance of the scheme to residents. Whilst appreciating the potential impact of vehicles this represented the end of a 4 year campaign for residents to alleviate a very serious noise issue.

He responded to questions from:

Councillor Reynolds – residents had exhausted all the normal channels for noise attenuation. That had also been hampered by the fact that as the noise problem could be influenced by wind direction different villages had been affected.

Deborah Caedel advised that the application was a temporary one to facilitate development already granted planning permission by West Oxfordshire District Council for the phased construction of bunds to specified sizes and heights. Therefore neither the principle of the construction of bunds, their size or the amount of material required was a matter for discussion today and the construction of the bunds and the importation of material to make them with would still go ahead even if the application now before this Committee was not approved. Implementation of the permission granted by WODC required the importation of 277,000m<sup>3</sup> of material with no limit on the number of vehicle movements to and from the site nor any time limit placed on the period of construction. The application would help streamline the development but if the application was not granted then the applicant's fall back position would be to construct the bunds from material which did not constitute waste with no limitation on vehicle movements, no time limit on the period of construction and no routeing agreement. That constituted a material consideration to be taken into account in determining the application.

Jeremy Hurlstone outlined the transportation process for the site. Approval of the proposal would mean reductions in waste, fuel, mileage and emissions. Refusal however would result in the double handling of recyclables needed to be separated from the source material prior to the soils being deposited in the bunds. With no on-site plant, materials would need to be transported from their source to a separate location for screening then transported back to the Shooting Ground. As approximately 20% of the source materials could not be used, this meant that 80% or 4/5ths of the materials would be double-handled and unnecessarily transported along Oxfordshire's road network for off-site screening. On-site screening however would mean only 20% was double handled, rather than the 80% under the approved scheme. That equated to approximately 3 loads per day over the project life, rather than 17 loads per day as approved. Allowing on-site screening would remove up to 990,000 HGV miles from Oxfordshire's road network over the project period representing a reduction of up to 53% in terms of overall distance, fuel consumed and emissions produced by vehicles. The proposed development would not result in any increase in HGV movements but would restrict daily impact based on a suggested limit of 20 loads/40 movements. In addition to the daily limit, the revised haul routes proposed in response to Members' concerns, avoided the more sensitive routes through local villages. Only the applicant's own vehicles, with employed drivers would be used with no incentive for them to take short cuts or divert from agreed routes and all HGVs being used would have trackers fitted so that their routes could be monitored and checked. This level of control was not imposed upon the existing planning permission, which used routes Members considered unacceptable. The proposal would result in a reduction of around 50% in terms of HGV mileage whilst providing additional controls on more preferable haul routes, which avoided villages, was more sustainable in terms of transport and amenity impacts and he asked that the planning application be approved.

Dee McDonald advised that the proposal would ensure a cleaner, safer and better controlled operation with a reduction in waste movements. The proposal aimed to

reduce overall traffic movements throughout Oxfordshire by more than half and the introduction of a screener/crusher on site would have huge environmental benefits and allow for increased highway efficiency as well as an improvement to the current permitted planning permission in terms of both highways and the environment. The operation would be streamlined offering a number of improvements with more accountability whereas refusal would mean reverting to the district council permission with no restrictions. The applicant was willing to enter into a routeing agreement and had already agreed to routes which would afford protection to local villages. The benefits of the Enstone location included siting on previously developed land, a good road network and helping move waste up the waste hierarchy by increasing recycling and diverting waste from landfill. The site was not in the green belt nor was it in an AONB area. This all amounted to an overriding need for the development and given the level of benefit that the site offered, she urged the Committee to grant planning permission.

She then responded to questions from:

Councillor Greene – material was tested before going to the site and if found to be of a poor standard then it would not go. The area housing the screener would be concreted.

Councillor Phillips – there would be no floodlighting on site.

Councillor Tanner considered the case a compelling one and he moved the officer recommendation. Councillor Greene seconded the motion.

Councillor Bartholomew expressed his frustration at the lack of protocol between the County and District Council as to what constituted waste disposal which needed to be clearly clarified to avoid this situation occurring again in the future. Although this particular situation had clearly been a waste of resources for all concerned he felt the deferral at the last meeting had been justified as it had enabled the Committee to be better informed. He was now able support the application.

Councillor Reynolds endorsed the comments regarding the need for a clearer demarcation of protocols. However, he still had reservations and had been surprised that noise nuisance appeared to have been dealt with by planning permission and he was not confident that the bunding would necessarily achieve what residents were seeking. He also had concerns regarding traffic through South Newington, Bloxham and Great Tew and whilst accepting that a lot had been done by the applicant to address many problems he felt he needed to support those communities listed above and therefore would not vote to support the application.

Councillor Cherry would be supporting the application but asked for his concerns regarding traffic in South Newington to be recorded.

The Chairman expressed some concern regarding the 2 sharp bends on the access road and moved an amendment that the developer should provide appropriate warning signs. That amendment was agreed by the mover and seconder of the motion.

However, a second amendment by the Chairman for a routeing agreement was not accepted by the mover of the original motion and so having been seconded by Councillor Johnston was put to the Committee and agreed by 8 votes to 2.

The motion as amended was then put to the Committee and carried by 9 votes to 1 (Councillor Reynolds recorded as voting against with one abstention).

**RESOLVED:** that:

- (a) subject to the applicant entering into a routeing agreement application MW.0160/15 (15/04481/CM) be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy & Infrastructure Planning) to include the following:
  - i. The development should be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of this permission.
  - ii. The development to be commenced within a period of three years from the date of the permission.
  - iii. Processing of waste to construct the noise attenuation bunds should cease within 5 years of the date of permission. All buildings, plant and machinery associated with the processing of waste should be removed within 5 years of the date of permission and the site restored in accordance with the restoration scheme specified in Planning Statement (dated December 2015) and Proposed Noise Attenuation Screen Bund Plan (Drawing No. 4C).
  - iv. No operations authorised or required by this permission should be carried out and plant should not be operated, other than during the following hours:
    - a. Between 0800 and 1630 hours Mondays to Fridays
    - b. Between 0800 and 1300 hours on Saturdays
    - c. No such operations should take place on Sundays and Public and Bank Holidays and Saturdays immediately following Public and Bank Holiday Fridays.
  - v. From the date of issuing permission the operator should maintain records of all waste entering and leaving the site for all operations within the red line area and should be made available to the Waste Planning Authority within 14 days on request.
  - vi. The output of residual waste from the processing operation should not exceed 20% of the total amount of waste imported to the site per annum.
  - vii. No waste should be imported on to the site, other than for the purposes of processing to create material for the construction of noise attenuation bunds as shown on the Noise Attenuation Screen Bund Plan (Drg No. 4C). All residual waste should be removed from the site.
  - viii. HGV movements related to importation and export of waste to and from the site should not exceed a maximum of 40 per day (20 in, 20 out).
  - ix. From the date of issuing permission the operator should maintain records of all HGV movements entering and leaving the site for all

operations within the red line area and should all be made available to the Waste Planning Authority within 14 days on request.

- x. The development to be carried out in accordance with an approved amended Travel Plan to include that:
    - a) HGVs to and from Bicester to travel via the A34, A44 and B4022;
    - b) HGVs to and from Oxford to travel via the A34, A44 and B4022;
    - c) HGVs to and from Banbury to travel via the A361 and B4022;and
    - d) HGVs to and from Chipping Norton to travel via the A44 and B4022.
  - xi. Stockpiles of waste should not exceed a height of 5 metres.
  - xii. All vehicles, plant and machinery operated within the site should be serviced and maintained in accordance with the manufacturer's instructions and, where silencers are specified by the manufacturer for any vehicles, plant or machinery; they should be installed and retained in use.
  - xiii. No mud or dust should be deposited on the public highway.
  - xiv. The concreted surface of the site and site access should be maintained in a good state of repair and kept clean and free from mud and other debris at all times until such time as the site was no longer required for these operations.
  - xv. All completed noise attenuation bunds should be sown with a grass seed mix and kept free of weeds within 6 months of completion.
  - xvi. No reversing beepers or other means of audible warning of reversing vehicles should be fixed to, or used on, any vehicle operating on the site, other than those which use white noise.
  - xvii. No development should take place except in accordance with the dust suppression measures specified in the Planning Statement (Dated December 2015), and Dust Management and Mitigation Plan approved under Planning Permission 14/1178/P/FP.
  - xviii. Noise emitted from on-site crushing and screening should not exceed the background noise level (LA90, 1h) by more than 10 dB(A) at the nearest noise sensitive façades during normal working hours
  - xix. All fuel tanks should be sited on a concrete base surrounded by bund walls capable of retaining at least 110% of the tank volume and any spillages from draw or fill pipes.
  - xx. The aftercare of the site should be undertaken for a period of 5 years in accordance with the Aftercare Scheme specified in the Planning Statement (dated December 2015).
  - xxi. Provision of additional signing at the site entrance and the two sharp bends on the access road to the site warning HGV drivers of other road users and vice versa.
- (b) officers be asked to clarify with all Oxfordshire district councils the need for the district councils to advise the County Council when they believed a planning application for a development which should legally be a county matter had been received by them and to this end seek to establish a protocol with the district councils to avoid them inadvertently determining county matter planning applications and to report back to a future meeting of this Committee on the outcomes

PN3

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..... in the Chair

Date of signing