

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 23 May 2016 commencing at 2.00 pm and finishing at 4.03 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 Bob Johnston
Councillor Glynis Phillips
Councillor G.A. Reynolds
Councillor Lynda Atkins
Councillor Mrs Judith Heathcoat (In place of Councillor Stewart Lilly)
Councillor Rodney Rose (In place of Councillor James F. Mills)
Councillor Richard Webber (In place of Councillor Anne Purse)
Councillor John Sanders

Other Members in Attendance: Councillor Charles Mathew (for Agenda Item 6)

Officers:

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

Part of meeting

Agenda Item	Officer Attending
6	K. Broughton (Environment & Economy)
7	M. Case and T. Atley (Environment & Economy)
8	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.

16/16 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

<i>Apology</i>	<i>Temporary Appointment</i>
Councillor Stewart Lilly Councillor James Mills Councillor Anne Purse	Councillor Judith Heathcoat Councillor Rodney Rose Councillor Richard Webber

The Chairman welcomed Councillor Lynda Atkins (new member) and Councillor John Sanders (replacing Councillor John Tanner) both of whom had been appointed by Council at its annual meeting on Tuesday 17 May.

17/16 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 2)

With regard to item 7 – Great Tew Ironstone Quarry – Application No MW.0078/15 Councillor Cherry advised that in early 2000 he had worked at the Great Tew estate. That was no longer the case and he did not consider that that affected his ability to participate impartially in the discussion and voting on the application.

18/16 MINUTES

(Agenda No. 3)

The Minutes of the meeting held on 11 April 2016 were approved and signed.

19/16 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

<i>Speaker</i>	<i>Item</i>
Professor George Smith (Eynsham Society) Phillip Duncan (Agent) County Councillor Charles Mathew (Eynsham))) 6. Cassington Quarry – Application) MW .0158/15))
Nicholas Johnston (Applicant)	7. Great Tew Ironstone Quarry

20/16 SECTION 73 APPLICATION FOR THE CONTINUATION OF THE WINNING AND WORKING OF SAND AND GRAVEL WITH RESTORATION USING SUITABLE IMPORTED MATERIALS WITHOUT COMPLYING WITH THE REQUIREMENTS OF CONDITION 2 OF THE PLANNING PERMISSION 10/01929/CM IN ORDER TO EXTEND THE TIME PERIOD FOR EXTRACTION UNTIL DECEMBER 2020 AND THE TIME PERIOD FOR RESTORATION UNTIL DECEMBER 2022 TO ALLOW SUFFICIENT TIME FOR THE WORKING OF MATERIAL FROM BENEATH THE PLANT SITE AT CASSINGTON QUARRY, WORTON, WITNEY - APPLICATION NO MW.0158/15

(Agenda No. 6)

The Committee considered (PN6) an application for Cassington Quarry which sought an extension of time to December 2020 in order to extract mineral from beneath the plant site and to December 2022 for restoration.

Presenting the report Mr Broughton referred to additional information regarding the duties of the Local Planning Authority under the Conservation of Species & Habitats Regulations 2010 with regard to European Protected Species both of which had been tabled along with a revised recommendation set out in the addenda sheet. He then answered questions from:

Councillor Bartholomew – confirmed the 2 years referred to in the revised Condition 41 was from the date of any permission and not from the start of the works. Work was expected to be completed by 2020 and plant removed by 2018.

Councillor Johnston – confirmed the workings were 500m from the two Sites of Special Scientific Interest (as set out in paragraph 3).

Councillor Sanders – the applicants had indicated a link between the application and the new Mineral and Waste Core Strategy but they had also indicated that they wanted to dig the material which was a significant amount.

Councillor Cherry – although he did not have a specific number for hgv movements they were likely to be significant but needed to be considered in the context of access and egress onto the A40 which was an advised lorry route.

Professor Smith addressed the Committee on behalf of the Eynsham Society Their concerns centred on three areas namely after-use requiring a comprehensive plan for the whole site with realistic time scales. The first master plan had been drawn up as far back as 1996 but had repeatedly slipped. Secondly lines of responsibility and funds needed to be identified with a regular budget set aside and a clear professional plan. Thirdly safety particularly the silt lagoons, which required full remediation and not just fencing and signing. Environmental work had, to date, been at best spasmodic and at worst amateurish. The future of the site needed to be secured in order to prevent it degenerating into an industrial wasteland and he asked that a decision be deferred to allow these issues to be addressed properly.

He then responded to questions from:

Councillor Cherry – the silt lagoons over time acquired a surface crust and although appearing to be safe could be like quick sand.

Councillor Phillips – the site had been unused since 2008 and was effectively an industrial wasteland and although the plant looked derelict he supposed it could be made to work. He stressed the need to improve security at the site and that was done here would represent an important precedent for future sites.

Councillor Johnston – there were bits of disused equipment all over the site.

Phillip Duncan spoke on behalf of the applicant. He confirmed that he had been involved in this site for many years. The application was about achieving a complete and orderly exit and confirmed that the applicants would be able to get the plant working. He accepted that silt ponds could be present a danger at first but over time they stabilised and quoted examples elsewhere where houses had been built on these surfaces. The site had won restoration awards and had a good scientific reputation and he commended the recommendation for approval.

He responded to questions from:

Councillor Johnston – he would walk across the silt ponds.

Councillor Rose – confirmed that Hansons had a restoration fund but was unable to give a specific figure.

Councillor Bartholomew – although reference had been made by Professor Smith to a 1996 master plan he was unable to comment as he did not have the detail of that plan but Hansons were fully committed to extraction with restoration and ultimately after use.

Councillor Phillips – there had been a strategic decision not to work the material but the Company were now in a position to reverse that and to restore the site.

Councillor Charles Mathew advised that this was the 4th application for an extension since work began on this site in 1986 representing 36 years of intrusion for the local community. That was totally unacceptable and local residents deserved more protection. He endorsed all that Professor Smith had said and questioned whether there was a need for more material particularly when an application for Stonehenge Farm had not yet been activated. He referred to breaches of the routing agreement evidenced by use of a gate onto the Yarnton Road.

He then responded to a question from:

Councillor Greene – the company were looking to get the remaining gravel out but he reiterated doubts that the material was required.

Mr Broughton confirmed that the Committee needed to consider the application before it and the question of after-use would be a matter for the District Council after restoration had been completed. He also confirmed that the enforcement team were aware of the issues regarding the gate onto the Yarnton Road.

Councillor Reynolds felt this would go some way to getting the site tidied up and that if material was not dug here then it would be dug elsewhere. He moved the recommendation as amended in the addenda sheet with Councillor Greene seconding.

Councillor Johnston accepted that this seemed to be the least problematic way forward and that he would reluctantly support the application.

Councillor Sanders had some concerns with the scale of the plans attached to the report which he felt did not adequately reflect the effect on local villages. He also questioned why the company felt that the application was now worth pursuing and in his view they had not made a strong enough case.

Councillor Owen empathised with local communities for the faults of the past and that recent inertia was to some extent due to the economic recession but felt this would go some way to remedying a poor situation.

Councillor Bartholomew also reluctantly supported the application insofar as it would avoid sterilisation of the site and that it might be better to get the work done now while the company were in a position economically to do that but wondered whether anything could be done to prevent further applications for extensions.

Mr Broughton advised that nothing could be done to prevent further applications for extensions but felt that the permission made it clear that only material under the plant site could be worked and that 2 years seemed a reasonable period to do that with 6 months to remove the processing site. Following concerns expressed by Councillor Sanders that the gap of 6 meters between workings and the Oxford to Hereford railway line as set out in Condition 9 (c) seemed inadequate he undertook to determine with Network Rail what would be reasonable and if they felt that that should be more to amend the condition accordingly.

The motion with authority for officers to amend Condition 9(c) if necessary was put to the Committee and –

RESOLVED: (by 12 votes to 1, Councillor Sanders recorded as having voted against) that

(a) planning permission for application no. MW.0158/15 be approved subject to conditions to be determined by the Deputy Director (Strategy & Infrastructure Planning) but to include the following:

1. The development should be carried out solely in accordance with details submitted with the application unless modified by the conditions of this permission. The details submitted consist of:
 - a. Application form dated 23/11/15
 - b. Covering Letter dated 23/11/2015
 - c. Email dated 04/12/15
 - d. Drawing W92m/130 - S73 application Plan dated March 2011
 - e. Drawing W92m/127a - S73 application dated November 2010

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- f. Drawing 001-OX Proposed New sand and gravel processing plant dated 26/07/89.
 - g. Drawing 011-OX Proposed weighbridge and accommodation dated 08/11/89
 - h. Drawing 6010/0/1 - Key plan (for junction) dated April 1984.
 - i. Drawing 6010/0/2 - Plan and profiles for the proposed junction dated April 1984
 - j. Aftercare scheme dated 04/01/95.
 - k. Aftercare scheme dated 21/02/95.
 - l. Aftercare scheme dated 22/03/95.
 - m. Aftercare scheme dated 12/04/95.
 - n. Drawing W92a/10- Revised advanced screening proposal dated February 1984.
 - o. Drawing W92e/15a - Restoration of Working stages 1- 4.
 - p. Drawing W92e/16c - Operational plan dated August 1988
 - q. Drawing W92m/22a - New processing plant, location and details dated November 1989.
 - r. Drawing 3 (ref CHS 458/83) - Working plan
 - s. Drawing W92m/25 - Restoration proposals dated August 1994
 - t. Drawing W92m/27a - Working arrangements following archaeological dig dated March 1995
 - u. Drawing W92m/42a - Working arrangements stage 5-9 sailing lake dated November 2000
 - v. Drawing W92m/43 - Stages 10-12 working arrangements dated January 2001
 - w. Drawing Wgzm/44 - Stages 10-12 restoration concept (as modified on approval) dated January 2001
 - x. Drawing W92m/133 – Composite Restoration Scheme
 - y. Cassington Quarry Stage 10 Five Year Aftercare Scheme dated 12/3/2012
 - z. Drawing W93/92c
2. No excavations should be undertaken or continued after 31 December 2020.
 3. All restoration should be carried out and completed not later than 31 December 2022.
 4. All excavation should re-commence and continue as indicated on the plans accompanying this application and the plans approved under planning permission W2001/1729 and 02/0062/CM, in an orderly and progressive manner, and leaving no humps of unexcavated land.
 5. No working should take place except in accordance with the approved scheme and plans of working, landscaping and restoration indicated in the particulars of the permission.
 6. The composite restoration scheme approved as a detail pursuant to condition 6 of permission 10/01929/CM and shown on Drawing W92m/133 should be implemented by 31 December 2022.
 7. Details of any mobile plant to be brought on site, and its location within the site should be submitted to and approved in writing by the Mineral Planning Authority prior to being brought onto the site.

8. The excavated areas should be sloped at an angle not steeper than 1 in 1½ and in such a manner as to provide adequate support for adjoining land, and to prevent undercutting and scour.
9. Except with the prior written consent of the Mineral Planning Authority, no excavations should take place within:
 - a. 8 metres of any watercourse;
 - b. 6 metres of the entire length of the northern boundary of the land;
 - c. 6 metres (to be re-negotiated) of the Cotswold railway line linking Oxford to Hereford;
 - d. 10 metres from the extremity (i.e. wing walls) of any railway bridge along the northern boundary of the land or the bridge which carried the A40 over the disused Witney Branch railway line;
 - e. 10 metres of the boundary of any highway which contained or comprised a carriageway;
 - f. 6 metres either side of bridleway 21.
10. (a) The margin of 8 metres between watercourses and the excavations required in accordance with condition 9(a) should be preserved completely unobstructed and clear of any works, including drainage measured from the top of the nearest bank of the watercourse to the nearest edge of the workings.
(b) an access at least 4 metres wide should be provided to the margin in 10(a) from the access road to the site.
11. Except with the prior written approval of the Mineral Planning Authority, no watercourses should be incorporated in the excavations and no direct connection should be made between any excavation and any watercourse.
12. All possible steps should be taken to prevent any solid matter, sand or gravel, or excess amounts of suspended matter from passing into any watercourse from the excavation, conveyors, the washing process, or dewatering.
13. There should be no discharge of polluted water, sand, gravel, solid matter, oil, grease, or any other offensive or injurious matter into any watercourse.
14. Oil storage tanks should be sited on impervious bases surrounded by oil tight bund walls. The bunded areas should be capable of containing 110% of the tank's volume and should enclose all fill and draw pipes.
15. All stockpiles of overburden, topsoil and excavated materials in the flood plain should be sited so as not to impede the flow of flood waters and retained for as short a period as possible.
16. No dewatering should be undertaken while nearby watercourses are running bank full under flood conditions.
17. No operations permitted or required by this permission should be carried out, lorries should not enter or leave the site and plant should not operate except between the following times:
 - a. 0700 hours to 1800 hours Mondays to Fridays;
 - b. 0700 hours to 1300 hours on Saturdays.

18. No operations permitted or required by this permission should be carried out, lorries should not enter or leave the site and plant should not operate on Sundays or bank Holidays.
19. All plant and machinery used on the land and capable of being fitted with silencers should be fitted to the satisfaction of the Minerals Planning Authority, and except in an emergency with the consent of the Mineral Planning Authority, pumping should only be carried out by means of electric pumps or such alternatives the details of which should first be submitted to and approved in writing by the Mineral Planning Authority.
20. Notwithstanding the provisions of the Town and Country planning (General Permitted Development) (England) Order 2015, as amended, no fixed buildings, plant or machinery or structure or erection in the nature of plant or machinery should be erected, sited or placed on any of the land without the prior written consent of the Mineral planning Authority.
21. Except with the prior written consent of the Mineral Planning Authority, the total area of the site which for the purposes of mineral working is at any time stripped of topsoil and overburden, under excavation and excavated but which has not been restored in accordance with condition 6, excluding land in use for storage, silt beds, permanent processing plant or site roads should not exceed 24 hectares.
22. Any land not in use at any time for the siting of plant or machinery, or for the excavation of minerals should be retained so far as practicable in agricultural use.
23. No imported waste materials should be deposited on the land except inert materials in the area bounded in red on approved plan W92m/44.
24. The existing hedges along the boundaries of the land should be retained and properly maintained. Any plants which may die should be replaced, and the replacements properly maintained. In particular the hedge along the boundary of the land adjacent to the A40 should be allowed to grow, and should not be cut back except with the prior written consent of the Mineral Planning Authority.
25. All trees on the land should be preserved and properly maintained. In the event of any trees dying or being seriously damaged or destroyed, a new tree or equivalent number of trees, of a species first approved in writing by the Minerals Planning Authority should be planted and properly maintained in positions first approved in writing by the Mineral Planning Authority.
26. Any fence or gate which is required by this permission to be retained or erected and which is destroyed or damaged during operations permitted or required by this permission should be replaced or repaired.
27. All derelict material and all buildings, plant and machinery, and all structures erected or placed on the land in the course of the operations permitted by this permission, when no longer required for the purposes directly associated with the winning and working of the minerals, should be removed and the land should be restored in accordance with condition 6 of this permission.

28. Written notice should be given to the Mineral Planning Authority of the completion of the development hereby permitted.
29. The junction between the internal haul route and A40 that has been constructed in accordance with the drawings numbered 6010/01 and 6010/02 dated April 1984 or such other scheme approved by the Mineral Planning Authority should be kept pot hole and mud free whilst the development was in operation.
30. Facilities should be provided on footpaths and bridleways to allow lorries to cross without obstructing or causing damage to the said footpaths and bridleways, and without causing damage to users thereof.
31. The old railway turntable between the disused Witney Branch railway line and the internal haul route should be protected from the development hereby permitted.
32. The aftercare scheme approved on 10/5/95 should be implemented.
33. The aftercare scheme approved as a detail pursuant to condition 33 of permission 10/01929/CM on 12/3/2012 and set out in "Cassington Quarry Stage 10 - Five Year Outline Aftercare Scheme" dated 12/3/2012 should be implemented. That implementation should be subject to any changes made as a result of any annual meeting, beginning when the restoration of the whole area bounded in red on approved plan W92m/44 was complete, and should take place for a period of 5 years.
34. No waste should be imported on to the site.
35. The area bounded in red on the approved plan W92m/44 should be restored to agriculture in accordance with that plan by 31 December 2022.
36. The revised restoration and landscaping scheme approved as a detail pursuant to condition 38 of permission 10/01929/CM and shown on drawing W93m/92c should be implemented by 31/12/2012.
37. Heavy goods vehicles should leave or enter the site only by approved accesses on the A40 marked by the letter x on approved plan W92m/44.
38. No heavy goods vehicles should enter the public highway unless the wheels and chassis had been sufficiently cleaned to prevent material being deposited on the highway.
39. Haul roads should be sprayed with water sufficiently to suppress dust.
40. 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 used white noise.
41. The existing processing plant should be removed from the site within 2 years of the date of this permission.
42. That no later than 2 years from the date of this permission a detailed aftercare scheme for the restoration scheme shown on plan W92m133 should be submitted to and approved by Mineral Planning Authority.
43. The aftercare scheme approved in accordance with condition 42 of this submission should be implemented upon completion of the restoration as shown on plan W92m133.

- (b) With regard to Condition 9(c) officers to agree with network rail a safe distance between excavations and the Cotswold railway line linking Oxford to Hereford

21/16 PROPOSED EXTENSION OF IRONSTONE EXTRACTION, REVOCATION OF EXISTING CONSENTED MINERAL EXTRACTION, EXPORT OF CLAY, CONSTRUCTION OF TEMPORARY AND PERMANENT LANDFORMS, RETENTION OF AN EXISTING OVERBURDEN STORE, RELOCATION OF CONSENTED STONE SAW SHED, REPLACEMENT QUARRY, FARM AND ESTATE OFFICE BUILDING, ERECTION OF A NEW SHOOT STORE AND MULTI-PURPOSE BUILDING AT GREAT TEW IRONSTONE QUARRY, BUTCHERS HILL, GREAT TEW, CHIPPING NORTON - APPLICATION NO.MW.0078/15

(Agenda No. 7)

The Committee considered a report PN7 setting out a proposal to extend working to the west of the existing ironstone quarry over a 21 year period but excluding the extraction of part of the consented phase 3 in the existing quarry including part of the clay bank. The development also proposed retention of an area of overburden store outside the consented existing planning permission to the south of the quarry which was currently unauthorised; export of extracted clay (approx. 300,000m³), construction of both temporary and permanent landforms, relocation of the consented stone saw shed and construction of new buildings including a four storey office building, multi-purpose agricultural building and new shooting store.

Presenting the report Mr Case drew the Committee's attention to additional information and revised plan as set out in the tabled addenda.

He responded to questions from:

Councillor Johnston – some clay was currently used on site as restoration material.

Councillor Cherry – there had been 3 consultations which had resulted in a series of very comprehensive conditions to cover the amount of overburden to be removed in order to get to the ironstone.

Councillor Heathcoat – he confirmed that younger trees would be planted due to a high failure rate in mature trees and so screening would not be immediate. With regard to vehicle movements there would be an average of 8 movements per day in connection with the extraction of stone and 22 per day (110 per week) in connection with the export of clay although there would be no exportation of that material between August and October.

Mr Periam explained that the applicant was giving up some of the ironstone reserves under woodland which would then be preserved. However, there was no guarantee that an application to work that material would not be submitted in the future but added that there were considerable reserves of ironstone elsewhere on the site.

Responding to Councillor Johnston Tamsin Atley confirmed that an area was to be segregated for 'no noisy working' affording some protection for woodpeckers.

Councillor Webber having visited the site considered it was well sited and hidden but expressed some concern that past unauthorised work was being sanctioned.

Mr Periam confirmed that if the Committee were minded to refuse the application then enforcement proceedings would be instigated with regard to past unauthorised work.

Nicholas Johnston the applicant addressed the Committee and thanked members for visiting the site which he explained was the only block ironstone quarry in the country. He had hoped to get the application considered earlier and that that delay had given rise to the work carried out for which he apologised. It was a large but well organised site and the proposed buildings were required to accommodate everyone on one site. The site had been operating for 20 years with a lot of local support and benefits to the local economy. He was not aware of any historical objections and bearing in mind its good record asked the Committee to support the application.

He then responded to questions from:

Councillor Cherry – there were between 40 and 50 full time employees and sub-contractors on the Great Tew estate with others employed in ancillary industry outside the estate.

Councillor Phillips – the implications of not moving the trees would mean that the quarry would stop working. He regretted the loss of trees but pointed out that the estate carried out a lot of planting to mitigate against losses.

Councillor Fulljames – it would be impossible to stop everyone using minor roads but he could not see any reason why anyone would want or need to use any roads other than main A roads.

RESOLVED: (on a motion by Councillor Johnston seconded by Councillor Cherry and carried unanimously) that subject to a legal agreement to secure that the mineral permitted under the “clay bank” is not further worked and a 20 years long term management plan that planning permission for application MW.0078/15 be approved subject to conditions to be determined by the Deputy Director for Environment & Economy (Strategy and Infrastructure Planning) including those set out in Annex 3 to the report PN7 subject to amending “an” in Condition xxiv to read “in”.

22/16 MINERALS AND WASTE SITE MONITORING & ENFORCEMENT

(Agenda No. 8)

The Committee considered a report (PN8) updating the Committee on the regular monitoring of minerals and waste planning permissions and on the progress of enforcement cases for the period 1 September 2015 to 31 March 2016.

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.

PN3

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..... in the Chair

Date of signing