

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 3 June 2019 commencing at 2.00 pm and finishing at 3.25 pm

Present:

Voting Members: Councillor Jeannette Matelot – in the Chair

Councillor Mrs Anda Fitzgerald-O'Connor
Councillor Mike Fox-Davies
Councillor Stefan Gawrysiak (Deputy Chairman)
Councillor Pete Handley
Councillor Jenny Hannaby (In place of Councillor Richard Webber)
Councillor Damian Haywood
Councillor Bob Johnston
Councillor Judy Roberts
Councillor Dan Sames
Councillor John Sanders
Councillor Lawrie Stratford (In place of Councillor G.A. Reynolds)
Councillor Alan Thompson

Officers:

Whole of meeting G. Warrington & D. Mytton (Law & Governance);
D. Periam & K. Broughton (Planning & Place)

The Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting, and decided as set out below. Except as insofar as otherwise specified, the reasons for the decisions are contained in the agenda and reports, copies of which are attached to the signed Minutes.

20/19 ELECTION OF CHAIRMAN FOR THE COUNCIL YEAR

(Agenda No. 1)

Nominations for election of Chairman were received for:

Councillor Jeannette Matelot – moved by Councillor Fox-Davies seconded by Councillor Sames

and

Councillor John Sanders – moved by Councillor Johnston seconded by Councillor Roberts

Councillor Jeannette Matelot having received 8 votes and Councillor Sanders 5 it was-

RESOLVED that Councillor Jeannette Matelot be elected Chairman for the Council year 2019 – 2020.

21/19 ELECTION OF DEPUTY CHAIRMAN FOR THE COUNCIL YEAR

(Agenda No. 2)

RESOLVED: (on a motion by Councillor Stratford, seconded by Councillor Handley and carried unanimously) that Councillor Stefan Gawrysiak be elected Deputy Chairman for the Council year 2019 – 2020.

22/19 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 3)

<i>Apology for Absence</i>	<i>Temporary Appointment</i>
Councillor George Reynolds Councillor Richard Webber	Councillor Lawrie Stratford Councillor Jenny Hannaby

23/19 MINUTES

(Agenda No. 5)

The minutes of the meeting held on 15 April 2019 were approved and signed.

24/19 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 6)

<i>Speakers</i>	<i>Item</i>
<ul style="list-style-type: none"> • Dr Anna Hoare (Local Resident) • Tom Allen-Stevens (Landowner) • Marc Girona-Mata (Hydrologist, GWP) & Derek Allan (Ecologist, Enzygo) (on behalf of the Applicant) 	<ul style="list-style-type: none">)))8. Wicklesham Quarry – Application) No MW.0038/19))

25/19 SECTION 73 APPLICATION TO RETROSPECTIVELY VARY CONDITIONS 1 OF PLANNING PERMISSION P17/V2812/CM (MW.0084/17) TO REFLECT THE RESTORATION AS CARRIED OUT ON THE SITE. AT WICKLESHAM QUARRY - APPLICATION MW.0038/19

(Agenda No. 8)

The Committee considered a planning application to allow a further retrospective change to the restoration of the Wicklesham Quarry site to address a discrepancy between the approved plan and the way that restoration had taken place.

Presenting the report Mr Broughton reported a late 'no objection' response from the Oxfordshire County Council Highway Authority. Responding to Councillor Roberts he confirmed that there were no gate accesses to the pond shown on either plan although he was unable to say if that was intentional as the landowner would, presumably, require access in the future for maintenance. There was no general public access although visits to the geological SSSI could be arranged by appointment.

Councillor Johnston added that the pond if it wasn't maintained would disappear in time.

Dr Anna Hoare then took the Committee through her presentation. In her view policies set down to guide restoration of the site had not been complied with. No licence had been applied for from Natural England which was required to ensure retention of natural habitats and therefore what had happened on this site had gone entirely under the radar. Pond 1 had now completely dried up with no water present since 2016. It had been ¼ metre deep and should have been retained and supported by surface water. However, the gradient was blatantly wrong. In 2011 prior to restoration water had been visible but from 2016 the situation had changed completely with no water present. Regarding Pond 3 which had been the deepest of the water bodies on the site that was now a shallow ditch. On 9 December 2016 a breach of conditions notice had been served 3 months after the completion for restoration deadline by which time the ponds had already been destroyed. Breaches identified related to Condition 1 restoration not carried out in accordance with approved plans; Condition 3 not completed by due date of 30 September 2016; Condition 6 all site infrastructure not removed by due date of 30 September 2016; Condition 13 overburden, quarry waste and soil left on site after 30 September 2016 and Condition 20 to protect flora and fauna and no loss of biodiversity. This had clearly not been done and continued to go on. Conditions had never been met with the landowner still resisting restoration. She urged the Committee to reject the application and ensure that the site was restored in accordance with the original plans.

She then responded to questions from:

Councillor Fox-Davies – the ponds were currently full of soil imported to the site and if that was removed then water would return and with it presumably the newt population.

Councillor Johnston – she considered that the damage to the ponds and site had been deliberate.

Councillor Hannaby – In 2015 quarrying had finished but there had been annual applications for storage of material which then meant long delays for restoration. There had been a great deal of local objection to what was seen as a deliberate ploy to delay restoration of what was an important SSSI with rare biodiversity linked to rare underlying geology.

Councillor Gawrysiak – if soil was removed from the ponds then presumably that would be spread over the site.

Councillor Heywood – if nothing was done to remove soil then the ponds would never return.

Councillor Handley – there had been trees on the site with some growing in the ponds.

Councillor Sanders – she considered that the sandy composition of the site was due to imported material.

Tom Allen-Stevens then addressed the Committee outlining his aim as farmer and landowner to manage the land effectively and enhancing it wherever possible. He worked closely with Oxfordshire County Council to promote a community element on areas such as footpaths and bridleways crossing his farm and it was his job to manage and balance those resources with other priorities on the farm. He gave a brief history of the site dating back to the oldest map from the 18th century when it was called Woad ground after the plant woad used for dye and which was regarded ostensibly as a desert plant which was significant as this land had always been dry with no stream, pond or even dew on it. The ground level was now up to 10 metres below what it had been but remained essentially the same free draining gravel and sand which didn't hold moisture and as it was above the water table drained quickly after heavy rainfall. For those reasons this was the wrong place for a pond. Pond 1 had in fact been a settling pond for water pumped from a workshop used by Grundons and had dried up when the pump had been switched off on cessation of operations. He assured the Committee that there had been no collusion or mismanagement as alluded to and if the habitat did not fit the plan that had been down to nature and not him or Grundons. In fact he and Grundons had carried out a great deal of work at the edges of the quarry and the quarry benches and slopes transforming what had been a barren quarry with little growing other than brambles and ragwort to an area boasting a diverse range of grasses and wildflowers for pollinators including mining bees and nesting areas for sand martins. The area in question would always be of limited agricultural value with very compacted ground and should be left to find its own natural fissures rather than putting in drains and more levelling. As a land resource this site needed to move on and I urge members to approve the application to let that happen.

He then responded to questions from:

Councillor Sanders – there was a zero tolerance to ragwort on site but because of health and safety issues on the banks there had been some areas where it couldn't be removed but that was now being dealt with.

Councillor Johnston accepted that the explanation for Pond 1 drying up was plausible but why was there no water in the other ponds. Mr Allen-Stevens felt that had been because they were above the water table but the question needed to be put to a hydrologist. He added that restoration had been in accordance with plans.

Councillor Hannaby – when initial concerns had been raised locally he had tried to contact the Action Group (Anna Hoare) but they had never responded. Sheep had been grazed on the site to put back some acidity into the soil to benefit the grass and increase the biomass although that would take some time.

Councillor Fox-Davies – he had other ponds on his land which had a good water source. On this site he couldn't say categorically that if the ponds were dug out that water would be there reiterating that historically this was a very dry site.

Councillor Gawrysiak – he assumed that the newts had colonised the pond when the Grundon operation pumped water into it adding that the fact there was no water there now was down to that operation ceasing and nature and not mismanagement. The photographic evidence as tabled showed water present on 4 April 2018 but 2 weeks later that had drained away. This was naturally free draining soil with no underlying clay.

Councillor Haywood – as Pond 1 had been drying out he had carried out some coppicing of the willow trees to try and arrest that. They were now growing back.

Marc Girona Mata for the applicants summarised the surface water drainage regime of the revised restored landform at Wicklesham Quarry and how it compared to the consented restoration landform which had been designed upon the following drainage principles:

- Rainfall would result in surface water runoff flowing to the south-east corner of the site which was the lowest point within the site area;
- All rainfall would eventually drain into the underlying strata; and
- If required, the drainage scheme would be refined with additional drainage features included as part of the aftercare scheme.

The existing (revised) restoration landform would preserve the previous principles with the majority of runoff generated within the site area flowing towards the existing ditch, along the southern edge of the site and conveyed to the lowest part of the site (i.e., the south-eastern corner). The existing topographic gradients, which did not significantly differ from the approved restoration scheme, still enabled surface water runoff to flow towards the southern edge of the site, i.e., towards the existing ditch. The restored site also included 2 Great Crested Newt (GCN) protected areas which were actually vegetated voids with seasonal presence of groundwater. The extent to

which these protected ponds received surface water from other parts of the site was limited but there was no opportunity for those to be modified or enhanced and so the Great Crested Newt habitat would receive the same surface water inputs as in the consented restoration scheme, thereby ensuring that suitable conditions for the enhancement of the Great Crested Newt habitat were provided.

Derek Allan for the applicants confirmed that restoration throughout 2017 had been done under Natural England EPS Licence (2017-27830-EPS-MIT) who had confirmed that work had been carried out in accordance with the terms of that licence. All ponds had been protected during works and the favourable conservation status of the great crested newt population maintained. Regarding great crested newts he confirmed they liked seasonal water and that the quarry had been subject to a lot of pumping which had now ceased resulting in the site returning to natural levels. He confirmed that during consultation Natural England had stipulated that they had “no comment” regarding the Section 73 application to retrospectively vary condition 1 of planning permission P17/V2812/CM (MW.0084/17). To his knowledge there had been no infilling of ponds pointing out that if there had been then the Willow tree stumps which were still visible would have been buried. There would be no requirement for any works to the existing ponds under Natural England EPS Licence, nor any further requirement for Grundon to subsequently manage these as the site would be restored to agricultural use and therefore the responsibility of the land owner.

They both then responded to questions from:

Councillor Johnston – repeated that there had been no infilling of the ponds as evidenced by tree stumps which were still present and visible.

Councillor Stratford – there were natural reasons for the apparent infilling and that pond 1 had been wet due to pumping operations at the site.

Councillor Sanders – groundwater fluctuated seasonally so could be present for parts of the year. That would not be affected by contours of the land.

Councillor Johnston considered the history unfortunate but inevitable largely due to natural succession and cessation of pumping operations which had resulted in Pond 1 drying up with Pond 2 suffering in the same way. The last 9 months had been very dry but if that changed then they would get wet again. He had had some reservations regarding the state of the site but those had to a large extent been allayed. He moved the officer recommendation.

Seconding Councillor Gawrsysiak suggested that in future and in order to avoid similar issues a geo satellite level could be taken before work commenced at any site and after in order to establish conclusively the situation on the ground.

The motion was then put to the Committee and –

RESOLVED: (by 12 votes to 0 with one abstention recorded) that planning permission for application no. MW.0038/19 be approved subject to conditions to be determined by the Director for Planning and Place but to include the following:

(1) The development should be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application (and letters/e-mails of amendment) except as modified by conditions of this permission. The approved plans and particulars comprise:

- Application form dated 11/03/2019
- Letter dated 14/12/2018
- Ecology Statement dated 29/08/2017
- Enzygo Method Statement dated 31/05/2018
- Hydrological statement - Ref No. JF051218 dated 11/03/19
- Site Restoration Plan - Drawing no. DG/QO/WIC/RES/01 Rev E
- Site Location Plan - Drawing No: DG/OO/WIC/TEMP/02.
- Aftercare Scheme set out in paragraph 3.0 onwards in the approved Restoration and Aftercare Scheme dated December 2012.
- Conservation of geological interest features of SSSI Plan – Dated October 2012 subject to revised restoration plan - DG/QO/WIC/RES/01 Rev E.

..... in the Chair

Date of signing