

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 9 December 2019 commencing at 2.00 pm and finishing at 2.36 pm

Present:

Voting Members: Councillor Jeannette Matelot – in the Chair

Councillor Stefan Gawrysiak (Deputy Chairman)
Councillor Mrs Anda Fitzgerald-O'Connor
Councillor Pete Handley
Councillor Damian Haywood
Councillor Bob Johnston
Councillor Judy Roberts
Councillor Dan Sames
Councillor John Sanders
Councillor Alan Thompson
Councillor Richard Webber

Officers:

Whole of meeting G. Warrington & D. Mytton (Law & Governance); R. Wileman, D. Periam and Mrs M. Hudson (Planning & Place)

Part of meeting

Agenda Item **Officer Attending**
7. V. Ondruch (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.

43/19 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

<i>Apology for Absence</i>	<i>Temporary Appointment</i>
Councillor George Reynolds Councillor Mike Fox-Davies	– –

44/19 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 2)

There were no declarations of interest.

45/19 MINUTES

(Agenda No. 3)

Approved and signed subject to recording Councillor Roberts as the seconder of the resolution in Minute 41/19.

Serving of the Prohibition Order for the Review of the Mineral Planning Permission (ROMP) at Thrupp Farm and Thrupp Farm, Radley

Note that the owners and operators of the site would be submitting further information.

46/19 CHAIRMAN'S UPDATES

(Agenda No. 5)

Shipton on Cherwell Quarry

As part of the planning permission granted earlier this year for application no. MW.0001/19 to extend of time for the completion of mineral extraction in the south-eastern part of Shipton on Cherwell Quarry to the end of September, an informative had been attached which advised that a monitoring report be provided in 6 months from the date of this permission to include progress on both extraction and restoration of the site and for that information to be reported to the next available Planning and Regulation Committee. A progress report had been received from the site operator which had been circulated to members. Officers had also carried out a further site monitoring visit on 29 October which identified that mineral working was continuing at the site contrary to the end date set out in the planning permission. Officers were also investigating whether mineral extraction and subsequent infilling had occurred beyond the area shown on the approved plan pursuant to this planning permission and also more generally beyond the depth permitted. The site operator was also contending that an old mineral permission, known as an interim development order permission, was still extant and could lawfully be implemented. Officers were currently looking at that but mineral extraction had clearly continued post the date permitted under the planning permission. The site operator had advised that they intend to make a further section 73 application seeking to extend the end date further and to make other changes to the planning permission.

Separately, an appeal had been lodged against the refusal of a separate planning permission (MW.0046/18) late last year for an extension to the south-east of the existing quarry. This appeal would be heard at a Public Hearing by a Planning Inspector appointed by the Secretary of State on a date yet to be set by the Planning Inspectorate. However, officers had prepared and submitted a written statement on behalf of the County Council supporting the reasons for the refusal of planning

permission which had been on Green Belt, amenity and locational grounds contrary to the Minerals and Waste Local Plan policies M3 and M5.

Controlled Reclamation Site

An appeal against service of an enforcement notice requiring the Controlled Reclamation Landfill site to be re-contoured and restoration, planting and grass-seeding carried out in accordance with the conditions of the relevant planning permission had been allowed by a planning inspector appointed by the Secretary of State. Essentially the land had been contoured to levels over two metres higher than those permitted in places. This appeal was allowed on the one ground, ground e) which had been that the council failed to serve the notice on all the landowners, specifically All Souls College, although All Souls College owned only a small part of the site and had no active responsibility for the breaches of planning control against which the enforcement action had been taken. The inspector has also awarded costs against the council. It had been disappointing that the inspector did not consider the other grounds for appeal and the council's response to them. However, a section 73 planning application seeking to regularise the unauthorised development which had been carried out had been received and this would be reported to the committee for determination in due course. It was the officer's view that it would not be appropriate to consider re-service of the enforcement notice or other enforcement action pending the determination of the application.

Elm Farm Quarry, Stratton Audley

Elm Farm quarry had been granted planning permission for restoration by landfilling in 1998 and that permission had been accompanied by a unilateral undertaking that the site would be available for public access for 300 days per annum post-restoration. Unfortunately, the original site operator having imported a large amount of waste material then abandoned the restoration works after which the site remained inactive and effectively abandoned. The land was sold on into other ownership until it was acquired by the current owners in 2018 who expressed a wish to liaise with the council with regard to the future of the site. However, although a planning application seeking to extend the time period for completion of restoration of the site was submitted in October 2018, this could not be determined before the end of 2018 and as the ten year date for taking enforcement action would otherwise have passed there was a need to take enforcement action in order to protect the council's position. The enforcement notice was served in December 2018 and an appeal almost immediately lodged against it. As the site had been abandoned for many years and flora and fauna had colonised the site, initial ecological surveys carried out by the council identified that it was likely to contain important ecological habitats. Following completion of detailed ecological surveys by the applicant, it became apparent that the currently approved restoration scheme for the site could not now be complied with without having a detrimental impact on the ecology of the site, including protected species and this also meant that there would be a conflict with the terms of the unilateral undertaking in terms of public access. Officers have been liaising with the applicant to get a mutually acceptable solution. The chairman of the committee and local county councillor, Ian Corkin, are being kept apprised of the situation and support the negotiations currently being undertaken. The Head of Legal Services is liaising with the applicant's legal advisor in order to progress this matter.

47/19 UPDATE TO LOCAL LIST OF INFORMATION REQUIREMENTS FOR VALIDATION OF PLANNING AND RELATED APPLICATIONS

(Agenda No. 6)

The Committee considered a report (PN6) setting out the requirement to update the local list of validation requirements for planning applications determined by Oxfordshire county council, the proposed consultation on minor amendments to the text of the Local list and adoption of a revised version by March 2020

Councillor Roberts sought clarification about timing of environmental surveys suggesting, for example that biodiversity survey assessments should be done automatically before work started.

Officers undertook to take those points back to the county's biodiversity officer.

Officers confirmed arrangements with regard to aftercare of sites namely that the 5 year period was statutory and after that care would be negotiated as part of a S106 agreement. In the long term that responsibility would rest with the landowner.

With regard to routeing assessments officers also undertook to consider including the council's agreed lorry routeing protocol.

RESOLVED: (on a motion by Councillor Johnston, seconded by Councillor Webber and carried nem con) that:

- (a) the draft revised Local List of Information Requirements as set out at Annex 1 to the report PN6 be subject to a three-week period of public consultation;
- (b) if after that period and following further consultation with the Chairman and Deputy Chairman of the Planning & Regulation Committee, it was considered that no significant changes were required to the draft revised Local List of Information Requirements then the Director for Planning and Place be authorised to adopt and publish that list,
- (c) if, however, after that period and following further consultation with the Chairman and Deputy Chairman of the Planning & Regulation Committee, it was considered that significant changes were required to the draft revised Local List of Information Requirements, the matter be reported back to the Planning & Regulation Committee for further consideration.

48/19 PROGRESS REPORT ON MINERALS AND WASTE SITE MONITORING AND ENFORCEMENT

(Agenda No. 7)

The Committee considered a report (PN7) on the regular monitoring of minerals and waste planning permissions for the period 1 April 2019 to 30 October 2019 and progress of planning enforcement cases.

Discussion on this item focussed on pressures currently being experienced following the death of Chris Hodgkinson who had led the enforcement team. Members expressed their regret over his loss and were keen to recognise and support staff in order to protect the Council from any delays in enforcement.

Officers in turn recognised the need to maintain an adequate level of enforcement but regrettably the loss of a key member of staff meant that there had been gaps in the current year. However, they were working to remedy that and noted suggestions from members to improve presentation for future reports including annual totals for visits and traffic lighting layout to indicate where targets had been met or not.

That effort could also be supported by members highlighting problems based on their local knowledge of a particular site and by targeting those sites which were known to be high risk.

RESOLVED: (on a motion by Councillor Johnston, seconded by Councillor Sanders and carried nem con) that the Schedule of Compliance Monitoring Visits in Annex 1 and the Schedule of Enforcement Cases in Annex 2 to the report PN7 be noted.

..... in the Chair

Date of signing