

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 19 October 2020 commencing at 2.00 pm and finishing at 4.10 pm

Present:

Voting Members: Councillor Jeannette Matelot – in the Chair
Councillor Stefan Gawrysiak (Deputy Chairman)
Councillor Ted Fenton
Councillor Mrs Anda Fitzgerald-O'Connor
Councillor Pete Handley
Councillor Damian Haywood
Councillor Bob Johnston
Councillor Charles Mathew (In place of Councillor Dan Sames)
Councillor G.A. Reynolds
Councillor Judy Roberts
Councillor John Sanders
Councillor Alan Thompson
Councillor Richard Webber

Officers:

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

Part of meeting

Agenda Item	Officer Attending
6.	E. Bolster (Infrastructure & Planning)
7.	M. Case (Infrastructure & Planning)

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.

33/20 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

<i>Apology for Absence</i>	<i>Temporary Appointment</i>
Councillor Dan Sames	Councillor Charles Mathew

34/20 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE OPPOSITE

(Agenda No. 2)

Councillor Fitzgerald-O'Connor advised that she was the local member for Items 6, 7 and 8.

35/20 MINUTES

(Agenda No. 3)

The minutes of the meeting held on 7 September 2020 were approved.

36/20 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

<i>Speakers</i>	<i>Item</i>
Paul Donovan Jeremy Flawn	6. Swannybrook Farm
Mike Wright Gemma Crossley	7. Shellingford Quarry

37/20 SWANNYBROOK FARM, KINGSTON BAGPUIZE, ABINGDON, OXFORDSHIRE OX13 5NE

(Agenda No. 6)

The Committee considered a report (PN6) relating to two interlinked applications which had been deferred by Committee on 20 July 2020. The report now before the Committee set out further information which had been requested by members to enable them to consider whether permission should be granted for application MW.0134/19 for an extension area to store the screened soils from the waste soils operation granted under planning permission MW.0049/11 and application MW.0135/19 to vary conditions 5, 10, 13 and 15, to regularise the current operations on site and allow for aggregate crushing, increase stockpile heights, amend the

existing boundary planting and increase HGV movements, contrary to permission MW0049/11. The applications had been originally reported to Committee at the request of the County Councillor due to objections raised by three parish councils and various local residents with regard to both the extension area and the request for the variation to the named conditions due to the increased operations. Those concerns had been largely related to the consequent increase in HGV movements of expanded operations and the adverse impact on the local highways network and amenity of local residents.

Having presented the report Ms Bolster then responded to questions from members.

Councillor Fitzgerald-O'Connor – Vale of White Horse officers were currently in the process of talking to the landowner about submitting an application to regularise the activities on site but that was unlikely to be resolved within the next month or so. Regarding vehicle numbers she confirmed that currently permitted movements were 3 in and 3 out while the applicant's statement said they were running at 14 in and 14 out. They were requesting 20 in and 20 out. The survey carried by OCC in August showed an average of 17 in and 17 out.

Councillor Roberts – the rights of way informative would not be as binding as a condition but the applicants were fully aware that the right of way issue needed to be resolved and it would be open to the countryside team to, if necessary, consider enforcement action as the rights of way authority.

Councillor Mathew – both applications were retrospective having been operating for about 18 months – 2 years.

Councillor Webber – vehicles were required to have a waste transfer note showing where waste was collected from which would then show they were travelling on the correct route.

The Committee noted the following comment submitted by David Warr (Kingston Bagpuize Parish Council) that the Parish Council remained disappointed that the proper enforcement actions had not been taken at the appropriate time.

Paul Donovan regretted that the Committee had not rejected this application out of hand at the last meeting but had seemed more prepared to accept the deliberately misleading submissions of a serial transgressor of rules and regulations and to respond to the implied pressure of the OCC planning team, who, in his and his wife's view had been concerned to cover up their own enforcement shortcomings and get this application passed rather than listen to their impacted local councillors and the residents they were supposed to serve. The whole arrangement at the Swannybrook site had been a sad indictment of Oxfordshire County Council's inability to carry out competent enforcement and investigations over the permissions granted to occupiers on the site. The analysis had been flawed, the energy lacking and the will to hide behind broader objectives to reward the wrong kinds of behaviour had been truly shocking. He reminded members that they had been recording NAP Grab vehicle movements to the site since January, all of which had been dated and time verified but not once had OCC officers asked to see this evidence, although it showed clearly and without any ambiguity the extent of the misleading information placed before the Committee today and suggested to him the reason for the indifference was that it revealed inconvenient truths. They had been reassured after the last meeting that a number of their recommendations appeared as if they would be acted upon – namely that the broader planning environment around Swannybrook would be properly

investigated and that further 'independent' traffic surveys of the lorries in and out of NAP's facility adequately assessed. Sadly at present the Vale of White Horse District Council had not responded and without the whole picture he could not see how the Committee could make a sound decision on this application.

The Council's independent traffic survey had only recorded one thing namely that for the week sensors were in place NAP Grab had clearly modified their business practices to fit the parameters of the Planning Permission with historic lows in terms of traffic in and out, no vehicle movements recorded before 8am and traffic flow remarkably even throughout the day. Furthermore, the traffic survey only noted NAP wagons entering and leaving the site when it was in fact NAP's visitor contractors who also used NAP's facility that could add up to 30% to the vehicle movement per day. The new Helix report commissioned by the applicant contained a line stating "the entry includes a trip by TLB, who NAP Grab indicate have no business on the site – it is believed the presence was in error". However, the operating licence for TLB states that their Operating Centre is Swannybrook Farm and TLB is owned by the applicant's relative and he was usually one of the first lorries out of the site at just after 6am and continued in and out of the site throughout the day. Other regular visits into the site were made by SCB, based at Stone Pitt Barn on the A415 which was owned by yet another relative of the applicant. He reminded members that in the report submitted by the Bluestone Planning representative, it had been denied that third party lorries accessed the NAP site at all, because it suited the narrative. The Council needed to look at the combined picture of NAP, TLB and SCB in order to understand the total impact on local residents.

Committee members were not being told the truth and either OCC planning officers were too pro capacity increase, indifferent or too negligent to get to the truth. This last week the traffic had again been moderated with the average daily flow fitting within the parameters being asked for by the applicant. Taking a random two weeks, the first ending September 18th, the average for that week had been 25 journeys in and 25 journeys out per day. The week ending October 2nd, they were averaging 22 journeys in and 22 journeys out per day. Those numbers were still above the numbers the applicant was applying for, but greatly moderated from his pre monitored daily journeys. The applicant had made a great deal of effort to emphasise dust management, noise suppression and planting to conceal the site. These three factors, while very important, were of far less significance to the people living in Fyfield Wick and Kingston Bagpuize than the appalling intrusion into their sleep and daily lives by these massive trucks thundering along a country lane and entering a village at what was still classed as a night time hour. Wagons, weighing between 30 and 60 tonnes left from 6am, sometimes in batches with only two or three minutes in between in a single file, but by 7.30 onwards they were returning and passing outgoing wagons on this grossly unsuitable narrow road. As we have stated previously two lorries cannot pass on Fyfield Wick which was between 5 and 6 metres wide whereas 2 lorries passing with wing mirrors were more than 6 metres. One of those, therefore, would have to go up onto the verge and so by November when it rained the verges were carved up and destroyed, the road potholed and the surface ripped away with mud everywhere leaving the road treacherous for other road users. The applicant commented to me personally 18 months ago, that "the road is just not wide enough for my trucks". On a daily basis these wagons were making around 12 movements either in or out before 8am, the actual operating time

set out in their planning permission. This application had been the first time that he had ever become involved in lodging an objection to anything of a planning nature having highlighted to the Council the planning breaches at Swannybrook Farm in early 2019. He confirmed that in the event of this grossly under researched planning application being passed he would be left with little alternative but to begin the process of Judicial Review as he felt passionately that this was a miscarriage of justice due in the main part to the shoddiness of OCC in investigating flawed evidence to support it, whilst choosing to overlook reliable evidence that they could have inspected at any time.

Jeremy Flawn for the Applicant then addressed Committee with regard to the following points.

Noise – the applicant had commissioned two noise assessments that looked at the operation of the crushing plant, one with five metre bunds and the second assessment maintaining the existing three metre bunds around the site. The second assessment confirmed that “calculations and an assessment of the noise levels generated by the operation of a new McCloskey J40 crusher have been undertaken based upon specifications for the proposed plant received from the manufacturer.....Noise levels would remain substantially below a level which would represent an adverse effect and thus noise from the operation of the crusher would therefore be fully compliant with the requirements of the NPPF.”

Dust – a management plan and revised management plan had been provided to the planning authority detailing a series of measures which the applicant had proposed to ensure that dust from the operations of the application sites would be effectively managed in addition to existing conditions on the 2001 permission

Landscaping of the two sites – two separate landscaping plans had been produced, one for each of the application sites. The ecology and landscape officer’s comments had been accepted by the applicant although for the avoidance of doubt, the height of the topsoil bund referred to in the officer report (paragraph 56) on the eastern perimeter of the existing site would not be altered. The covering email to the planning authority dated 28th September 2020 stated “this will not be in addition to the existing bund, simply replacing some of the material with topsoil suitable as a planting medium”. The three-metre height would be maintained.

Rights of Way – the evidence provided by the applicant had been based on the existing topographic survey of the site and the definitive right of way mapping. The evidence submitted confirmed that the eastern existing bund did not impinge on the route of the right of way. The suggested solution at section 62 of the committee report was acceptable to the applicant.

Routeing Agreement – this was acceptable to the applicant. With regard to the objection from Charney Bassett Parish Council the applicant had indicated that they did not have any reason to travel through Charney Bassett and the only reason they would do so would be because of official diversions if the A420 were closed or if they had work in that village. So for those reasons and the terms of the routeing agreement there should be no impact on that village.

Enforcement Matters – they understood that the Vale of White Horse District Council were considering matters that were under its jurisdiction and had been in discussion with the owner of Swannybrook Farm (the current applicant's landlord) about activities on other parts of the farm site.

New Traffic Counts – The applicant had reviewed the data and had submitted an analysis of the data to the planning authority which concluded as follows:

“Put simply, traffic volume surveys undertaken since mid-March 2020 are inevitably influenced by the Covid pandemic response and cannot, therefore, offer a reliable picture of historic or future traffic activity (assuming Covid doesn't last forever). Nevertheless, even if the 2020 surveys were taken as the baseline, as a theoretical exercise, the previous conclusions of negligible impacts on amenity and highway safety would be unaltered.”

Therefore, having regard to the additional information provided the applicant commended the officer recommendation that planning permission be granted for both applications, subject to the recommended routing agreement being signed and subject to planning conditions as set out in the annexes to the committee report.

Mr Flawn then responded to questions from members of the Committee:

Councillor Johnston – the maximum decibel rating for the modified crusher at 10 metres was 66 decibels which was a significant reduction to the previous decibel rating and would be below existing background noise levels.

Mr Flawn did not respond specifically to Councillor Johnston's advice that neither Ash nor Sycamore should be part of the planting scheme.

Councillor Fitzgerald-O'Connor - the applicant's advice was that his vehicles were 2.4m wide and the road, therefore, was of sufficient width for two lorries to pass.

Councillor Gawrysiak – he could not confirm if his client had any plans to restore the road or repair damage as many other vehicles used that road and so it would be difficult to attribute what vehicle had caused what damage. His professional advice to his client was and had been previously that they should comply with the conditions of any permission.

Responding to Councillor Sanders officers explained the findings of the various surveys undertaken to try and reconcile differences which existed in the figures between Mr Donovan's submission, the Applicant and the County Council's own independent survey. The existing allowance was 3 in and 3 out daily with this application seeking 20 in and 20 out. The applicant's survey had shown 14 in and 14 out which was less than Mr Donovan's at 17 in and 17 out. The latter figure had been borne out by the survey commissioned by the County Council and, although it was recognised that there were difficulties in differentiating between the different operations at the site and which vehicles could be attributed to those operations, officers confirmed that the County Council's independent survey had been specific to this site to remove those vehicles from the wider traffic count. Other operations at the site were under the jurisdiction of the Vale of White Horse District Council.

Responding to Councillor Roberts officers confirmed that there had been no overall objection from OCC Planning Policy and the site had not been allocated in the Sites Allocation Document. However, as Part 2 of the Plan was at an early stage it would not be appropriate to attach too much weight to it and a decision needed to be based on Part 1.

Councillor Gawrysiak recognised the problems to date with enforcement but there needed to be some reconciliation to find an optimum for vehicle movements. He moved the recommendations as set out in the officer report but with the modification for a daily maximum of 15 vehicles in and 15 out with the expectation that the applicant would adhere to that and prove to the planning authority that they were doing so by providing daily registration numbers for submission monthly to the County Council and for the County's enforcement team to take a proactive interest with a minimum of 4 visits per annum to ensure conditions were being met.

The motion was seconded by Councillor Fitzgerald-O'Connor.

Members empathised with Mr Donovan and felt it imperative that if permission were granted then every effort should be made to ensure the operator complied with the conditions.

The motion was then put to the Committee and –

RESOLVED: (by 6 votes to 2 with 5 recorded abstentions) that subject to the applicant entering into a routeing agreement to require all vehicles to be routed to and from the A34 via the A338 and the A420, to avoid the A415 between Frilford Junction and the Marcham Interchange and the junction of the A415 and the A420 at Kingston Bagpuize, the Assistant Director for Strategic Infrastructure and Planning be authorised to:

- i) approve application no. MW.0134/19 subject to conditions the detailed wording of which to be determined by the Assistant Director for Strategic Infrastructure and Planning including the conditions set out in Annex 2 to the report PN6; and
- ii) approve application MW.0135/19 subject to conditions the detailed wording of which to be determined by the Assistant Director for Strategic Infrastructure and Planning including the conditions set out in Annex 3 to the report PN6.

subject to:

- (a) amending "MW.0135/19" in condition 12 of Annex 3 to read MW.0134/19;
- (b) Condition 12 to Application MW.0134/19 being amended to read "No more than 15 HGVs shall enter the site in any working day and no more than 15 HGVs shall leave the site in any working day in combination with the development permitted by planning permission no. MW.1035/19";
- (c) Condition 12 to Application MW.0135/19 being amended to read "No more than 15 HGVs shall enter the site in any working day and no more than 15 HGVs shall leave the site in any working day in combination with the development permitted by planning permission no. MW.1034/19";

- (d) an additional condition to Applications MW.0135/19 and MW.1034/19 that the applicant submit monthly figures of vehicle movements with registration numbers recorded on a daily basis to show compliance with condition 12 on both permissions;
- (e) following the grant of the planning permissions County officers increase site monitoring visits to seek to ensure activities at the site complied with all conditions and to consider the expediency of enforcement action against any non-compliance identified.

38/20 DETAILS PURSUANT TO CONDITION 25 (APPROVAL OF DUST MANAGEMENT PLAN) OF PLANNING PERMISSION P18/V2610/CM (MW.0104/18) AT SHELLINGFORD QUARRY, STANFORD ROAD, STANFORD IN THE VALE, FARINGDON - APPLICATION NO. MW.0090/20
(Agenda No. 7)

On 15 July the Committee had resolved to grant planning permission to extend the existing Shellingford Quarry to the west for mineral extraction subject to the signing of a Section 106 agreement. At that time the Committee had also outlined dust as a key issue and concern and so approval had also been subject to a detailed dust management plan to be submitted to Committee for final approval before work commenced having first been submitted to the public health and the environmental health teams and reflecting the comments raised by members to secure a robust and meaningful scheme.

The applicant had now submitted a Dust Management Plan (DMP) under details pursuant to condition 25 of the planning permission P18/V2610/CM (MW.0104/18). That plan had been informally sent out for rounds of consultation in January and March and had been attached to the report (PN7) which also considered the detail and responses received to it.

Matthew Case presented the report and responded to questions from members of the Committee.

Councillor Fitzgerald-O'Connor – he confirmed that using sticky pads to monitor was not as effective as real time monitoring. There was also a cost element between the two with the latter more expensive. He understood the sticky pads would be taken away every two weeks for analysis.

Councillor Roberts – he understood the site was monitored 2 to 3 times per annum and confirmed there would be a daily visual log and record of what work was being done on the site along with weather conditions to support the sticky pad analysis.

Councillor Mathew – the recommendation had been based on information in the dust management plan and it was for the Committee to consider whether or not the system as recommended should be supplemented with periodical real time monitoring. However, the PM10 particles had not been shown so far to be that significant.

Mike Wright on behalf of Shellingford parish meeting group confirmed their rejection of the Revised Dust Management Plan. There had been no conclusive monitoring to date of harmful particulates, nor was any rigorous monitoring proposed. They wished to make two key points:

Firstly, the Plan failed to meet the commitments made by the Applicant at the July 2019 meeting as documented in the minutes stating that “monitoring would be undertaken at the school.” Approval had been based on that commitment, which the Applicant was now failing to honour.

Secondly, visual assessment and sticky pads did not quantify dangerous PM10 dust pollution as stated by the applicant.

Subjective visual assessment of fugitive dust, to determine when mitigating action was triggered, was both unscientific and pointless. Sticky pads did not quantify particulate levels or size and their use was, by definition, retrospective. PM10 and 2.5 emissions were both invisible and the most dangerous to health. The use of sticky pads contradicted clear guidance given by Public Health England as stated in the officer report. Indeed, the Applicant had stated: “The sticky pad method is not intended to provide monitoring for a health-based assessment, it measures disamenity dust.” Furthermore, in March 2019, the Applicant offered to incorporate gravimetric real time measurement of PM10s within the village. Nobody knew what the particulate emissions in Shellingford were in dry months, because they were never measured. The only data came from one wet spring month when levels would have been low because of those conditions. This fact was recognised by Public Health England, who recommended a whole year of gravimetric measurement. The cost and effort involved in real-time gravimetric PM10 dust monitoring was relatively trivial. Without effective monitoring, neither the Applicant, nor the Council, nor the residents had any reassurance that harmful levels or particulate emissions would not endanger the residents. They did not understand the applicant’s reluctance to honour its adoption at the proposed locations in the village and so were asking for a whole year of real time particulate monitoring in the village. There would be no point in an annual review if there were no PM10 measurements to review and he understood that real time monitoring equipment would cost between £500 and £5000 per annum.

He then responded to questions from members of the Committee:

Councillor Gawrysiak – there had been an undertaking for one monitoring location at the school. That would be an absolute minimum necessary to provide confidence locally. However, the applicant was now proposing to undertake monitoring only at the perimeter of the site.

Councillor Mathew – there were 25 members of the Shellingford Parish Meeting Group. He confirmed that the applicants had paid for monitoring to date but they should now honour the commitment given in July 2019 and pay for future monitoring as promised. There had been some discussion in the village about meeting the cost themselves and he referred to a system used by some London councils called TSI Blue Sky costing £350 which was a trivial amount when compared to the multi million pound contract being discussed but would give reassurance regarding PM10 levels

and provide continuous monitoring. There were varying costs and the TSI Blue Sky wouldn't give the best level of accuracy whereas more expensive systems provided more accuracy. What they as a village were requesting would cost up to £5,000.

Gemma Crossley the Agent for the Applicant stated that the Shellingford Quarry Dust Management Plan (DMP) had been prepared by DustScanAQ, independent air quality experts. It met the requirements of condition 25 attached to consent MW.0104/18 for mineral working, infilling and restoration of a western extension to Shellingford Quarry. A robust consultation had been carried out involving Public Health England, Public Health Oxfordshire, District Environmental Health and the Shellingford Village Group. The DMP had been modified to address the comments received. The technical consultees were now satisfied with the DMP as it stood.

The outstanding objections from the village and local residents had been answered during the rounds of consultation. In summary, they were as follows:

- Real-time monitoring: Real-time monitoring had been carried out in April 2019 for Total Suspended Particles (TSP), PM10 and PM2.5 as requested and approved by PHE and EHO and had recorded baseline levels (at Shellingford School) and levels associated with quarrying activities (at Church Farm).
- Additional PM10 and PM2.5 monitoring: Additional monitoring of PM10 and PM2.5 was not required as proven by the results of the baseline monitoring and Air Quality Assessment (the background levels being so low that guidance stated the proposed development was unlikely to result in an exceedance of the Air Quality Objectives). If changes occurred, the DMP allowed for further monitoring to be undertaken.
- Sticky Pad monitoring: These directional depositional dust samplers were a recognised method for measuring and monitoring nuisance dust. They were not being used at Shellingford as a means for monitoring PM10 and PM2.5, as these had been proven to be sufficiently low and, therefore, not requiring ongoing monitoring.
- Conditions on the road: Quarry access onto the A417 and number of HGV movements would not change as a result of permission MW.0104/18. However, the avoidance and mitigation of debris on the public highway had been addressed via condition 26 and as such details had been submitted to OCC for approval. Existing and additional mitigation measures included a re-surfaced haul road, wheel spinner, wheel wash, road sweeper, daily checks, water bowser for dust suppression, vehicle speed limits, limited daily HGV movements and limited hours of operation.
- Additional monitoring locations in the village: This was not necessary, because the monitoring locations used for baseline measurements and those proposed for future monitoring represented the nearest receptors provided for a robust worst-case assessment.

It should be noted that the DMP was a living document, which meant it could and would be reviewed during the life of the approved development and amended and

updated if material changes were made to operations, equipment, guidance, or baseline air quality objectives. The DMP had been prepared by independent air quality experts; followed national air quality guidance; included good practice measures; had been approved by expert technical consultees and met National and Local Planning Policy.

She then responded to questions from members of the Committee:

Councillor Mathew – the monitoring in April 2019 had been real time monitoring and so had been recorded instantly and sent to the applicant's air quality consultants. It was then turned into an average for comparison against guidelines and was found to be sufficiently below thresholds for the consultant to suggest that the proposed development would not exceed the air quality objectives.

Councillor Roberts – the data had been provided in full in the air quality assessment addendum, circulated to county officers and technical consultees and available as part of the planning application documents on the website.

Councillor Fitzgerald-O'Connor – the results of the April monitoring had been presented to the planning consultants in May and would normally then appear on the website within a few weeks. The village representatives would have seen a copy of that.

Having regard to the information set out in the Dust Management Plan (specifically section 2 sub section 2.2) Councillor Johnston moved and Councillor Haywood seconded that the officer recommendation as set out in the report be approved both having accepted an amendment to their motion by Councillor Mathew that the applicant undertake real time information monitoring for PM10 and PM2.5 particles as a minimum twice a year.

The motion was put to the Committee and **RESOLVED** (by 12 votes to 0, Councillor Reynolds recorded as abstaining) to approve Application MW.0090/20 subject to the Dust Management Plan being first amended to include an undertaking that the applicant undertake real time monitoring for PM10 and PM2.5 particles as a minimum twice a year.

39/20 EXTRACTION OF MINERAL AND RESTORATION TO AGRICULTURE AND NATURE CONSERVATION BY INFILLING WITH IMPORTED INERT MATERIALS (UPDATE REPORT)- LAND TO THE WEST OF HATFORD QUARRY, FERNHAM ROAD, HATFORD, FARINGDON - APPLICATION NO. MW.0066/19

(Agenda No. 8)

The Planning & Regulation Committee on 1 June 2020 had resolved subject to completion of a legal agreement and routeing agreement to grant planning permission to this application subject to conditions to be determined by the Director of Planning and Place. This report (PN8) had been brought to update the Committee that condition 4 to that decision needed to be amended to allow for six years of mineral extraction rather than five.

Mr Periam presented the report.

Councillor Fitzgerald-O'Connor advised that having spoken to the neighbours at the site who had no objection and there being no objection from the Parish Council she moved the recommendation as set out in the report. Councillor Johnston having seconded the motion it was **RESOLVED** (nem con) that the Committee's resolution of 1 June 2020 to approve application no. MW.0066/19 subject to the applicant signing a Section 106 agreement for the matters outlined in Annex 2 of the committee report of 1 June 2020 and a routeing agreement to ensure that HGVs follow the route approved for HGVs associated with the existing quarry and subject to conditions to be determined by the Director of Planning and Place, to include those set out in Annex 1 of the Committee report of 1 June 2020 be amended such that condition 4 reads as follows:

Temporary consent – extraction completed by six years from the date of commencement as notified pursuant to condition 2 and restoration completed by the date seven years from the date of commencement.

..... in the Chair

Date of signing