

The **REGULATORY COMMITTEE** met at
WARWICK on the **31st JANUARY, 2006**

Present:-

Councillor Richard Chattaway (Chair of Committee)
“ Dave Shilton (Vice Chair of Committee)
“ Peter Barnes
“ Les Caborn
“ Michael Doody
“ Pat Henry
“ Joan Lea
“ Barry Longden
“ Brian Moss
“ Mike Perry
“ Ian Smith
“ John Wells

1. General
(1) Apologies

None.

(2) Members Disclosure of Personal and Prejudicial Interests

Personal interests relating to any item on the agenda arising by virtue of the member serving as a District/Borough councillor were declared as follows:-

- (i) Councillor Peter Barnes – Stratford-on-Avon District Council.
- (ii) Councillor Les Caborn – Warwick District Council.
- (iii) Councillor Michael Doody – Warwick District Council.
- (iv) Councillor Pat Henry – Nuneaton and Bedworth Borough Council.
- (v) Councillor Joan Lea – North Warwickshire Borough Council.
- (vi) Councillor Brian Moss – North Warwickshire Borough Council.
- (vii) Councillor Mike Perry – Stratford-on-Avon District Council.
- (viii) Councillor Dave Shilton – Warwick District Council.

(3) Minutes of the meeting held on the 15th November 2005 and matters arising

(i) Minutes

Resolved:-

That the minutes of the Regulatory Committee's 22nd December 2005 meeting be approved and be signed by the Chair.

(ii) Matters arising

Nil.

2. **Applications for Determination**

(1) **Long Marston Airfield – Erection of Two Workshops and Change of Use of Land to a Material Recycling Facility (MRF)**

The Chair informed the Committee that the applicants had withdrawn this item.

In answer to a question by Councillor Brian Moss, Jasbir Kaur, Development Manager in the Environment and Economy Directorate, confirmed that it was the applicants' intention to relocate the site within the boundary of the airfield. Officers would allow them a reasonable length of time to complete the relocation and would monitor the situation.

(2) **Judkins Landfill, Nuneaton – Extension to the time limit for the implementation of a Materials Recycling Facility**

The report of the Strategic Director of Environment and Economy was considered.

Richard Forbes, Planning Officer, introduced the report.

It was noted that the landscaping scheme would provide a screen for Stoney Road Cottages but members stressed the need for the landscaping to be done as quickly as possible to protect them.

Members were disappointed about the delay in recycling at this site and were concerned that if they agreed to the five-year extension still nothing might have been done by the expiration of that time. They were concerned that extending the life of the permission for the five years requested would allow the development to be deferred to a time when circumstances and policies might have changed significantly.

Jasbir Kaur explained that one of the reasons that work had not commenced was because the Waste Disposal Authority had not awarded a contract to the company. Without the extension, the planning permission on the site would soon expire and no contract would be awarded if there were no valid planning permission. A new application would take time because an environmental impact assessment would have to be prepared and this would take a year and there would be another period of months to obtain planning permission.

Members then agreed to vote on three options for extending the period within which the operation on the site had to start, namely five, one and three years.

On being put to the vote the five-year option and the one-year option were each lost by 3 members voting in favour and 7 against.

The three-year option was then put to the vote and it was Resolved, 7 members having voted in favour and 2 against:-

That the Regulatory Committee grants planning permission under section 73 of the Town and Country Planning Act 1990 having the effect of varying condition number 1 attached to planning permission N85/98CM035, dated 24th November 2000, to allow the commencement of development for a Materials Recycling Facility to process mixed household and industrial wastes, incorporating in-vessel composting of household organic wastes, a dedicated facility for green waste composting and associated site infrastructure improvements on 5.2 hectares of land at Judkins Quarry, Nuneaton, Warwickshire, CV10 0J0 by the 24th November 2008, subject to the conditions and for the reasons contained in Appendix B of the report of the Strategic Director of Environment and Economy.

(3) New Park and Ride facility on the West Side of Bishopton Lane, Stratford-upon-Avon – Discharge of Conditions

The report of the Strategic Director of Environment and Economy was considered.

Thomas Cox, Planning Officer introduced the report.

Jasbir Kaur said that the local member, Councillor Richard Hobbs, had no objections to the proposal.

It was noted that Warwickshire red brick would be used. Native plants would be used while semi mature trees would be planted because of the difficulties in successfully planting mature trees. There would be no landscaping within the site to avoid it interfering with CCTV security.

It was then Resolved:-

That the Regulatory Committee authorises the approval of the details shown on drawing No. ED899/01REV.B to discharge condition No. 2 (landscaping), drawing Nos. 0501-27, 0501-24, 0501-22 to discharge conditions Nos. 3 and 5 (design details of the new building) and drawing Nos. H/C93-14/55 and H/C93-14/56 to discharge conditions Nos. 10, 11 and 12 (drainage details) attached to planning permission ref. S1739/01CC052 for the construction of a new Park and Ride Facility on the West Side of Bishopton Lane, Stratford-upon-Avon. (See plan in Appendix A)

3. **Ashorne Playing Field, Ashorne - Application to Register as Town or Village Green**

The joint report of the Strategic Directors of Performance and Development and Environment and Economy was considered.

Peter Endall, Senior Solicitor said that advice had been received from DEFRA that local authorities should postpone determining applications for the registration of town and village greens where they were opposed by the landowner until the House of Lords had given its ruling. He added that discussions were continuing between the applicants and the owner and there might be a further reference back to the Committee.

It was then Resolved:-

- (1) That the application to register land at Ashorne as a town or village green submitted by Newbold Pacey and Ashorne Parish Council dated 31st October 2005 be deferred pending the outcome of the ***Oxfordshire County Council v. Oxford City Council and Robinson*** case currently pending in the House of Lords.
- (2) That arrangements be made for the holding of an informal local inquiry as soon as possible to provide additional information which the Committee will require in order to finally determine the application following the House of Lords decision.

4. **Incorporation of WWRAS**

The report of the Strategic Director of Performance and Development was considered.

In response to concerns from members about the liability of the County Councillor members on the WWRAS after incorporation, Victoria Gould, Principal Solicitor, informed the Committee that incorporation would limit the liability.

Although there was concern about whether the incorporated organisation's intention to seek charitable status was the best choice as there was some concern that this might impact on the liability of individuals, it was recognised that it was for the organisation itself to decide whether or not to do so and that it had independent legal advice. It was agreed that members would be advised as to the reasons for incorporation.

It was then Resolved:-

- (1) That the Regulatory Committee supports the incorporation of the WWRAS and approves the appointment of three Members of the County Council to sit as Directors and Members of the newly incorporated organisation.
- (2) That the appointments be made on the proviso that WWRAS adopts a clause ensuring that the County Council Membership does not reach a proportion that would make it an “influenced” company.

5. Any other items

None.

6. Report Containing Confidential or Exempt Information

Resolved:-

That members of the public be excluded from the meeting for the following item on grounds that their presence would involve the disclosure of confidential and exempt information as defined in paragraph 4 of Schedule 12A to the Local Government Act 1972.

SEE SUMMARY BELOW

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Chair of Committee

The Committee rose at 12.36 p.m.

Summary of business transacted in the absence of the public

7. Ex Gratia Payment to CK

The Committee considered the issues around making an ex gratia payment to CK and after discussion agreed that it would not be appropriate to do so.

JIM GRAHAM,
Chief Executive.