

FINMERE PARISH COUNCIL

Minutes of meeting held on 7th of April 2015 in Finmere Village Hall

Present:- Councillors, Mike Kerford-Byrnes (MKB) (Chairman), Katherine Grimston (KG) (Vice Chairman), Kevin Ochel (KO), Mike Kirby (MK) and Amanda Hodgkins (AH)

In attendance:- County Councillor Catherine Fulljames, District Councillor Barry Wood, Sharron Chalcraft (Parish Clerk and RFO) and 9 members of the public

1. Apologies:- Apologies were received from Councillor Steve Trice (ST)

2. MINUTES

The minutes of the PC meeting of 3rd of March 2015 were approved with corrections.

3. COUNTY COUNCILLOR'S REPORT

This was given after the quarry liaison meeting report.

Potholes are a big problem at the moment across the county. There is now a system for residents to report them direct online. The PC could help by putting details of this in the next newsletter. The hearing for the OPES application to remove conditions will be on May 18th and CF will attend. CF will also attend the next quarry liaison meeting, MKB confirms it will be held on Wednesday June 10th at 1p.m. in the village hall.

4. QUARRY LIAISON MEETING REPORT

Discussion of the liaison meeting was combined with discussion of the OPES planning application detailed in section 15 below.

The report on the liaison meeting was given by Barbara Cunningham (BC), village representative.

The liaison meeting took place on March 4th 2015 at the OPES offices and was combined with a site visit. Present were Richard Lucas, Ben Wragg and Colin Hart for OPES, Guy Titman, the OPES consultant from MJCA, Bill Stewart-Jones and David Periam from OCC, MKB from the PC and BC representing the village, with apologies given by Louise Greenwood of the EA.

Finance has now been secured. More tonnage will be placed in Cell 7 before the MRF comes online. The Shelswell extension has now had the hay bales removed from the bund. The clay extraction area is now filling with water. Restoration of the Shelswell extension is to be completed by 2019. Two permissions are now in place for the MRF. It will no longer be built as a gasification facility but will operate traditionally. Construction is now nearly

complete. The lighting scheme was submitted on January 20th. The extension to the north is on hold. There is to be an increase in length of the weigh station in the MRF. The EA has reported that more boreholes are needed and the leachate management plan must be updated. There is to be short term capping of Cells 4, 5 and 8 to aid leachate management. Completion and restoration can only be carried out in good weather. Cell's 3, 6 and 9 have to have their tops re-contoured.

There is a 150,000 tonne permit for the MRF. It will operate from 7a.m. to 6p.m. for five days a week, with the last waste admission at 4.30p.m. On Saturdays it will operate from 7a.m. to 1p.m. with the last waste admission at 11a.m.

There have been two groundwater breaches in the north of the site with some damage to the liner in Cell 7. Gas monitoring continues. Lorries have been turning in Warren Farm. The EA banding is now E, a continued worsening. The same volume of leachate is leaving the site, with the associated tanker costs, the temporary cover means that they are catching up with the leachate problem.

At the moment waste permits are for 5k active and 2k inactive tons pcm, this will change to 10k active and 2.5k inactive pcm with the MRF.

OCC confirmed that the site had been non-compliant since Feb 2014. Four bi-weekly spot checks have been carried out to monitor capping. OCC also explained that at the moment the planning permissions in place mean that the MRF cannot operate until capping is completed; the planning application currently submitted is to remove this condition. Capping was to have been completed in 2012, then 2014 and is still ongoing.

The PC is to produce a newsletter informing the village of this application. BC points out that it costs approx £1,500 per week to remove leachate, it will cost approx £1.5 million to cap the site and so far the extra profit made by overtipping has been at least £4 million.

At the meeting Opes and OCC also confirmed that one of the conditions whose waiving had been requested in the recent planning application was that concerning completion of capping before the MRF can become operational.

The meeting now considered:

Planning application – Opes, Finmere Quarry for the retrospective planning permission for minor changes in orientation to a limited part of and an extension to the footprint of the Materials Recycling Facility (MRF) building the subject of planning permission reference 10/00361/CM, changes to the surface water management system, the provision of boundary fencing and non-material amendments to the consented MRF building including the addition of doors, roof lights, signage, generators and air management equipment, external stairs, amendments to the offices and internal layout of the building and the variation of planning permission reference 10/00361/CM to remove Condition C24 (landscaping mitigation measures) and Condition C29 (relating to landfill engineering works) – the PC are reconsidering this application in the light of information given at the QL meeting.

The meeting was opened to questions and comments from the floor.

Ibby Wood first asked for clarification of what the MRF is and does. MKB explained that it is a very large shed into which the lorries drive and where their load is sorted. Recyclable waste is then removed from site for treatment and the remainder is placed in the landfill on site.

The village has battled long and hard against the injustices and bad practices at the landfill and when the public inquiry finally went our way the EA stopped our victory by refusing to let the mound be reduced due to health and safety issues. First of all the site was simply for sand and gravel extraction, then for landfill and then when the MRF was proposed in order to extend the life of the site the village again battled, OCC rejected their objections but the village appealed and this time won the condition, ruled by Her Majesty's Inspector, that the MRF could not open until capping was completed.

Several times now Opes has sought to alter conditions on their various planning permissions. The original permissions can often clash with subsequent permissions with regard to order of carrying out works, or dates for completion, meaning that in order to get the permissions implemented conditions need to be changed. Ownership of the landfill has changed and there are some new management officials but the conditions still apply to the new owners. In this case however Opes have sought to ease the condition on MRF operation.

Emails have been received by both SC and MKB from Councillor's and villagers unable to be present. Emails from Councillor Steve Trice, John Cunningham, Steve Birch and Chris and Andi Padbury are read out, all opposing the easing of the condition and urging the PC to oppose it also.

District Councillor Barry Wood has submitted a statement also: 'As the District Councillor for this area my strong view is that landscaping and environmental aspects are the key problems. The planning conditions should look to give incentive to the Operator such that they also share these priorities. This means holding fast on the conditions before the MRF is permitted to start operating. At this stage I am assuming the village and the PC will share this approach'.

Ques - Ibby Wood – We have got to oppose. This is blatant disregard for our community. We now have the only mountain in Oxfordshire which scatters litter all over. The capping is long overdue. We have to live with this every day, it should not be allowed. CDC litter pickers are out regularly but with no effect. Do Opes have a responsibility? CDC can't always be there, could we have inspectors on the road who could hand out fines?

Ans – MKB - The problem is more widespread than just the Finmere area and a lot of the litter is spilled from lorries on the way to the site, inspectors could not hand out on the spot fines. CF points out that Viridor who operate the Ardley quarry clear all the rubbish from the B4030 themselves.

Ques – Ibby Wood – Could we not suggest this to Opes?

Ans - MKB – The PC will raise this at the next Quarry Liaison meeting and will ask about litter blowing from the site into the village too.

Comment – Phillip Rushforth – It is now more than a decade since the problem of overtipping was raised. For more than 20 years now successive operators have disregarded both OCC and the EA. These agencies seem powerless to stop them, to enforce permissions or hand out fines. The highest planning level in the land is the government planning inspector, let's keep his condition in place.

Ques – Richard Tredwell – This is all about income. If the condition is kept in place then Opes will be keen to cap really fast. This is nothing they shouldn't have already done. This is an aircraft hangar sized building. Will there be more traffic movements?

Ans – MKB – Opes claim there will be no increase in movements but the licence to take in material will have doubled. This will result in at least 55 more lorries per day.

Ans – BC – There are photos taken by BC of the site which will be posted on the PC website. It is well hidden. BC has been referring to her notes on previous QL meetings. On Feb 18th 2011 capping was to take place before the MRF opened. On 13th April 2011 capping was to take place by June 2011 with autumn seeding. In July 2011 this had been held up by slope stability and would be completed in the autumn. In January 2012 a small depression had opened up and EA needed to carry out a stability assessment which would take place in the summer of 2012. In May 2012 this had been held up but would be ready by the autumn. In December 2012 soil removal was finally adequate. In March 2013 they were in breach of conditions (from Dec 2011), capping in 2013 was to take three months. The PC insisted on a date, Ben Wragg (Opes) stated 'I say what I'm told to say.' In June 2013 no date could be provided as it depended on finance availability. This despite the fact that overtipping had yielded an extra £4 million in profit. A plastic membrane is now in place on top of the mound to keep out rain water. No work has been carried out now for weeks, piles of earth are left in place.

CF is on the planning committee and as such can express no opinion. CF now reads out an email received from OCC planning regarding this amendment application. The email explains that although the condition was placed on the original application at the instruction of the government planning inspector there has been a subsequent similar application concerning the MRF. When this application came before the planning committee they were advised that the condition was no longer necessary and so it was not applied to this subsequent permission. Now that OCC have granted a similar permission without the condition it will be difficult to insist that the condition remains in this case.

Ques – Ibi Wood – Why did they not apply the Planning Inspector's condition in this second case?

The PC asks CF who advised the planning committee that this condition was no longer needed? CF confirms that the minutes of such a meeting will be available but she has not

had chance to find them herself yet. All objections from the public or the PC will go before a committee. CF can ask what happened then. The PC feels that a point needs to be made of this to the OCC officer involved in the current application.

Comment – John Dayer – On the matter of litter the haulier is responsible for any litter dropped from a lorry and this is an offence under the Road Traffic Act. On the matter of the planning application, what is Opes' record? The answer is appalling. The PC need to object.

Ques – Ibbi Wood – It is true that there is litter elsewhere but here there is litter everywhere, can OCC not send observers to watch the lorries in and out?

Ans – CF – There is an enforcement officer. CF will call him out. There is a £2,000 fine for spillages so if any villager sees one they need to take down the lorry registration and direction and ring CF at OCC.

Ques – Ibbi Wood – The problem with that is that when you see these things you are almost always driving and unable to take note of the number. Has anyone else noticed that the roads seem to be drier since the capping took place?

MKB summarises things. It would seem that the village is unanimously against these conditions being eased. The only leverage that the village has over Opes to get the capping and landscaping done would be gone. The EA need to licence the MRF and at the moment test material is going through.

Ques – Could they already be operating the MRF without permission?

Ans – MKB – We must be very careful about making accusations, any statements would need to be proved.

Ques – Ibbi Wood – Is OCC involved in this testing also? Is CF aware of what is being done? OCC should be monitoring the situation. What waste is coming through and where is it going?

Ans – KO – The waste would be old industrial/commercial waste and Cell 7 is open to take it in.

Comment – Ibbi Wood – This meeting has been a fair representation of the community at large, with the PC having called on the village to come and discuss things.

MKB sums up, the feeling of the meeting is that the PC should object in the strongest possible terms. Proposed KG, seconded KO, carried unanimously. The PC should also find out why the condition was left off the subsequent similar permission.

5. MATTERS ARISING

- 5.01 **Obtaining a defibrillator** MKB has visited the school, the PC are welcome to visit any time as long as they give notice. The school are happy for the work to be done and simply ask that the PC place the new noticeboard as a recompense. c/f
- 5.02 **Village Notice Boards** These must soon be sorted out. c/f
- 5.03 **VAS Signs** MKB has been asked to supply a photograph of the socket as there are two different types. MK is to take photo. The cost for the key will be £20. c/f
- 5.04 **List of assets (the pond)** MKB is still to talk to Mr Tompkins but has found a letter from Dick Crabtree, then Chairman of the PC written to the neighbouring landowners in the 1990's. c/f
- 5.05 **Traffic speed in Mere Road** SC has forwarded the email to MKB who has emailed Peter Egawhary, OCC, nothing has been heard yet. c/f
- 5.06 **Bins in Mere Rd** The bin is still to be installed, this can now be done at the same time as the notice board. c/f
- 5.07 **Unauthorised Activity on the Field** This will be in the next newsletter. c/f
- 5.08 **Additional Parish Councillor** c/f
- 5.09 **Tree surgery and other works on PC land** c/f
- 5.10 **Underpass Gullies** c/f
- 5.11 **Drain Covers** Cliff Monger, OCC Highways, is leaving his post. The drain covers have not been replaced yet and SC is to raise the issue again with his successor. c/f
- 5.12 **Public Protection and Development letter** c/f
- 5.13 **Dogbin** An email has been received from BC regarding this issue. BC has been talking with the new owners Mr and Mrs Gibbons and they would like the dog bin removed from in front of their house altogether. BC suggests Cross Tree in the village centre as an alternative. It is felt this might prove to be too close to the bin already in place on the playing field. It is felt that beside the phone box at the top of Valley Road would be a more equidistant site. A working party will be needed. c/f
- 5.14 **Compliance – Health and Safety Assessment of Assets** The two remaining issues are the Stable Close open space and the Chinalls Close open space paving. MKB has now confirmed that the play equipment in Stable Close must be kept in situ until February 2016 and he has received a communication from a resident with young children who would like to be consulted before the equipment is removed. It is felt that the equipment conforms to health and safety standards. The Chinalls Close open space paving is being dealt with by ST and as he is absent this will have to be dealt with at the next meeting. c/f
- 5.15 **Parish Precept Review** MKB attended the CDC meeting at which the precept was dealt with and the Finmere figure had been left at the original amount. The issue was raised by MKB and as the amount had been changed by SC and the change

acknowledged the full amount as requested will be paid by CDC. At this point members of the public present raise the matter of the large percentage rise in the precept. It is felt best that in addition to the full explanation of finances given at the APM in May the matter should also be dealt with in a newsletter.

- 5.16 **Responsibility for Mere Lane** SC has checked with Tamsin Ingle, OCC Environment and Economy, about this. Tamsin is not sure where the responsibility for the lane would lie but suggests that the PC could approach Land Registry, which will cost money and could still prove inconclusive, or alternatively approach the homeowners on either side of the lane for any information which they hold in their deeds. SC is to write a specific letter to each homeowner and request such information as may be available. c/f
- 5.17 **Parish Remuneration Panel's Report** Receipt of the report has been posted.
- 5.18 **SLCC Membership** This has been renewed.
- 5.19 **Oxford Edens letter** SC is still holding this for ST. c/f
- 5.20 **Bucks CC Minerals and Waste consultation** Finmere PC is now registered.
- 5.21 **Spring Clean** The form has been submitted and MKB has arranged refreshments.
- 5.22 **School Invitation** MKB has visited the school and there is now an open invitation to the PC to visit, subject to notice.

6. FINANCIAL REPORT

It was reported that there was £1,213.36 in the Treasurer Account and £5,296.61 in the Business Money Manager Account.

The following had been paid out:

£40.00 to OPFA (general administration - subscriptions)
£160.00 to P A Meecham (S137 – Church clock maintenance)
£88.00 to SLCC (running costs – subscriptions)

The quarterly financial report was presented.

SC obtained an invoice from the PCC and arranged for it to be paid by bacs under urgent business.

The external audit notification has now been received and the internal auditor visit has been booked.

7. S19/S137

The maintenance of the Church clock has been paid for this month.

8. URGENT BUSINESS

The invoice payment by bacs for the Church clock maintenance was agreed.

9. FINMERE LANDFILL SITE UPDATE

This was dealt with under Section 4 above.

10. PLAYING FIELD PROGRESS

There has been no more progress this month. MKB and Phillip Rushforth, Village Hall and Playing Fields Committee, will go and see the solicitor soon.

11. PLAYING FIELD CONDITION

MK and KG have walked the field this month and are happy with the condition.

12. REVIEW OF PROCEDURES

The review had been circulated for consideration before the meeting. The full review of procedures and risk assessment was agreed. Proposed MKB, seconded MK, carried unanimously.

13. PARISH CLERK HOURS DIARY

The total hours worked were 21 hours in January, 23 in February and 26.5 in March. The grand total for the quarter was therefore 70.5 hours. The total for the year 2014-15 is 307.25. The PC now pays 25 hours pcm or 300 hours per year so this is about right. It is decided to continue to pay SC at the rate of 25 hours for the next year. SC will change her set monthly payment accordingly to avoid making any more 'back pay' payments. Proposed MKB, seconded KO, carried unanimously.

14. SETTING OF AGENDA FOR ANNUAL PARISH MEETING

The APM is to be held on May 12th. It is decided to invite the Police to speak at the APM as PC Caroline Brown has expressed an interest in attending meetings. It is also thought a good idea to invite Dick Tracey, SWAS, to speak about the defibrillator and possibly gather names for training or for taking the role of first responder. The usual items will also appear. Phillip Rushforth, VH&PF Committee, is to provide SC with a list of village organisations making use of the village hall. Opes is also to be invited. The agenda is to be prepared and invites sent.

15. PLANNING APPLICATIONS

14/01809/LB – Coach House, Mere Rd – replacement front door – listed building consent, subject to conditions

MW0031/15 – Opes, Finmere Quarry for the retrospective planning permission for minor changes in orientation to a limited part of and an extension to the footprint of the Materials Recycling Facility (MRF) building the subject of planning permission reference 10/00361/CM, changes to the surface water management system, the provision of boundary fencing and non-material amendments to the consented MRF building including the addition of doors, roof lights, signage, generators and air management equipment, external stairs, amendments to the offices and internal layout of the building and the variation of planning permission reference 10/00361/CM to remove Condition C24 (landscaping mitigation measures) and Condition C29 (relating to landfill engineering works) – this was discussed under Section 4 above

16. CORRESPONDENCE

An invoice has been received from CDC Legal in respect of their legal work in the transfer of title for the Chinalls Close open space in the sum of £270. This is to be paid. Proposed MKB, seconded KG, carried unanimously.

Change of contract information from e.on. It is felt best to leave this as is.

ORCC subscription reminder in the sum of £50.00. This is to be paid. Proposed MKB, seconded KO, carried unanimously.

OALC subscription reminder in the sum of £133.07. This is to be paid. Proposed MKB, seconded MK, carried unanimously.

Grass cutting grant letter confirming the amount of the grant for 2015/16 to be 760.76.

Notification from CDC Environmental Services of an increase in cost of dog bin emptying from £1.27 per bin to £1.40 plus VAT. The letter mentions that CDC hopes that the PC will continue to use their services. This implies that the PC can seek an alternative collector, though it is doubtful that with so few bins that any alternative would be cheaper. SC regularly receives queries from other clerks through SLCC regarding such issues and she is to ask for information about an alternative collector.

Planning application 15/00348/F – Barn 2, Warren Farm – side and rear extensions – this arrived too late for inclusion on the agenda and will need to be on the May agenda. Taken by KO who can consult with the neighbours.

Emails printed:

Email from Councillor Steve Trice about the quarry – see Section 4 above.

Email from District Councillor Barry Wood about the quarry – see Section 4 above.

Email from John Cunningham about the quarry – see Section 4 above.

Email of photographs from BC of the quarry – to be forwarded to Paul Nash for the website.

Email from BC about the dog waste bin in Mere Road – see Section 5 Matters Arising above.

ROAR meeting invitation – no-one can attend, SC is to email and request minutes.

Defibrillator training email – this course is charged at £80 + VAT per person. Dick Tracey has said that he is happy to offer training in the village.

VE Day 70th anniversary email – it is felt that it is too late to try and arrange celebrations in the village at this late stage, many remember the 50th anniversary celebrations with fondness but the PC cannot manage everything.

Emails forwarded:

PTR meeting amended minutes

Usual reports

17. ANY OTHER BUSINESS

No other business was raised by councillors.

Phillip Rushforth, VH&PF Committee, (PR) asked if he could raise some points.

Spring Clean PR confirms that the Village Hall is available.

Precept A lot of villagers feel that a warning of such a large percentage increase in a newsletter would have been nice.

Finmere and Little Tingewick Facebook Following the Strutt & Parker meeting about the proposed developments in Finmere someone posted on the page that residents and the District Council had turned down a similar proposal and went to OCC about it. What are Finmere PC doing was asked. The PC need to monitor the page and reply.

Cold Calling Battersea Dogs Home Collectors were around the village recently and PR pointed out to them that Finmere is a no cold calling area. Obviously no other villager had spoken to them about this. It is important that all villagers know that cold calling in a signed area is illegal and that they have the right to challenge all cold callers.

Red Tarmac Path at end of Old Banbury Rd Some years ago PR, who was then a councillor, raised the issue of the tarmac splitting on this path near Foxley Bungalow. At the

time OCC Highways said that the issue was not serious enough to require any remedial action. The issue of the path was raised again last year when PR and other organisers of the Finmere Festival had to cut back the surrounding undergrowth in order for the path to be safely used by fun runners. At that time OCC replied that there was no budget for any work to be carried out. Subsequently however the whole area was cleared and BT carried out work on phone lines in the area. Now PR's wife Carol has fallen and broken her arm, by tripping over a stump sticking up through the tarmac of the path. If BT cleared the land inadequately they may be liable, alternatively if OCC carried out the work for BT they may be liable. SC is to forward all correspondence to PR.

18. DATE OF NEXT MEETING

The date of the next meeting, the Annual Meeting of the Parish Council, is Tuesday 5th of May 2015. The Annual Parish Meeting will be held on Tuesday 12th of May 2015.

The meeting closed at 10.02 p.m.

CORRESPONDENCE CIRCULATED

Clerks and Councils Direct March 2015