

COTSWOLD DISTRICT COUNCIL

EXTRAORDINARY COUNCIL MEETING

18<sup>TH</sup> AUGUST 2015

Present:

Councillor Mark F Annett - Chairman  
Councillor Julian Beale - Vice-Chairman

Councillors -

SI Andrews	RC Hughes
Miss AML Beccle	RL Hughes
AW Berry	Mrs SL Jepson
AR Brassington	RG Keeling
T Cheung	Ms JM Layton
Sue Coakley	MGE MacKenzie-Charrington
Miss AJ Coggins	Jim Parsons
PCB Coleman	NJW Parsons
RW Dutton	SDE Parsons
David Fowles	NP Robbins
C Hancock	Mrs. TL Stevenson
JA Harris	Lynden Stowe
Mrs JM Heaven	R Theodoulou
Mrs JL Hincks	LR Wilkins
SG Hirst	

Apologies:

BS Dare M Harris  
Mrs JC Forde

CL.10 DECLARATIONS OF INTEREST

There were no Declarations of Interest from Members under either the Code of Conduct or Section 106 of the Local Government Finance Act 1992.

There were no declarations of interest by Officers.

Note:

It was explained that Officers had been made aware that a member of the public intended to film the proceedings and, as a result, the Council would be making its own audio recording of the Meeting.

CL.11 PETITION RELATING TO THE COUNCIL'S PROPOSED DEPOT SITE AT SOUTH CERNEY

A Petition was presented by Mrs Patricia Bloxham of South Cerney, as follows:-

*'The residents of South Cerney, visitors to the village and holidaymakers respectfully request that the Cotswold District Council withdraws its plans to build a refuse vehicle depot and Waste Transfer Station in the village. If such a facility is required, an up-to-date and transparent public process of selecting a site should be undertaken, as we the undersigned believe that a site in the village would not be appropriate for such use.'*

A supporting rationale had also been provided, as follows:-

*'We understand that there is the CDC application, we do not want the petition to be seen as a Statutory petition in respect of Planning but we are asking under Part J of the Local Petitions Scheme for full Council debate as the petition is objecting to the principle of that type of development in South Cerney.'*

The Chairman explained that, in accordance with the Council's approved Local Petitions Scheme, the issue would be the subject of a Council debate, as the Petition contained more than the threshold number of signatories (850).

In accordance with the approved Scheme, Mrs Bloxham was then invited to present the Petition.

Mrs Bloxham thanked the Council for the opportunity to present the Petition, which had been signed by over 1,300 people. In her presentation, Mrs Bloxham drew attention to the many objections submitted in relation to the proposed depot, including technical ones, and stressed the belief that the proposed location was highly unsuitable.

Mrs Bloxham explained that, in 2000 South Cerney had been a small village dominated by quarrying; but now many new homes were being built - 650 when all were complete with around 90 already occupied, and many in close proximity to this site. The population had grown from 2,420 in 2001, with a population of 3,500 estimated in 2015. She reminded Members that the location was not only a residential and leisure area, including holiday villages, but also that the business park had 25 hi-tech units which were important for growth in the area, albeit that business park users and employees often parked on Broadway Lane.

On the leisure issue, Mrs Bloxham reported that Hoburne Cotswold currently had some 32,000 visitors annually, and owned the land opposite which had been identified for major expansion. However, this expansion would be unlikely to proceed if the depot site went ahead, to the detriment of the village.

Mrs Bloxham also made reference to the local school, which had grown to 270 since 2001 and would grow further given the on-going development which, in turn, would lead to more children using Broadway Lane - in addition to the many children who caught the bus there to school in Cirencester.

Attention was also drawn to the millions of pounds that had been invested in the Water Park, which now comprised conference, leisure and residential developments, resulting in a very positive upgrading of the image of the area. This attracted many holiday makers to visit and use the lakes, but this required safe roads and pleasant

surroundings. Furthermore, there were now significantly more people cycle along Broadway Lane, which did not have a cycle path.

In conclusion, Mrs Bloxham expressed the view that the current SITA site was totally out-of-keeping with the area, particularly given the significant use by huge waste lorries. She believed that the Council should seek to enhance the image of the village - this was not a heavy industrial site and it was unthinkable to seek a new depot at the proposed location.

The Deputy Leader of the Council and Cabinet Member for Forward Planning, Councillor NJW Parsons, was invited to address the Council. Councillor Parsons explained that the formal response would be shared with Councillor Sue Coakley, Cabinet Member for Environment and Communities.

Councillor Parsons drew attention to the orientation of the site, and displayed plans showing the extent of the village in 1999, the designated B2/B8 site away from the village, the industrial zone, and the southern extent of The Mallards development. Insofar as the current depot was concerned, the planning permission granted in 2000 provided for parking for 30 refuse vehicles, staff vans and access. Councillor Parsons reiterated that planning permission already existed for the use of the site as a vehicle depot, which meant that another operator could use this site as a vehicle depot. In short, if the Council did not buy and use the site, it was highly likely that another company would.

Councillor Coakley reminded Members that the application for the waste transfer site had been withdrawn. She explained that there was already a depot at Packers Leaze and the Council was proposing to buy it and continue the use; it was not possible to conduct negotiations in open session; 90 sites had been assessed in terms of appropriateness of location, highway impact, size of site, need for associated purposes, and the avoidance of heavy vehicle movements through residential areas. Options had been presented In April 2013 in respect of the SITA, T Barry, and Fosse Cross sites - at that time, one Member representing the then Water Park Ward had commented that the SITA site was the best location, but no comments had been received from the other two Ward Members. Following further evaluation, at its Meeting in September 2013, the Council had decided to proceed with the purchase of the SITA site.

The matter was then opened up for debate by the Council.

A number of Members welcomed the Petition, commenting that it had provided the first opportunity for the Council to debate the issue. Those Members considered that the proposed depot should not be located in a village location, close to residential, educational and leisure uses. It was also understood that, although the waste transfer application had been withdrawn, the County Council recommendation was to refuse the proposal on highway/traffic grounds - and Members felt that issues over the visibility splay applied to the current use as much as the waste transfer site proposal, and irrespective of the number of vehicle movements.

A Member expressed the view that whilst residents were content with light industrial use in the area, the SITA site was contrary to Local Plan policies and should not have been granted permission, let alone be suitable for a massive extension. She explained that a previous iteration of the Local Plan, and the Water Park Master Plan, envisaged that, if the previous saw mill was to move/close, permission should be granted for light industrial use. The Member considered that the village had embraced whatever had been imposed upon it - from the Water Park policies, gravel

extraction, brick works development, and now expensive housing developments. She questioned the validity of the B2/B8 use of the SITA site and was firmly of the view that the use should not be intensified.

Another Member stated that Ubico Ltd did an excellent job and would not fold if the preferred site did not proceed. He felt that the petition was reasonable and that the village was not now suitable for this site, given its expansion over the past 12 years. There were now houses in close proximity to the site, and whilst the industrial estate was booming - which was positive - this depot proposal would pollute, not complement it. He also expressed concerns over noise pollution, given that sound travelled, particularly in winter. In addition, reference was made to the importance of leisure and tourism for the economy, with the Hoburne Cotswold site in close proximity, and the Member was concerned that the depot would have an adverse impact in this respect.

Other Members, while acknowledging the concerns of local residents and respecting the demonstration of views, did not feel able to support the Petition. In particular, attention was drawn to the existing permitted use of the site, and the fact that if the Council was not to operate a vehicle depot facility from such site, another operator was likely to do so. It was also pointed out that the SITA site was further away from the main village area than the temporary facility being used by the Council at the T Barry site, and the fact that Council operations there would cease completely if a permanent depot was established at the SITA site.

Reference was made to the comprehensive site selection process that had taken place, and the limited locations available to meet the criteria. In this connection, it was confirmed that the Fosse Cross site was no longer available, as it had been had recently been let on a long lease (leaving only the SITA and T Barry sites from the short-listed options). It was also reiterated that the site was located in a large employment area and, historically, a variety of industrial uses had operated from Broadway Lane.

In response to questions, it was confirmed that a waste transfer site would create more traffic than the vehicle depot, for which it was understood that no highways objections had been raised; no formal objection to use as a storage depot; the fuel store was not part of the original consent; the waste transfer application had been withdrawn so there was no intention to store waste; the SITA site was allocated as B2 general industrial land in 1999; and contracts had been exchanged for the SITA site, with the Council obliged to purchase the site subject to the satisfactory resolution of the planning issues.

The Ward Member congratulated Mrs Bloxham on the Petition, in that it had enabled a very useful debate on the issues, which were wider than planning. He reiterated that the Council was not now considering a waste transfer station use, and that the Water Park vision was supported by the Council. He acknowledged that the transfer from mineral extraction to recreational/tourism activities had been difficult, but had been successful. However, he felt that it was difficult to oppose the way forward given that there was an existing use on this site which cannot be taken away under planning law.

Mrs Bloxham was invited to present her closing statement. Mrs Bloxham referred to the plan used for the original application and explained that there were now 160 homes on the part identified as 'Cerney Works', which works were no longer there and that it was now a residential site; children attended the local school and residents

of the village wanted peaceful lives; the site was down a road used by residents; and Redrow had created a park and people enjoyed using the lake which bordered this site. In summary, she expressed the view that South Cerney was a pleasant 'original' village, and the Water Park was a superb facility, and she urged the Council not to spoil the position by locating its depot site there.

In response, the Deputy Leader of the Council and Cabinet Member for Forward Planning reiterated that the site was not in the village, and that permission already existed for a vehicle depot facility in that location which, if not utilised by the Council, could be used by another operator. Furthermore, the waste transfer element had already been withdrawn. Whilst Councillor Parsons acknowledged that the Petition was reasonable, he could not support it. In the circumstances, he suggested that the Council should respect the petition but continue with the Council's extant decision of 24<sup>th</sup> September 2013.

The Head of Democratic Services explained the options available to the Council, namely (i) to take the action the petition requested, (ii) not to take the action requested for the reasons put forward in the debate, or (iii) to commission further investigation into the matter, for example by the Cabinet or relevant Committee.

In the circumstances, Councillor NJW Parsons Proposed that the Council should not take the action requested for the reasons put forward in the debate; and this Proposition was duly Seconded.

**RESOLVED that the Petition be noted but, for the reasons advanced by the relevant Cabinet Members during the debate, the Council does not agree to take the action requested therein.**

**Record of Voting - for 22, against 9, abstentions 0, absent 3.**

Notes:

(i) In accordance with Council Procedure Rule 16.6, a request was made for a Recorded Vote to be taken in respect of the Proposition and this was supported by the requisite number of Members. The Record of Voting was as follows:-

For: - Councillors SI Andrews, Mark F Annett, Julian Beale, Miss AML Beccle, AW Berry, Sue Coakley, Miss AJ Coggins, RW Dutton, David Fowles, C Hancock, Mrs JM Heaven, SG Hirst, RL Hughes, Mrs SL Jepson, RG Keeling, MGE MacKenzie-Charrington, Jim Parsons, NJW Parsons, Mrs TL Stevenson, Lynden Stowe, R Theodoulou and LR Wilkins - Total: 22;

Against: - Councillors AR Brassington, T Cheung, PCB Coleman, JA Harris, Mrs JL Hincks, RC Hughes, Ms JM Layton, SDE Parsons and NP Robbins - Total: 9;

Abstentions: - Nil;

Absent: - Councillors BS Dare, Mrs JC Forde and M Harris - Total: 3.

(ii) The Chairman thanked Mrs Bloxham for attending the Meeting and presenting the petition; and also the other members of the public who had been in attendance.

CL.12 NOTICE OF MOTION - MOTION 2/2015

In accordance with Council Procedure Rule 12, the following Motion had been Proposed by Councillor Ms JM Layton and seconded by Councillor JA Harris:

*'This Council considers that the complexities and progress for the future use of the South Cerney SITA site has become untenable and that further progress should cease forthwith.*

*The consequent 'breathing space' will allow for clarification of all matters involved so that member and public confidence can be established regarding all issues in respect of transparency, legality and not least morality.'*

Given that the subject matter of the Motion related to the subject matter of the Petition, the Chairman had agreed that the Motion should be debated at this Extraordinary Meeting.

In proposing the Motion, Councillor Ms Layton thanked Members for attending the Meeting and for their debate on the Petition. Notwithstanding the outcome in respect of the Petition, she wished to pursue the Motion as she firmly believed that the proposed 'stepping back' was the right thing to do.

In referring to the various discussions and meetings held at the time of the decision to acquire the SITA site, Councillor Ms Layton explained that she had not been invited to visit the site but had considered it reasonable for use by Ubico Ltd. However, she had not been aware that bulking was a serious issue due to her involvement with other serious issues.

Councillor Ms Layton did not feel that the Council had listened to residents or visitors previously, and was concerned that the village would suffer - existing businesses were already suffering as were house sales, all of which she believed was due to this matter. She also remained very sceptical regarding the withdrawn waste transfer application, and believed that the application was likely to be re-submitted if the waste depot was accepted.

Insofar as site selection was concerned, Councillor Ms Layton was of the opinion that no weight had been given to Local Plan policies, and they had not been referred to in the documents submitted in support of the original planning application, as indeed neither was tourism or the impact on the Hoburne Cotswold Park. She believed that the propose location was unsuitable geographically for the District and that Fosse Cross was the most suitable albeit, for whatever reason, Members were now being told that such site was no longer available.

Councillor Ms Layton reminded Members that the NPPF encouraged pre-application consultations, but that these had not occurred. She also believed that national and local policies had been ignored and that documentation and indeed the process had been changed many times, on the advice of consultants who were being paid significant fees.

In closing, Councillor Ms Layton stated that she wished to amend her original Motion by the addition of a Proposal that the current CLEUD application be withdrawn. She did not feel that such application was a robust piece of work and reiterated her belief that the propose site was not suitable.

Councillor JA Harris confirmed that he was pleased to second the Motion, including the suggested amendment. He thanked Mrs Bloxham for having presented her Petition and the Parish Council and community for backing the

village. He welcomed the opportunity to debate an issue which not only mattered to South Cerney but also affected the whole of the District. He did not feel that the Council was demonstrating community leadership on this issue, and contended that support for the Motion provided an opportunity to change perceptions.

Councillor Harris drew attention to the significant local opposition to the proposal, and emphasised that the proposed location was wrong given growth in the village, increased tourism, and booming business. Given the extent of the District, he failed to understand why an alternative suitable site could not be found, away from residential properties. He also could not understand why, from a transparency perspective, the Council had chosen not to pursue a planning application but had reverted to the CLEUD proposition. For these reasons, and also having regard to the expenditure incurred to date, Councillor Harris felt that it was sensible to pause and seek a cost-effective solution - to stop the process would help to restore morality and confidence, something which he believed that the Council owed to its tax-payers.

The Deputy Leader of the Council and Cabinet Member for Forward Planning stated that Councillors had not been excluded from the debate on this issue, and reminded Members of the full debate that had occurred at the Council Meeting on 24th September 2013 when the capital allocation and the extent of the development had been raised, i.e. it had not been done in a closed way. He reiterated that the proposed site had an existing permitted use and that the Council was merely proposing to continue that use. He was also of the opinion that it would be difficult to find another suitable site elsewhere in the District given the extent of the Area of Outstanding Beauty.

The Cabinet Member for Environment and Communities reminded Members that planning legislation dictated how issues should be dealt with and, based on the legislation and external advice, the approval process had to be via a CLUED, rather than planning, application. The Cabinet Member also confirmed that it was legally permissible for the Council to determine its own applications but, in the case of the CLEUD, and on the grounds of transparency, independent legal/professional advice had been sought and any decision would reflect such advice.

Some Members were of the view that the extent of the site, or detail of the precise usage, had not been made known to Members. While continued use on a like-for-like basis, based on the original permission, could be acceptable, an intensification or extended use was not supported.

Another Member believed that the Council should consider the District in its widest sense - this issue was about how the Council could continue to transform communities based on the fact that the Cotswolds had over the years been transformed to a prosperous area and was now a magnet for tourism and industry. It was important for people have a say in transformation and direction, and the Water Park was an excellent example of such transformation in practice. On the specific issue, he was of the opinion that a more suitable site could be found.

Councillor Ms Layton was invited to sum-up. In reaffirming her previous concerns, she also referred to the fact that SITA had breached the original permission, and questioned why this had not been picked up by Council Officers as part of on-going contract maintenance. He thanked the Council for its support of the Motion.

Councillor Ms Layton confirmed her commitment to the Motion and felt that much could be achieved by holding back on any further action for the time being and, more

importantly, by withdrawing the CLUED application - which proposal she wished to incorporate by way of an amendment to her original Motion.

It was confirmed that the amendment of the Motion was Constitutionally acceptable, with the consent of the Meeting. In this connection, there were no objections, and the Secunder of the original Motion was content with such amendment.

The amended Motion was therefore as follows:-

*'This Council considers that the complexities and progress for the future use of the South Cerney SITA site has become untenable and that further progress should cease forthwith.*

*The consequent 'breathing space' will allow for clarification of all matters involved so that member and public confidence can be established regarding all issues in respect of transparency, legality and not least morality.*

*The application for the CLEUD be withdrawn.'*

In accordance with Council Procedure Rule 16.6, a request was made for a Recorded Vote to be taken in respect of the Motion, as amended, and this was supported by the requisite number of Members.

Upon being put to the vote, the amended Motion was LOST.

Note:

The Record of Voting (via the required Recorded Vote) was as follows:-

For: - Councillors AR Brassington, T Cheung, PCB Coleman, JA Harris, Mrs JL Hincks, RC Hughes, Ms JM Layton and NP Robbins - Total: 8;

Against: - Councillors SI Andrews, Mark F Annett, Julian Beale, Miss AML Beccle, AW Berry, Sue Coakley, Miss AJ Coggins, RW Dutton, David Fowles, C Hancock, Mrs JM Heaven, SG Hirst, RL Hughes, Mrs SL Jepson, RG Keeling, MGE MacKenzie-Charrington, NJW Parsons, Mrs TL Stevenson, Lynden Stowe, R Theodoulou and LR Wilkins - Total: 21;

Abstentions: - Councillors Jim Parsons and SDE Parsons - Total: 2;

Absent: - Councillors BS Dare, Mrs JC Forde and M Harris - Total: 3.

The Meeting commenced at 11.05 a.m. and closed at 12.35 p.m.

Chairman

(END)