

**MINUTES OF A MEETING OF THE DEVELOPMENT AND REGULATION
COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON 22 NOVEMBER
2013**

Present

Cllr R Boyce (Chairman)
Cllr J Abbott
Cllr K Bobbin
Cllr A Brown
Cllr P Channer
Cllr C Guglielmi

Cllr J Lodge
Cllr M Mackrory
Cllr Lady P Newton
Cllr J Reeves
Cllr S Walsh

1. Apologies and Substitution Notices

Apologies were received from Cllr M Ellis.

2. Declarations of Interest

There were no declarations of interest.

3. Minutes

The Minutes and Addendum of the Committee held on 25 October 2013 were agreed and signed by the Chairman.

4. Identification of Items Involving Public Speaking

There were none identified.

Minerals and Waste

5. Birch Airfield, Colchester

The Committee considered report DR/51/13 by the Director for Operations, Environment and Economy.

The Committee was advised that the proposal seeks to increase the number of daily vehicular movements entering and leaving the site.

Policies relevant to the application were detailed in the report.

Details of Consultation and Representations received were set out in the report.

The Committee noted the key issues that were:

- Need and Principle of Development
- Impact on Amenity
- Human Rights.

In response to questions and concerns raised, Members were informed that:

- The figures given for vehicular movements in line 4 of the final paragraph of page 30 of the document as published should read “12 in and 12 out”
- Some vehicles have had to be turned away from the site, because of the restrictions on numbers; these would then have to travel to stations at Epping and Basildon. There were no statistics available on the actual numbers of these, as only vehicles accepted onto the site were registered.
- There would be no increase in overall tonnage permitted
- A permanent condition was recommended under the extant permanent permission.

The resolution was moved, seconded and following a vote of nine in favour and none against, with Councillors Abbott and Lady Newton abstaining, it was

Resolved

That:

i) Planning permission be granted subject to the amended wording of Condition 22 (of permission ESS/07/09/COL) to state:

“The total number of heavy goods vehicles (HGV) movements associated with the development hereby permitted shall not exceed the following limits:

44 movements (22 in and 22 out) per day (Monday to Friday)

14 movements (7 in and 7 out) per day (Saturdays, Sundays and Public Holidays).

and:

ii) All other conditions of planning permission ESS/07/09/COL be re-imposed and updated as appropriate.

6. Mid Essex Gravel Pit, Little Waltham

The Committee considered report DR/52/13 by the Director for Operations, Environment and Economy.

The Members of the Committee noted the contents of the Addendum attached to these minutes.

The Committee was advised that the proposal was a variation and proposed removal of condition application, seeking the continuation of waste transfer and recycling operations without compliance with certain conditions.

Policies relevant to the application were detailed in the report.

Details of Consultation and Representations received were set out in the report.

The Committee noted the key issues that were:

- Planning History & Need
- Proposed Operations
- Impact on Amenity, Landscape & the NCAAP

In response to questions and concerns raised, Members were informed that:

- The references to emails under Conditions 1 and 15 were necessary for completeness
- Although there were some historical issues relating to non-compliance, officers would seek to ensure that the area was cleared by the end of 2014; and the Committee would receive an update at the end of 2014.

The resolution was moved, seconded and unanimously agreed and it was

Resolved:

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the details of the application (ESS/03/08/CHL) received on 21 January 2008 together with Noise Survey undertaken by Bickerdike Allen Partners dated 8 May 2008, Noise Assessment by AERC Ltd dated June 2006, Safer Places Statement dated 30 April 2008, Flood Risk Assessment received 21 January 2008, Visual Impact Assessment received 21 January 2008, Environmental, Remedial and Geotechnical Options Appraisal received 21 January 2008, Planning Statement received 21 January 2008, Design and Access Statement received 21 January 2008, Transport Statement received 21 January 2008, Emails from Sarah Stevens dated 3 & 17 March 2008 and 13 May 2008, Letter from ETC dated 31 March 2008, Letter from Turley Associates dated 17 January 2008, 11 March 2008 & 3 April 2008, Drawing Numbers 1991-SK-CA-3-Redline Rev D (Site Plan – Red Line) dated 16 January 2008, 1991-SK-CA-0-003 (Existing Site Plan), 1991-SK-CA-003-3 Rev D (Site Plan), 1991-SK-CA-3-000 Rev H (Plan detailed), 1991-SK-CA-3-002 Rev D (Sections), 1991-SK-CA-3-003 Rev E (Elevations), 1991-SK-CA-3-004 Rev F (Workshop elevations & office buildings plan & elevations), L07/04/02 (indicative landscape & strategy plan), Illustrative Drawings 1991-SK-CA-0-000 Rev C (General Layout 'master plan'), 1991-SK-CA-3-005 (Workshop plan), 1991-SK-CA-3-006 (Plan and elevation of workshop equipment) dated 4 February 2008, details of the application (ESS/49/09/CHL) dated 3 November 2009 together with Drawing Number 98066/PA/01 (Site Location Plan) dated November 2009, Drawing Number 98066/PA/02 (Red Line Application Boundary) dated November 2009, email from John Wilson, AMEC Earth & Environmental dated 13 November 2009, email from Jane Moseley, AMEC Earth & Environmental dated 26 November 2009, details of the application (ESS/12/11/CHL) dated 7 February 2011 together with Drawing Number 7888010081/PA/03 (Red Line Application Boundary) dated February 2011 and Planning Statement (reference: 7888010054), dated 7 February 2011; as amended by the details of application ref ESS/02/12/CHL dated 20 December 2011 together with document titled 'Validation Form 1' received on 29 December 2011, drawing number 1991-SK-CA-3-Redline Rev D received on 29 December 2011 and drawing number AQA1AR-SK408 Rev P1 dated Dec 2011; and the details of application ref ESS/42/13/CHL dated 17 July 2013 together document

titled 'Planning Application for Variation of Conditions' dated July 2013 (excluding all references to the storage and processing of waste wood), additional statement titled 'Ref: Planning Variation ESS/42/13/CHL' dated 20 October 2013 and diagram titled 'Inert/Recyclables Storage Area' which highlights in green the area for outside working, and in accordance with any non-material amendment(s) as may be subsequently approve in writing by the Waste Planning Authority, except as varied by the following conditions:

2. The throughput of waste at the site shall not exceed 150,000 tonnes per annum. The operators shall maintain records of their monthly and annual throughput which shall be made available to the Waste Planning Authority within 14 days of a written request.
3. The handling, deposit, processing or transfer of waste outside the confines of the building approved as part of this permission shall only be permitted until 31 December 2014 after which time no handling, deposit, processing or transfer of waste shall take place on site outside the confines of the building approved for this purpose..
4. Machinery to be used and storage bays shall be in accordance with diagram titled 'Inert/Recyclables Storage Area', submitted as part of application ref ESS/42/13/CHL and for phase two letters dated 10 & 17 June 2009 and Drawing Number AQA1A-SK404 Revision P1 (Location of External Equipment Phase 2) dated June 2009 approved by the Waste Planning Authority on 17 August 2009 under planning permission ESS/03/08/CHL. The development hereby permitted shall be implemented in accordance with the approved scheme(s).
5. The access and outside areas used in connection with the development hereby permitted shall be sprayed with water during dry weather conditions to prevent dust nuisance.
6. The outside stockpiles used in connection with the development hereby permitted shall be dampened in dry weather conditions to prevent dust nuisance.
7. No loaded vehicles shall leave the site un-sheeted.
8. No material (including waste) and/or skips shall be stockpiled or deposited to a height exceeding 3 metres from ground level.
9. All plant and machinery shall be silenced at all times in accordance with manufacturer's recommendations.
10. Parking layout and turning tables for vehicle manoeuvring shall be in accordance with letter dated 28 May and Drawing Numbers AQA1A-201 Revision T1 (Tracking in and out on weighbridges) dated March 2009, AQA1A-202 Revision T1 (Tracking in and out from building) dated March 2009, AQA1A0293 Revision T1 (Tracking through weighbridge and reverse into building) dated March 2009, AQA1-106 Revision P1 (Swept path layout) dated August 2008 and

AQA1-100 Revision T2 (Site layout) approved by the Waste Planning Authority on 17 August 2009 under planning permission reference ESS/03/08/CHL. The development hereby permitted shall be implemented in accordance with the approved scheme.

11. Boundary fences and walls shall be in accordance with letters dated 28 May and 30 July 2009 and Drawing Number AQA1A-SK405 Revision P1 (Location of boundary fences Phase 1 and 2) dated July 2009 approved by the Waste Planning Authority on 17 August 2009 under planning permission reference ESS/03/08/CHL. The development hereby permitted shall be implemented in accordance with the approved scheme.

12. Landscaping of the site shall be in accordance with the letter dated 17 June 2009 approved by the Waste Planning Authority on 17 August 2009 under planning permission reference ESS/03/08/CHL. The development hereby permitted shall be in accordance with the approved landscaping scheme.

13. Any tree or shrub forming part of the approved landscaping scheme as set out in the letter from Clark Smith Partnership dated 17 June 2009 and approved by the Waste Planning Authority on 17 August 2009 under planning permission reference ESS/03/08/CHL that dies, is damaged, diseased or removed within the period of 5 years after the completion of operations shall be replaced in the next available planting season (October to March inclusive) with a tree or shrub to be agreed in writing with the Waste Planning Authority.

14. Existing and finished site levels, finished floor and ridge levels of the buildings and finished external surface levels shall be in accordance with the letters dated 28 May 2009 and 30 July 2009 and Drawing Number AQA1A-SK406 Revision P1 (Elevation and section of proposed building) dated July 2009 approved by the Waste Planning Authority on 17 August 2009 under planning permission reference ESS/03/08/CHL. The development hereby permitted shall be implemented in accordance with the approved scheme.

15. External lighting and security measures shall be implemented and maintained in accordance with emails from David Clark received 16/10/2010, 21/10/2010 and 26/04/2010 and email from Faircloth, dated 07/05/2010.

16. Surface water drainage shall be in accordance with the letter dated 28 May 2009 approved by the Waste Planning Authority on 17 August 2009 under planning permission reference ESS/03/08/CHL. The development hereby permitted shall be in accordance with the approved scheme.

17. The development shall be carried out in accordance with the scheme submitted in relation to contamination of the site, received 29/05/2009 titled 'Summary Report on site investigation on Plot 3, Regiment Business Park, Chelmsford, Essex' (Report No: P5206/U11), dated 13th February 2009 and prepared by Geotechnical Developments (UK) Ltd. During the construction phase of the development if any contamination not previously identified is found to be present on site then the construction phase of the development shall cease (unless otherwise agreed by the Waste Planning Authority in writing) until the

written approval of the Waste Planning Authority has been obtained for a method statement detailing how the suspected contamination shall be dealt with.

18. Provision and implementation of foul water drainage shall be in accordance with letters dated 28 May 2009 and 30 July 2009 and Drawing Number FAR140-103 Revision C6 (Drainage layout) dated 23 May 2009 approved by the Waste Planning Authority on 17 August 2009 under planning permission reference ESS/03/08/CHL. The development hereby permitted shall be implemented in accordance with the approved scheme.

19. Foul water drainage shall be maintained in accordance with the letter dated 28 May 2009 approved by the Waste Planning Authority on 17 August 2009 under planning permission reference ESS/03/08/CHL. The development hereby permitted shall be implemented in accordance with the approved scheme.

20. Facing materials shall be in accordance with the letter dated 28 May 2009 approved by the Waste Planning Authority on 17 August 2009 under planning permission reference ESS/03/08/CHL. The development hereby permitted shall be implemented in accordance with the approved scheme.

21. During operational phases, wherever practicable any doors (including shutters doors) and windows should be kept closed. Noisy activities that occur externally within the site boundary should not occur before 7am. The free-field Equivalent Continuous Noise Level (rating level LAeq,T/LAeq,1 hour as defined in BS 4142) at noise sensitive premises near the site, due to permitted operations on site, shall not exceed the limit of Background Level (La90) without the permitted operations +5dB.

22. Noise levels shall be monitored by the operating company at six monthly intervals at the above locations. The monitoring survey shall be for a minimum of two separate 15 minute periods at each location used within the Bickerdiike Allen Partners Background Noise Survey dated 8 May 2008 during all permitted operations and should avoid meal breaks and periods of plant breakdown. The frequency and duration of such monitoring may be modified at the discretion of the Waste Planning Authority. The monitoring may be required more frequently where it becomes necessary to demonstrate continuing compliance with the limiting noise levels specified above, or less frequently where the need does not arise. Monitoring should only be undertaken in calm weather conditions or at receptors with a component of wind blowing from the site. Monitoring should generally be avoided in conditions of wind speeds greater than 5m/sec average; rain; low temperatures (<3 degrees C). All noise measurements taken shall have regard to the effects of extraneous noise and shall be corrected for any such effects. The monitoring shall include the LAeq, 1 hour dB noise levels both with and without the permitted operations, the prevailing weather conditions, details of the measurement equipment used and its calibration and comments on the sources of noise which control the noise climate. The results shall be kept by the operating company during the life of the permitted operations and a copy shall be supplied to the Waste Planning Authority.

23. The development hereby permitted shall only be carried out during the following times:

06:00 – 18:00	Monday to Friday
06:00 – 13:00	Saturday

And at no other time on Sundays, Bank or Public Holidays unless otherwise agreed in writing with the Waste Planning Authority.

24. The surfaced section of the access road from the junction with Essex Regiment Way (A130) shall be kept free of mud, dust and detritus to ensure that such material is not carried onto the public highway.

25. There shall be no more than 400 heavy goods vehicle movements (200 in and 200 out) at the site in any one working day Monday to Friday and no more than 300 heavy goods vehicle movements (150 in and 150 out) on Saturdays. No vehicle movements shall take place outside the hours of operation authorised in Condition 23 of this permission.

26. Details and elevations of the weighbridge and fuelling point shall be in accordance with the letter dated 28 May 2009 and Drawing Number AQA1-105 Revision T1 (Weighbridge setting out) dated October 2008 and AQA1-107 Revision T1 (Weighbridge foundation arrangement) dated November 2008 approved by the Waste Planning Authority on 17 August 2009 under planning permission reference ESS/03/08/CHL. The development hereby permitted shall be implemented in accordance with the approved scheme.

27. No development permitted under planning permission ref ESS/02/12/CHL shall take place until details of the management of the potential migration of odours and dust escaping the waste transfer building have been submitted to, and approved in writing by the Waste Planning Authority.

INFORMATIVE

1. Consideration should be given for the provision of a further suitable water supply to be made available closer to the site.

7. Land at Park Farm, Chelmsford

The Committee considered report DR/53/13 by the Director for Operations, Environment and Economy.

The Committee was advised that the proposal related to the previous decision to grant planning permission in respect of the winning and working of sand and gravel and associated dry screen processing plant, temporary storage of minerals and soils and associated infrastructure.

It was noted that with respect to policies relevant to the sterilisation of minerals the policies within the Replacement Structure Plan and Regional Spatial Strategy

no longer formed part of the Development Plan, but the principle was now supported within the NPPF and by emerging policy S8 of the Replacement Minerals Local Plan. Other than this change there were no other material considerations affecting the original resolution.

The resolution was moved, seconded and unanimously agreed and it was:

Resolved:

That:

- 1 The Committee re-endorse the previous decision to grant planning permission subject to the head of terms of the legal agreement and planning conditions as set out below, and;
- 2 A further report be submitted to the Committee should negotiations not proceed towards signing the necessary legal agreement by the end of May 2014 to allow Members to review progress.

Heads of terms of the legal agreement(s)

The prior completion, within 6 months, of Legal Agreements under the Planning Acts to secure obligations or such alternative forms as may be agreed by the Director for Operations, Environment and Economy and the County Council's Legal Officer, following further discussions with the applicant to cover the following matters:

- The scheme of obligations relating to the application site as currently set out within the existing s52 legal agreement associated with planning permissions CHL/1890/87 and CHL/1019/87 will require to be altered and/or restructured or a new legal agreement agreed to take account of the proposals.
- Not to commence implementation of the mineral/backfill development until lawful commencement of GBP development (CCC application ref: 09/01314/EIA).
- Prior to commencement of the mineral/backfill development to obtain approval from ECC of the habitat management plan as required by CCC application reference ref: 09/01314/EIA, subject to Chelmsford City Council confirming they intend to approve the same habitat management plan.
- Prior to commencement of the mineral development to obtain approval from ECC of the construction and environmental management plan as required by CCC application ref: 09/01314/EIA, subject to Chelmsford City Council being in a position confirming they intend to approve the same construction and environmental management plan.
- Prior to commencement of dewatering of the application site to obtain approval from ECC of the drainage management system (in particular with respect to the settlement pond and discharge of water resulting from

dewatering and surface water from the application site) as required by CCC application Ref. 09/01314/EIA, subject to Chelmsford City Council confirming they intend to approve the same drainage management system.

- Groundwater monitoring outside the application site as described within the application and Environmental Statement
- Scheme of mitigation to be submitted should the water level in ponds outside the site drop significantly due to activities associated with the mineral/backfill development.
- Requirement for applicant to serve Unilateral Undertakings (UU) (the wording of which to be agreed in advance with MPA) on licensed abstractors. The UUs obligating to put licensed abstractors on mains water supply should there be significant detrimental impact upon water abstractions resulting from the mineral/backfill development.
- Early implementation of planting on the north and west boundary of New Hall School, as proposed by planning application CCC Ref: 09/01314/EIA.
- Access/egress to and from the public highway for vehicles associated with the mineral/backfill development only at locations as approved under planning application CCC Ref: 09/01314/EIA

Planning permission be granted subject to the conditions

Conditions relating to the following matters:

- COMM1 Commencement within 5 years
- COM3 Compliance with Submitted Details
- PROD 1 Export restriction - no greater rate than 325,000 tonnes per annum
- CESS5 Cessation of Mineral Development within 4 years, cessation of landfilling and restoration within 8 years except for restoration of boundary with Bulls Lodge Quarry extraction
- CESS3 Removal of Ancillary Development
- CESS7 Revised Restoration in Event of Suspension of Operations
- HOUR2 Hours of working (Mineral Specific)
07:00 to 18:30 hours Monday to Friday
07:00 to 13:00 hours Saturdays
and at no other times or on Sundays, Bank or Public Holidays.
- The schedule of work and timescales shall be carried out to accommodate the infrastructure delivery plan set out in the proposal of application ref. 09/01314/EIA
- South and east facing slopes of stores of overburden and subsoil shall be no greater than 1:3 and shall be topsoiled and seeded in first available planting season and subject to a programme of maintenance
- LGHT1 Fixed Lighting Restriction
- ECO3 Protection of Breeding Birds
- Submission of method statement with respect to removal of hedgerow
- Scheme of mitigation should ponds within the site dry due to mineral operations

- 10m standoff to all retained hedgerow and hedgerow trees
- NSE1 Noise Limits
- NSE2 Temporary Noisy Operations
- NSE3 Monitoring Noise Levels
- NSE5 White Noise Alarms
- NSE6 Silencing of Plant and Machinery
- HIGH3 Surfacing/Maintenance of Haul Road
- HIGH2 Vehicular Access
- DUST1 Dust Suppression Scheme – including source of water for dust suppression
- POLL6 Groundwater Monitoring
- Flood risk mitigation in accordance with FRA Dec 2011
- Details of method of soil stripping and placement
- LS4 Stripping of Top and Subsoil
- LS5 Maintenance of Bunds
- LS8 Soil Handled in a Dry and Friable Condition
- LS10 Notification of Commencement of Soil Stripping
- LS12 Topsoil and Subsoil Storage
- ARC1 Advance Archaeological Investigation
- No material other than overburden, subsoils and excavation waste (except topsoils) shall be disposed in the void
- POLL 4 Fuel/Chemical Storage
- POLL 8 Prevention of Plant and Machinery Pollution
- Scheme for removal of suspended solids from surface water run-off
- RES4 Final Landform
- Interim restoration scheme to rough grassland for phases where infilling complete, but redevelopment under GBP development not planned within 6 months
- Submission of restoration details for northern boundary area as indicated hatched on ES4.16 ensuring levels tie in with those permitted as part of CHL/1890/87 or any subsequent amendment
- Nature and use of infilling materials in accordance with report by URS Mineral Extraction and Backfill dated May 2012 and ensure the made up ground over which the Radial Distributor Road associated with application Ref 09/01314/EIA being dealt with by CCC is backfilled with appropriate material and compacted to finished levels to support the new RDR design requirements.
- MIN1 No Importation
- WAST6 No Crushing of Stone
- GPDO2 Removal of PD Rights
- Scheme of mitigation should ponds inside the site dry due to mineral operations
- No extraction or infilling at the site 4 years after commencement until the submission and approval of a reassessment of the impact of the proposals on ecology and the water environment.
- Submission of details of use of surplus topsoils.

Enforcement Update

8. Land at Dairy House Farm, Great Holland

The Committee considered report DR/54/13 by the Director for Operations, Environment and Economy.

The Committee was advised that the proposal related to an enforcement order ceasing the unauthorised extraction and exportation of sand and gravel from the land and the importation and deposition of waste materials and consequential raising of the land levels, as reported to the Committee on 25 October 2013.

Members noted that no further mineral extraction or exportation has taken place and the land has been restored to its former agricultural use and the field has been returned to an acceptable condition.

9. Land at Allens Farm, Elmstead

The Committee considered report DR/55/13 by the Director for Operations, Environment and Economy.

The Committee was advised that the proposal related to an enforcement order ceasing the unauthorised extraction and exportation of sand and gravel from the land and the importation and deposition of waste materials on to the land for refilling.

Members noted that all activities have ceased on the land.

The resolution was moved, seconded and unanimously agreed and it was:

Resolved:

That:

Subject to no further extraction and exportation of mineral taking place, no further action is taken, provided the land is restored to an acceptable standard.

10. Dannatts Quarry, Hatfield Peverel

The Committee considered report DR/56/13 by the Director for Operations, Environment and Economy.

The Committee NOTED the report and the resolution was moved, seconded and unanimously agreed and it was:

Resolved:

That a further report be presented at the January 2014 meeting.

Councillor Channer left the meeting at 11.35 am, returning at 11.39 am.

Appeal Decision

11. Mackers Metals Ltd, Laindon

The Committee considered report DR/57/13 by the Director for Operations, Environment and Economy.

Members were informed that the appeal had been dismissed by the Inspector.

The Committee **NOTED** the report.

12. Public Speaking at Committee

The Committee considered report DR/58/13, which looked at whether changes should be made to the existing arrangements for public speakers at meetings of the Committee.

Several points were raised by Members:

- There were restrictions on filming and recording of meetings – were these necessary - or even enforceable with modern equipment? It was pointed out that the Chairman was able to exercise his discretion in this, and so gave an element of control over the meeting. He generally had no problems with it, but he did suggest that perhaps not every individual who wished to speak at meetings would be happy being recorded. Meetings had been webcast in the past
- The protocol adopted by the Committee seems outdated and over-complicated; it should be simplified, allowing a certain time for registered individuals to speak. The Chairman responded that generally, the restrictions are generally in line with other councils in Essex.
- It was pointed out that the Corporate Scrutiny Committee was trying to set up a Task & Finish Group to consider the issue of public speaking at meetings. D&R meetings may not quite fall into the same category as others, such as Cabinet and Scrutiny, but the Group's findings may be of interest to the Committee.
- Clarification was sought on the relationship between speakers from district and parish councils, in view of the reference made in the paper. It was suggested that the intention was not to disenfranchise the parishes in any way; parish councillors did not require approval from the district to speak, but on an occasion that both had expressed the wish to speak and their views concurred, then the district would prevail in that instance.
- One Member proposed that a decision on whether to make any changes to the existing arrangements should not be taken at this meeting but deferred. This was seconded and, with 9 voting for the amended proposal,

It was **AGREED** to defer the decision until the findings of the Task & Finish Group were known.

13. Statistics

The Committee considered report DR/59/13, Applications, Enforcement and Appeals Statistics, as at end of the previous month, by the Head of Planning, Environment and Economic Growth.

The Committee **NOTED** the report.

14. Date and Time of Next Meeting

The Committee noted that the next meeting will be held on Friday 13 December 2013 at 10.30am in Committee Room 1.

There being no further business the meeting closed at 12.02pm.

Chairman