

MINUTES OF A MEETING OF THE DEVELOPMENT AND REGULATION COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON 23 AUGUST 2013

Present

Cllr R Boyce (Chairman)
Cllr J Abbott
Cllr K Bobbin
Cllr A Brown
Cllr P Channer
Cllr M Ellis

Cllr C Guglielmi
Cllr M Mackrory
Cllr Lady P Newton
Cllr J Reeves
Cllr S Walsh

1. Apologies and Substitution Notices

Apologies were received from Cllr John Lodge.

2. Declarations of Interest

Cllr Abbott and Cllr Lady Newton declared a non-pecuniary interest in item 5a, Bluebridge Industrial Estate, both being Members of Braintree District Council.

3. Minutes

The Minutes and Addendum of the Committee held on 26 July 2013 were agreed and signed by the Chairman subject to the declarations made by Cllr Lady Newton and Cllr Abbott under item 2 being recorded as non-pecuniary interests rather than a personal interest.

4. Identification of Items Involving Public Speaking

The persons identified to speak in accordance with the procedure were identified for the following items:

Continuation of development for an anaerobic digestion plant including combined heat and power with associated offices and new access without compliance with condition 2 (Compliance with Submitted Details) and 15 (Provision and Maintenance of Parking Areas) attached to planning permission ESS/25/10/BTE to allow amendments to the design of the scheme.

Location: Land north of Bluebridge Industrial Estate, Halstead, Essex

Ref: ESS/28/13/BTE

Public Speaker: Jennie Sutton speaking against

The importation of 50,000m³ of inert material suitable to correct the differential settlement and reprofile the site and a revised restoration scheme with afteruse to energy crops and conservation grassland.

Location: Ongar Landfill, Mill Lane, High Ongar, Essex, CM5 9RG.

Ref: ESS/11/13/EPF

Public Speaker: Derek Jacobs speaking against
Stuart Markham speaking for

5. Bluebridge Industrial Estate

The Committee considered report DR/33/13 by the Head of Planning, Environmental and Economic Growth.

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

The Committee was advised that the original proposal was for (ESS/25/10/BTE) was submitted in July 2010 by the former applicant, Glendale Power Limited. In November 2012 the current applicant (Tamar Energy) acquired the lease to develop and operate the AD facility granted in March 2011. However, the design submitted by the former applicant utilised a different AD process compared to the type used by the current applicant. This change in AD process has meant that the current applicant has needed to make changes to the design of the originally permitted scheme, as follows:

1. Replacement of secondary digester (incorporating the gas holder) with two buffer tanks, a separate gas holder and post digestion storage tank;
 2. Increase in the height of the primary digester by 3m;
 3. Replacement of liquor tanks with a pasteurisation plant;
 4. Removal of solids receiving building;
 5. Replacement of two covered underground biofilters with one covered above ground odour control unit;
 6. Increase in the area of soft landscaping (450m²);
 7. Reduction of the height of the engine/amenity building, increase the internal floor space and repositioning of the CHP/boiler flue stack;
 8. Adjustments to the fenestration on the store/machinery building and the engine/amenity building;
 9. Identification of location for the stand-by flare stack;
 10. Introduction of a transformer and roadside kiosk;
 11. Removal of external wheelwash and provision of an internal vehicle wash down area;
 12. Adjustment to car parking layout, and;
 13. Provision of maintenance access track to the receiving facilities building.
- The receiving facilities building floor space has been reduced from 532m² to 495m² (a reduction of 37m²)

There are no proposed changes to the hours of operation, vehicular movements, type or amount of waste accepted onsite.

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
- Design, Landscape and visual Impact
- Impact upon Amenity
- Traffic & Highways
- Human Rights

In accordance with the protocol on public speaking the Committee was addressed by Jennie Sutton. Mrs Sutton said:

- Halstead Town Council has expressed concerns over the lack of community engagement, traffic and the foot and bridle path to the north of the development.
- Braintree District Council has also objected to the proposed alterations.
- There has been little evidence of community engagement or proper consultation.
- An environmental impact assessment should have been carried out.
- A full traffic impact assessment should have been carried out on the town's road network.
- Local residents have no objection to the plant and what it does but they are becoming increasingly concerned about the amount of traffic the site will generate.

In response to questions raised, Members were informed that:

- The Environment Agency will control the development through an environmental permit
- The original applicant stated they had consulted with local residents and the planning authority has carried out a statutory consultation for both applications.
- A condition of the original application requires the applicant to submit a satisfactory lighting plan that would require approval.
- The County Landscape Advisor has agreed the landscaping should be established within a 12 to 15 year period.
- The flare stack will only operate in an emergency procedure.

The resolution was moved, seconded and following a vote of ten in favour and none against, with Cllr Abbott abstaining it was:

Resolved:

That planning permission be granted subject to the amendment of the existing legal agreement (to reflect the revised application reference ESS/28/13/BTE) and amended wording of Condition 2 and Condition 15 (of permission ESS/25/10/BTE) to state:

Condition 2

‘The development hereby permitted shall be carried out in accordance with the details of the application dated 05 July 2010 and supplementary information dated July 2010, as amended by the application and supplementary information dated 5 June 2013, together with drawing numbers;

13005_05 Rev P3
13005_06 Rev P3
13005_07 Rev P3
JBA 13/59-TS01 Rev B
JBA 13/59-01 Rev B
'Promap site plan 1:2500 @ A3',

e-mails from Jeremy Elden dated 28 July 2010, 05 August 2010, 06 August 2010, 20 August 2010 17:22 and 19.46, 26 August 2010, 31 August 2010, 01 September 2010, 15 September 2010, 22 September 2010, 05 October 2010 15:10 and 15:49,

e-mails from Matt Clarke date 07 July 2010, 02 September 2010 09.48 and 15.07, 03 September 2010,

the contents of the Design and Access Statement received 07 July 2010, as updated June 2013,
the contents of the Planning Statement dated June 2010, as updated June 2013,
the Highways Traffic and Transport Statement dated 17 June 2010,
the Landscape and Visual Impact Assessment dated February 2010, as updated June 2013,
Measured Works Schedule dated 28 May 2013,
Management Statement dated April 2013,
Arboricultural Implications Assessment dated October 2009,
Flood Risk Assessment dated May 2010,
Phase 1 habitat Survey dated 04 October 2009,
Reptile Survey dated 04 October 2009,
Air Quality Assessment dated June 2010 and Wardell Armstrong Air Considerations Note,
Noise Assessment dated June 2010 and Wardell Armstrong Noise Considerations Note,
Site Check Environmental Risk Assessment dated 13 March 2007,

and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Waste Planning Authority, except as varied by the following conditions':-

Condition 15:

'No beneficial occupation of the development hereby permitted shall take place until parking areas as indicated on plan 13005_05 Rev P3 have been laid out and clearly marked for the parking of cars, lorries and any other vehicles that may use the site, including motorcycles, bicycles and provision for the mobility impaired. The parking areas shall be permanently retained and maintained for parking and shall be used for no other purpose'.

And:

All other conditions of planning permission ESS/25/10/BTE be re-imposed and updated as appropriate.

6. Ongar Landfill

The Committee considered report DR/34/13 by the Head of Planning, Environmental and Economic Growth.

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

The Committee was advised that the proposal was for The importation of 50,000m³ of inert material suitable to correct the differential settlement and reprofile the site and a revised restoration scheme with afteruse to energy crops and conservation grassland.

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
- Green Belt
- Landscape and visual Impact
- Noise, dust & odour
- Traffic & Highways
- Hours of Operation
- Ecology
- Footpaths
- Restoration

In accordance with the protocol on public speaking the Committee was addressed by Derek Jacobs. Mr Jacobs raised a number of questions and concerns:

- Will the time allocation of lorry movements be monitored
- Have the existing site contours been checked and is the reprofiling necessary
- Could the restoration be carried out in a shorter period of time than two years

Stuart Markham then addressed the meeting. Mr Markham said:

- This application will allow the importation of 50,000m³ over a period of no more than two years to reprofile the site and address differential settlement that has occurred since the site closed.
- The work will help protect the land fill cap, allow surface water to run off and avoid the emission of gas and the potential for fire.
- The restoration will allow machinery to manage the weeds and allow the land to be used for agriculture.

- Working closely with Planning Officers and local residents it has been agreed that all material deliveries to site will avoid Ongar High Street.
- The restoration will be easy to manage in the future and have a positive impact on the environment.

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

- The applicant has stated they would get all the material required within two years.
- The applicant was amenable to restrict Saturday operation times to 8:00 to 13:00
- Noise monitoring is dealt with under condition 13 and there would be a small weighbridge office on site together with necessary staff facilities.
- This application was encouraged to help address and resolve the existing problems on site.
- The site has deteriorated to a level that requires an increased amount of materials to be imported
- The Environment Agency will monitor imports and exports to the site.

The resolution was moved and seconded, with the amendment concerning Saturday operating hours, and following a vote of 10 in favour and 1 against, with no abstentions it was:

Resolved:

That planning permission be **granted** subject to conditions covering the following matters:

1. COM 1 Commencement
2. COM 3 Compliance with submitted details
3. CESS 2 Cessation of Development
4. Restriction on period in which inert materials may be imported on site.
5. CESS 3 Removal of ancillary equipment
6. CESS 7 Revised Restoration in Event of Suspension of Operations
7. HOUR 1 Hours of Working (General)
8. PROD 4 Monitoring Waste Data
9. HIGH 4 Prevention of Mud and Debris on Highway
10. HIGH 5 Vehicle Movement Limits
11. HIGH 11 Visibility Splays
12. NSE 1 Noise Limits
13. NSE3 Monitoring Noise Levels
14. NSE 6 Silencing of Plant and Machinery
15. VIS 1 Limiting Impact of Skips, Containers
16. DUST 1 Dust Suppression Scheme
17. DUST 3 Spraying of Haul Road
18. ECO 3 Protection of Legally Protected Species
19. ECO 4 Wildlife Protection Plan
20. ECO 7 Update of Survey before Commencement of Development
21. Wildlife Surveys
22. Soil stripping outside bird nesting season

- 23. LS 8 Soil Handled in a Dry and Friable Condition
- 24. LS 12 Topsoil and Subsoil Storage
- 25. RES 1 Stones to be Picked
- 26. RES 4 Final Landform
- 27. AFT1 Aftercare & Landscaping Schedule to be approved
- 28. WAST 1 Waste Type Restriction
- 29. WAST 5 No Waste Deposit Outside Defined Areas
- 30. WAST6 No Crushing of Stone or Hardcore
- 31. Stability Risk Assessment

7. National and local requirements for the validation of planning applications

The Committee considered report DR/35/13 on the National and local requirements for the validation of planning applications by the Head of Planning, Environment and Economic Growth.

The Committee **NOTED** the report.

8. Guidance on Non-Material Amendments and Minor Material Amendments to planning permissions

The Committee considered report DR/36/13 on Guidance on Non-Material Amendments and Minor Material Amendments to planning permissions by the Head of Planning, Environment and Economic Growth.

The Committee **NOTED** the report.

9. Enforcement Update

The Committee considered report DR/37/13 on enforcement matters for the period 1 May to 31 July by the Head of Planning, Environment and Economic Growth.

The Committee **NOTED** the report and requested a detailed report on Dannatts Quarry be submitted to the next meeting of this committee.

10. Statistics

The Committee considered report DR/38/13, 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.

11. Date and Time of Next Meeting

The Committee noted that the next meeting will be held on Friday 27 September 2013 at 10.30am in Committee Room 1.

There being no further business the meeting closed at 12.10pm.

Chairman