

MINUTES OF A MEETING OF THE DEVELOPMENT AND REGULATION COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON 25 JULY 2014

Present

Cllr R Boyce (Chairman)
Cllr J Abbott
Cllr K Bobbin
Cllr M Ellis
Cllr C Guglielmi

Cllr I Grundy
Cllr M Mackrory
Cllr J Pike
Cllr J Reeves
Cllr C Seagers

1. Apologies and Substitution Notices

Apologies were received from Cllr John Aldridge (substituted by Cllr Pike), Cllr Channer, Cllr John Lodge, Cllr Lady Newton (substituted by Cllr Grundy) and Cllr Simon Walsh (substituted by Cllr Seagers).

2. Declarations of Interest

Cllr Abbott declared a personal interest in agenda item 7b, Horsemans Green Village Green application, as a member of Braintree District Council, which is principal objector to this application. However, Cllr Abbot has played no part in this to date.

Cllr Boyce declared a personal interest in agenda item 5a, Asheldham Quarry, Southminster, as local Member, local District Councillor for that ward, and as his son lives near to the site.

Cllr Guglielmi declared a personal interest in agenda item 7a Mistley Quay Village Green, and would withdraw for the consideration of this item.

Cllr Seagers declared a personal interest in agenda item 6b, Michelins Farm, Rayleigh, as a member of Rochford District Council, but he has had no interest in this to date.

3. Minutes

The Minutes and Addendum of the Committee held on 27 June 2014 were agreed and signed by the Chairman.

4. Identification of Items Involving Public Speaking

One person was identified to speak in accordance with the procedure for the following item:

Extension of time to existing quarry for an additional 15 years to 31st December 2029 and amendments to existing operation to allow for the importation of inert waste material for restoration.

Location: Asheldham Quarry, Southminster Road, Asheldham, Essex, CM0 7DZ.

Ref: ESS/16/14/MAL

Applicant: G&B Finch Ltd

Public Speakers: David Fletcher speaking for.

5. Asheldham Quarry, Southminster

The Committee considered report DR/24/14 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 reminded that permission had originally been granted in 1980, and then again in 2000, but that the quarry had been mothballed at some point after that, and some 16 hectares of permitted area remained to be worked.

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
- Policy considerations
- Landscape and visual impact
- Ecological impact
- Amenity impact
- Environmental impact
- Traffic and highways
- Impact on the historic environment.

In accordance with the protocol on public speaking the Committee was addressed by David Fletcher, representing the applicant. Mr Fletcher said:

- The application seeks an extension of time, but no extension of the area
- Full extraction of the mineral from the quarry is strongly supported by the National Planning Policy Framework and local plan policies
- The permitted restoration scheme cannot be implemented in its present form without importing material to the site, but there will be no increase in vehicular movements
- The scheme has been prepared in detailed consultation with ECC ecologist and RSPB and ECC planners and will bring significant ecological benefits
- Applicants committed to entering into Section 106 agreement to secure management of scheme for 25 years after workings cease
- The quarry is important to the local economy. Over 100 people have signed a petition in its favour.

In response to questions raised by Members, it was noted:

- The application area is identical to the existing footprint
- Control of vehicles will be through the relevant condition. There will be some flexibility as to the size of these. A condition to require the weighing of vehicles both in and out is also being proposed
- Measurements of material have been shown in cubic metres, as opposed to tonnages, as these were the figures used in the submission. Control comes through the ultimate restoration contours.
- The existing deposit is part of the landbank already.
- The nature of the financial bond has yet to be decided. It may be in the form of a lump sum or as a pence per tonne levy. In any case, it represents a form of additional leverage to ensure restoration of a previously mothballed site.

The resolution was proposed and seconded, and, following a vote of nine in favour and none against, it was

Resolved

That planning permission be granted subject to:

The completion, within 6 months, of a legal agreement covering the following matters:

- The setting up and holding of a Liaison Group meeting twice annually, subject to the agreement of the Parish Council;
- A Biodiversity Management Plan covering a period of 25 years;
- A lorry routing plan as per the existing Section 52 Agreement;
- The provision of a financial guarantee for restoration of the site;
- Formal provision of permissive rights of way;

and conditions covering the following matters:-

1. COM1 – Commencement within 5 years.
2. COM2 – Commencement (waste specific).
3. COM3 – Compliance with submitted details.
4. CESS5 – Cessation of mineral/landfill development by 31 December 2029.
5. CESS6 – Early restoration in event of suspension of operations.
6. HOUR1 – Hours of working including vehicles above 3.5t gvw entering or exiting the site 7am-6pm Monday to Friday, 7am-12:30pm Saturdays and at no other times or on Sundays or Bank or Public Holidays.
7. PROD2 – records of output.
8. PROD3 – Vehicle records of output (minerals)
9. PROD4 - Monitoring waste data.
10. HIGH2 – Vehicular access.
11. HIGH3 – Surfacing/maintenance of access road.
12. HIGH4 – Prevention of mud and debris on highway (wheel cleaning facility).
13. HIGH5 – Vehicle movement limits restricted to 48 in and 48 out.
14. HIGH6 – Lorry sheeting.
15. NSE1 – Noise limits.

16. Acoustic barrier calculations submitted to ensure bunds provide at least 10dBA noise reduction.
17. NSE2 – Temporary operations – Prior notification and - During bund construction and removal and other temporary noisy operations the equivalent continuous noise level due to operation of the quarry shall not exceed 70 dB $L_{Aeq,T}$ at any noise sensitive receptor for periods up to 8 weeks in a year.
18. NSE3 – Monitoring noise levels. Quarterly noise monitoring for the first two years, and six monthly thereafter provided there has been compliance with the noise limits.
19. NSE5 – White noise alarms.
20. NSE6 – Silencing of plant and machinery.
21. Submission of a Noise Management Scheme prior to commencement.
22. LGHT1 – Fixed lighting restriction.
23. DUST1 – Dust suppression scheme. Dust Management Plan including measures in the application and a seed mix for soil bunds.
24. DUST3 – Spraying of haul road.
25. No waste within root protection areas of retained trees.
26. Within 3 months of the date of decision, details of processing plant, workshop, concrete roadway, weighbridge and office/messroom to be submitted.
27. MIN1 - No importation of mineral.
28. GPDO2 – Removal of PD rights
29. LAND1 – Landscape Scheme
30. LAND2 – Replacement Landscaping
31. Phased restoration.
32. ARC1 – Advanced Archaeological Investigation.
33. Bespoke archaeological condition.
34. Bespoke archaeological condition.
35. MIN7 - Extraction depth limit.
36. LS2 - Soil movement scheme.
37. LS3 – Machine movement scheme.
38. LS4 – Stripping of top and subsoil.
39. LS5 – Maintenance of bunds.
40. LS6 – Retention of soils.
41. LS8 – Soil handled in a dry and friable condition.
42. LS9 - Soil stripping depths and replacement.
43. LS10 - Notification of commencement of soil stripping.
44. LS14 – Final soil coverage.
45. POLL4 – Fuel/Chemical storage.
46. POLL3 – Trade effluent and sewage disposal.
47. Water Management Scheme prior to commencement.
48. WAST1 – waste type restriction.
49. Compliance with submitted ecological surveys.
50. RES4 – Final landform.
51. AFT1 – Aftercare scheme to be approved.
52. AFT2 – Drainage of restored land.

6. Slough Lane Gas Flare, Ardleigh

The Committee considered report DR/25/14 by the Director of Operations: Environment and Economy.

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

The Committee was advised that proposal would be located within Martell's Quarry, where minerals are no longer extracted, but some infilling remains to be completed.

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

In response to questions raised by Members, it was noted:

- Full statutory consultation was undertaken, which included Direct Neighbour Notification (DNN) letters being sent out to all properties within 250m of the application site. The DNN resulted in the nearest residential property being notified directly. Other properties which fell outside of the DNN boundary were not notified directly, which is in accordance with the County Councils adopted Statement of Community Involvement
- The acoustic fencing would be of a natural finish (e.g. timber coloured)
- The County's landscape officer raised no objection to the proposal and it is considered that the visual impact of the flare stack would be mitigated by a condition requiring additional planting details to be submitted which would include additional planting of trees should planning permission be granted.

The resolution was proposed and seconded, and, following a unanimous vote in favour, it was

Resolved:

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

1. COM1 – Commencement
2. COM3 – Compliance with Submitted Details
3. Bespoke – Updating of submitted Noise Assessment
4. NSE1 – Noise limits
5. NSE3 – Monitoring Noise Levels
6. LAND1 – Landscape Scheme

Enforcement Updates

7. A120/B1256 intersection, Braintree

The Committee considered report DR/26/14 by the Head of Planning, Environment and Economic Growth.

The Committee **NOTED** the report.

8. Land at Michelins Farm, Rayleigh

The Committee considered report DR/27/14 by the Head of Planning, Environment and Economic Growth.

The Committee was reminded that, at its April meeting, it had resolved not to take any further action in respect of the breach of the enforcement notice issued in June 2011. It was also advised that, following a joint prosecution by the Environment Agency and Rochford district Council, the landowner had been convicted and sentenced to six months imprisonment.

The Committee noted that the proposal relates to continuing this approach, and liaising with the Environment Agency and Rochford District Council.

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

Resolved:

That no further action is taken by the County Council as Waste Planning Authority in respect of the breach of the enforcement notice issued in June 2011 and that the position is reviewed after January 2015.

9. Outstanding Cases

The Committee considered report DR/28/14, updating members of enforcement matters for the period 1 April to 30 June 2014.

In response to questions raised by Members, it was noted:

- Batemans Farm, Great Leighs – permission would be required for this silo
- Batemans Farm, Great Leighs – discussions are being held about the ongoing impact of development on the highways
- The Cock Inn, Boreham – officers have delegated authority to deal with this, if necessary

The Committee **NOTED** the report.

Village Greens

Councillor Guglielmi left the meeting at this point

10. Mistley Quay, Mistley

The Committee considered report DR/29/14 by the Director for Essex Legal Services to consider an application made by Mr I J Tucker to register land described as "Mistley Quay", Mistley pursuant to Section 15(3) of the Commons Act 2006 ("the 2006 Act").

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

The Committee noted:

- The application had been a very complex one, involving much dispute over use and three objectors
- There were several amendments submitted to the area applied for
- The fence erected at the waterfront would constitute an obstruction on the village green
- The Local Member had been happy with the report and had made no further comment.

Following the presentation, which included photographs and detailed maps of the application land and surrounding area, the recommendation to accept the application in its amended reduced form was moved and seconded, and, following a unanimous vote in favour, it was

Resolved:

That, in accordance with the recommendations made by the inspector based on the evidence examined at the public inquiry and in exchanges since:

1. The locality of the civil parish of Mistley is accepted as the locality for the application;
2. The inspector's analysis of the evidence in support of the application is accepted and his recommendation that the application made by Ian Tucker dated 18th August 2010 is accepted so far as the land identified as 'remaining application site' on the map at Appendix 2 to the committee report, and
3. In relation to the remainder the application is rejected for the reasons set out in the inspector's report and in summary in the report.

Councillor Guglielmi rejoined the meeting at this point

11. Horseman's Green, Witham

The Committee considered report DR/30/14 by the Director for Essex Legal Services to consider an application made by Mrs Janet Shepherd under Section 15(2) of the Commons Act 2006 ("the 2006 Act") to register land at Horsemans

Green as a Town or Village Green.

Following the presentation, which included photographs and detailed maps of the application land and surrounding area, the recommendation to reject the application was moved and seconded and, following a vote of seven in favour and three against, it was

Resolved:

That the application is rejected on the basis that the use demonstrated has taken place 'by right' and village green rights have not arisen.

12. Statistics

The Committee considered report DR/31/14, Applications, Enforcement and Appeals Statistics, as at end of the previous month, by the Director of Operations, Environment & Economy.

The Committee **NOTED** the report

13. Date and time of Next Meeting

The Committee noted that the next meeting will be held on Friday 22 August 2014 at 10.30am in Committee Room 2.

There being no further business the meeting closed at 11.54 am.

Chairman