

**MINUTES OF A MEETING OF THE DEVELOPMENT AND REGULATION
COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON 23 JANUARY
2015**

Present

Cllr R Boyce (Chairman)	Cllr I Grundy
Cllr J Abbott	Cllr J Lodge
Cllr J Aldridge	Cllr J Reeves
Cllr K Bobbin	Cllr C Seagers
Cllr P Channer	Cllr S Walsh
Cllr M Ellis	

1. Apologies and Substitution Notices

Apologies were received from Cllr C Guglielmi (substituted by Cllr Seagers), Cllr M Mackrory, and Cllr Lady Newton (substituted by Cllr Grundy).

2. Declarations of Interest

Cllr Aldridge declared a personal interest in agenda item 6a, Good Easter Sports Field Village Green application, as the local member.

Cllr Boyce declared a personal interest in agenda item 5a, Cobbs Farm, Goldhanger, as a member of Maldon District Council, and in 5b, Wallasea Island, as a member of Maldon DC, but also as County Council Member for the division opposite the island.

Cllr Channer declared a personal interest in agenda item 5a, Cobbs Farm, Goldhanger, as a member of Maldon District Council, and in 5b, Wallasea Island, both as a member of Maldon District Council and as a member of the Crouch Harbour Authority Advisory Committee; as the latter she would withdraw for the consideration of this item.

Cllr Seagers declared a personal interest in agenda item 5b, Wallasea Island, as a Member of the Crouch Harbour Authority and as such would withdraw for the consideration of this item.

Cllr Walsh declared a personal interest in agenda item 5b, Wallasea Island, as a Member of the RSPB, the applicant, and as such would withdraw for the consideration of this item.

3. Minutes

The Minutes and Addendum of the Committee held on 28 November 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:

Retrospective application for a small extension in area (to fit with the field boundary and the Wash Lane crossing) to permission ref APP/Z1585/A/12/2169596/NWF (ECC ref ESS/37/11/MAL) for the construction of an agricultural reservoir by the extraction and removal from the site of sand, gravel and surplus soils, together with the construction of an alternative access, internal road and ancillary buildings AND

Retrospective application for the continuation of the extraction of mineral to create an agricultural reservoir without compliance with conditions 2 (compliance with submitted details), 7 (highway improvements), 8 (visibility splays), 9 (Access via Wash Lane), 10 (wheel cleaning facilities), 12 (surface water management), 20 (overburden stockpiles), 22 (dust minimisation), 24 (landscape scheme), 26 (tree and hedgerow retention), 28 (protected species survey), 29 (soil movement scheme), 30 (machine movement scheme), 32 (soil bunds), 35 (scheme of archaeological investigation), 36 (reinstatement of haul route area) and 37 (aftercare scheme) attached to planning permission ESS/37/11/MAL (appeal ref APP/Z1585/A/12/2169596/NWF) to allow an amended layout, phasing and restoration of the mineral extraction and agricultural reservoir development, required due to application ref ESS/34/14/MAL.

At Cobbs Farm, Maldon Road, Goldhanger, Maldon, CM9 8BQ.

References: ESS/34/14/MAL and ESS/35/14/MAL

Applicant: SRC Ltd

Public Speaker: David Hunter speaking for.

5. Cobbs Farm, Goldhanger

The Committee considered report DR/01/15 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 noted that this application sought to amend and add to an existing permission.

Policies relevant to the application were detailed in the report.

The Committee noted the contents of the Environmental Impact Assessment attached as Appendix A to the report.

Details of consultation were set out in the report.

The Committee noted the key issues that were:

- Policy considerations
- Highway impact
- Amenity & Environmental impact.

In accordance with the protocol on public speaking the Committee was

addressed by David Hunter, a director of SRC Ltd, representing the applicant. Mr Hunter said:

- SRC specialise in the construction of reservoirs for farmers and try to act according to their wishes as well as following the requirements set out in regulations and permissions granted. There existed in the past some degree of operational latitude.
- Conditions on the ground do not always match perfectly those on the plan.
- It is not clear why the crossing used differs from that applied for, but in mitigation, adopting the present one avoided the taking down of mature trees.
- Regarding the work being carried out to the field boundary, rather than the designated area, it is unclear why this occurred, although normally they work to field boundaries when constructing reservoirs; the remaining strip would have not have been wide enough to use in any case.
- The creation of a reservoir, and the biodiversity this encourages, is just what sustainability is about.

Members being satisfied at the proposals before them, the resolution was proposed and seconded, and, following a unanimous vote in favour, it was

Resolved

That planning permission be **granted** subject to:

- A. The completion, within 3 months, of a legal agreement covering the following matters:
 - i. The completion of a 'before' (within a month of the date of this permission) and an 'after' (within one month of the completion of the development) study of the Wash Lane crossing to ascertain any degradation that may occur during the period of development.
 - ii. The provision of a financial guarantee to remedy any such degradation that may occur during development, following the results of the 'after' study.
 - iii. Agreement that the unimplemented crossing over Wash Lane, approved under ref ESS/37/11/MAL, will not be built or used.
- B. And conditions covering the following matters:
 - 1. The development hereby permitted shall be deemed as commenced from the date of this permission;
 - 2. COM3 - Compliance with Submitted Details;
 - 3. CESS1 - Development shall cease by 20 May 2017;
 - 4. CESS3 - Removal of Ancillary Development no later than 20 May 2017;
 - 5. CESS7 - Revised Restoration in Event of Suspension of Operations;
 - 6. PROD3 - Vehicle Records of Output (Minerals);
 - 7. HIGH1 - Site access road to be implemented in accordance with submitted details.
 - 8. HIGH11 – Visibility splays to be implemented in accordance with submitted details.

9. HIGH2 - All vehicular access to be from B1026 (Goldhanger Road) via the Wash Lane crossing;
10. HIGH4 – Wheel cleaning facilities to be implemented in accordance with the details submitted on 10 Oct 2012 pursuant to condition 10 of ESS/37/11/MAL;
11. HIGH3 – First 15m of access road to Goldhanger Road (B1026) and east and west of Wash Lane to be kept free of debris;
12. HIGH14 - No unbound materials between the wheel cleaning facilities and the junction with Goldhanger Road;
13. HIGH16 - Surface water drainage management details shall be submitted within one month of the date of this permission;
14. BESPOKE – Relocation of gates adjacent to Wash Lane outside of the public highway, in accordance with submitted details;
15. HIGH5 - HGV Movement Limits
 - 100 movements (50 in and 50 out) per day (Monday to Friday)
 - 50 movements (25 in and 25 out) per day (Saturdays);
16. HIGH6 - Lorry Sheeting;
17. HIGH7 - Pedestrian/PROW Signage;
18. NSE1 – Noise Limits shall not exceed 10dB(A) above the existing background level;
19. NSE3 – Noise Monitoring shall be submitted to the MPA every 6 months;
20. NSE5 – White Noise Alarms;
21. NSE6 - Silencing of Plant and Machinery;
22. VIS2 - Stockpile heights shall not exceed 3m and only to be in the locations identified in the application, subject to the provisions of condition 23;
23. BESPOKE – The northern environmental bund shall be moved to allow a stand-off distance of 10m from the northern perimeter hedge and the base of the bund;
24. LGHT1 - Fixed Lighting Restriction;
25. DUST1 - Dust suppression scheme to be implemented in accordance with details approved on 06 November 2012 pursuant to condition 22 of ESS/37/11/MAL;
26. DUST3 - Spraying of Haul Road;
27. LAND1 – Revised landscape plan shall be submitted within one month indicating grass seed mix for the final reservoir;
28. LAND2 - Replacement Landscaping;
29. TREE2 - Tree protection scheme shall be implemented in accordance with details approved on 06 November 2012 pursuant to condition 26 of ESS/37/11/MAL as amended by the submitted details;
30. TREE3 - Works Affecting Trees Carried out by Hand;
31. ECO2 – Development shall be implemented in accordance with the Badger survey details approved on 29 January 2013 pursuant to condition 28 of ESS/37/11/MAL;
32. LS2 - Development shall be implemented in accordance with the Soil Movement Scheme approved on 20 November 2013 pursuant to condition 29 of ESS/37/11/MAL;
33. LS3 - Development shall be implemented in accordance with the Machine Movement Scheme approved on 20 November 2013 pursuant to condition 30 of ESS/37/11/MAL;

34. LS4 - Stripping of Top and Subsoil;
35. LS5 - Development shall be implemented in accordance with the Maintenance of Bunds details approved on 20 November 2013 pursuant to condition 32 of ESS/37/11/MAL;
36. LS8 - Soil Handled in a Dry and Friable Condition;
37. LS12 - Topsoil and Subsoil Storage;
38. ARC1 - Advance Archaeological Investigation;
39. BESPOKE - Within 6 months of the completion of restoration the Wash Lane crossing shall be removed and the hedge and Wash Lane reinstated in accordance with details to be submitted approved in writing by the MPA;
40. AFT1 - Aftercare Scheme shall be implemented in accordance with the details approved on 20 November 2012 pursuant to condition 37 of ESS/37/11/MAL;
41. MIN1 - No Importation;
42. HOUR1 -Hours of Working (General) shall be limited to:
 - 07 :00 to 17:30 hours Monday to Friday
 - 07:00 to 13:00 hours Saturdays

And vehicles shall not enter the site outside the following times:

- 07:00 to 18:00 hours Monday to Friday
- 07:00 to 13:00 hours Saturdays.

Councillors Bobbin, Channer, Seagers and Walsh left the meeting at this point.

6. Land at Wallasea Island, Rochford, Essex SS4 2HD

The Committee considered report DR/02/15 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 the application sought an overall reduction in the amount of waste to be imported on the site.

Policies relevant to the application were detailed in the report.

The Committee noted the contents of the Environmental Impact Assessment attached as Appendix 1 to the report.

Details of consultation were set out in the report.

The Committee noted the key issues that were:

- Need and principle of development
- Policy considerations
- Environmental impact
- Amenity impact
- Traffic & Highways

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

- It was not possible to say precisely what sort of material would be used for the landfill, or where it might be from. It could be peat, or construction/demolition material; but it could not be household or food waste. It was considered appropriate that the EA should determine this via an Environmental Permit.
- The principle behind importing material to the application site is to raise the overall level of the island, which is at risk of unmanaged flooding. With this, controlled flooding will be permitted, to restrict flooding to certain areas. Habitats have been developed appropriately. There is no longer the commitment to maintain the sea walls.

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

Resolved:

That planning permission be **granted** subject to:

- the Secretary of State not calling in the application for his own determination; and,
- the completion within 6 months of a S106A legal agreement relating to the removal of the existing obligation for the majority of the imported material to be sourced from the Crossrail project; and,
- conditions covering the following matters:

Conditions to be amended as follows:

2. The development hereby permitted shall be carried out in accordance with the details submitted by way of the application dated November 2008, covering letters dated 28 November 2008 and 16 December 2008 and accompanying Planning Statement, together with drawings numbered 'Location of Wallasea Island' Figure 1 (July 08), 'Planning Application Boundary' Figure 3a (Oct 08), 'Proposed Design' Figure 5 (Oct 08), 60039950/IPER/50 Rev 03 (11/12/08), 60039950/3563/65 (27/11/08), 60039950/3563/66 (26/11/08), 'Aerial View Visualisation at Mean Low Water' Figure 10 (Sept 08), 'Aerial View Visualisation at Mean High Water' Figure 11 (Sept 08), 'Aerial View Visualisation as Viewed from the East at Mean Low Water' Figure 12 (Sept 08), 'Selection of Photos Describing the Key Habitat Types to be Created' Figure 14 (Nov 08), 60039950/3563/60 (26/11/08), 'Location of the Unloading facility and Route of the Conveyor Belt and the Wet Chalk Pipeline' Figure 16 (Oct 08), 60039950/3563/51 Rev 01 (26/11/08), 'Locations of the Footpaths on Wallasea Island' Figure 17 (sept 08) as amended by email from RSPB 'Footpath 21 Supplementary Submission' dated 20 March 2009, 'Topography of the whole of Wallasea Island' Figure 3 (Oct 08), 60039950/3563/100 Rev 01 (11/12/08), Schematic Cross Sections Showing Design of Key Features of the Proposed Realignment Scheme' Figure 9 (Oct 08), 60039950/IPER/101 Rev 02 (15/07/08), 'Location and Extent of the Five Cells' Figure 4 (Oct 08),

60039950/3593/53 November 2008, 60039950/3563/53 Rev 01 (11/12/08), 'Existing and Indicative Standards of Protection along the Crouch and Roach Estuaries' Figure 6 (July 08), 'Historic Embankments, Creeks and Postulated Medieval Marsh Boundaries' Figure 8 (Oct 08) and 'Location of Historical EHER References' Figure 25 (Oct 08) and Environmental Statement dated November 2008 and Appendices A-R, together with email from RSPB dated 11 December 2008, email from RSPB headed 'Burnham Access' dated 09 February 2009, email from RSPB headed 'Working Hours Submission' dated 04 March 2009, email from RSPB headed 'Impacts on Oyster Fishery' dated 06 March 2009, email from RSPB headed 'Wallasea: Supplementary Sailing Submission' dated 20 March 2009, email from RSPB headed 'Wallasea: Supplementary Submission Spreading Hedge Parsley' dated 13 March 2009, email from RSPB headed 'Green Belt Submission' dated 24 March 2009, email from RSPB headed 'PROW steps' dated 25 March 2009, email from RSPB headed 'Wallasea: Supplementary Submission Working Hours (2)' dated 20 March 2009, email from RSPB headed 'Wallasea: 1900-0700 Noise Generation and Mitigation' dated 20 March 2009, email from RSPB headed 'Permissive Paths' dated 26 March 2009, email from RSPB headed 'further submissions' dated 06 April 2009, email from RSPB headed 'Supplementary Submissions' dated 02 April 2009, email from RSPB headed 'Roach Erosion' dated 02 April 2009, email from RSPB headed 'Supplementary Submission: Landscape' dated 02 April 2009 and Design and Access Statement,

AS AMENDED BY

- The details of the application dated 17 January 2014;
- covering letter from ABPmer dated 17 January 2014;
- Planning Statement by ABPmer Report no. R.2213 Version 2.0 dated 17 January 2014, including appendices A-C; and
- the Environmental Impact Assessment by ABPmer Report no. R.2202 Version 3.0 dated 17 January 2014, including appendices A-D.

AS AMENDED BY

- The details of the application dated 31 October 2014;
- Covering letter from ABPmer dated 31 October 2014;
- Planning Statement by ABPmer Report no. R.2316 dated October 2014, including appendices A and B;
- The Environmental Impact Assessment by ABPmer Report no. R.2314 dated October 2014.

All remaining conditions attached to permission ref ESS/09/14/ROC to be re-numbered, updated, removed or re-imposed as appropriate.

Councillors Channer, Seagers and Walsh rejoined the meeting at this point.

7. Colchester Quarry

The Committee considered report DR/03/15 by the Head of Planning, Environment and Economic Growth.

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

The Committee was advised that the application sought an extension of time for the completion of a S106 Agreement. The Committee noted that, at its September 2014 meeting, it had resolved to approve application ref ESS/23/14/COL subject to the completion, within 3 months, of a legal agreement and to the imposition of several conditions. Although the agreement was close to completion, an extension was being sought to allow this to happen, with a consequent extension to the starting date of the work itself.

No other changes were being proposed.

There being no matters raised by Members, a resolution was proposed and seconded, and, following a unanimous vote in favour, it was

Resolved:

That the Committee re-endorses the previous decision to grant planning permission subject to the amended time limit for completion of the legal agreement and planning conditions (with amended condition 1) as set out below:

The completion, within 3 months, of a legal agreement including the following matters:

- Submission of a revised restoration scheme in the event that ESS/63/06/COL is implemented by 11 May 2015.
- The applicant to use best endeavours to upgrade proposed permissive rights of way and existing PROW so that they can be used for cycling;
- A Monument/Conservation Management Plan for Grymes Dyke, in consultation with English Heritage;
- Landscape Management Plan for medium to long term management of the site beyond the 5-year aftercare period;
- The formal implementation of a Local Liaison Group;

and conditions covering the following matters:

1. COM1 – Commencement **within 1 year of the date of decision notice** and notification to the MPA of such commencement.
2. COM3 - Compliance with submitted details.
3. CESS7 – Revised restoration in event of suspension of operations.
4. BESPOKE - Submission of elevations and layout drawings including surfacing of access road, colours of plant and traffic calming methods associated with the DSM plant, recycling facility and associated mobile plant parking area, processing plant, quarry workshop, concrete plant, site offices, visitor parking and lorry parking, within 3 months of the date of permission.
5. HOUR2 – Hours of working (mineral specific):

0700 – 1800 hours Monday to Friday

0700 – 1300 hours Saturdays

No stripping, movement, temporary or permanent placing of soils before 0730 hours on any day.

6. BESPOKE - Hours of operation for the DSM Plant:

0500 – 2000 hours Monday to Friday

0500 – 1800 hours Saturdays

No deliveries of HGV movements other than between:

0700– 1800 hours Monday to Friday

0700– 1230 hours Saturdays.

7. BESPOKE - Hours of operation for the recycling plant:

0700 – 1830 hours Monday to Friday

0700- 1230 hours Saturdays.

8. BESPOKE - Hours of operation for concrete plant:

0700 – 1800 hours Monday to Friday

0700 – 1300 hours Saturdays.

9. BESPOKE - No freestanding stockpiles of aggregate shall be stored within the DSM operational area.

10. BESPOKE - The DSM shall use only indigenous sands.

11. WAST2 – Skips to be incidental to main use.

12. BESPOKE - The recycling plant shall process only dry inert 'Type A' waste and road planings/construction waste.

13. BESPOKE - All waste residues from recycling process to be removed from site each week.

14. BESPOKE - No handling, processing or storage of waste outside of the permitted recycling area.

15. VIS2 – Stockpile heights not to exceed 6.1m in recycling area.

16. BESPOKE - Processing plant used only in connection with sand and gravel from Colchester Quarry.

17. BESPOKE - Quarry workshop used only for the repair of plant and vehicles associated with the quarry and no other use.

18. BESPOKE - No topsoil, subsoil, overburden or soil making material to be removed from site.

19. LAND1 – Landscape scheme including detailed landscape/restoration proposals, surfacing of footpaths, tracks and fencing, detailed sections, depths of excavation and contours within 3 months of date of permission.

20. LAND2 – Replacement landscaping.

21. BESPOKE – Progressive stripping, extraction and restoration to ensure Stanway and FWFF are restored concurrently and in a phased manner.

22. AFT1 – Aftercare scheme to be agreed.

23. AFT2 – Drainage of restored land.

24. ARC1 – Advance scheme of archaeological investigation.

25. EC03 – Protection of legally protected species.

26. LS2 – Soil movement scheme.

27. LS3 – Machine movement scheme.
28. LS4 - Stripping of top and subsoil.
29. LS5 – Maintenance of bunds.
30. BESPOKE - 'Soil Bund 12' to be in place prior to commencement of any works other than formation of the access track.
31. BESPOKE - Soil Bund 12 shall be no higher than 2m in height.
32. BESPOKE - Soil bunds 13 and 14 shall be no higher than 3m in height.
33. LS8 – Soil handled in a dry and friable condition.
34. LS10 – Notification of commencement of soil stripping.
35. LS11 – Notification of soil placement.
36. LS14 – Final soil coverage.
37. BESPOKE - Height of temporary stockpiles of soil-making material not to exceed height of boundary bunds.
38. BESPOKE - No imported material to FWFF.
39. HIGH2 – Vehicular access from Warren Lane only.
40. BESPOKE - Hedge to be kept cut back to maintain visibility along Warren Lane.
41. HIGH3 – Surfacing/maintenance of access road and Warren Lane shall be swept.
42. HIGH4 – Prevention of mud and debris on highway.
43. HIGH6 – Lorry sheeting.
44. HIGH5 – Vehicle movements associated with recycling site no more than 70 movements of up to 32t gw per day.
45. BESPOKE - No mineral shall be imported to the site from Bellhouse beyond the timescales permitted by ESS/07/01/COL/REV (or as subsequently varied).
46. POLL1 – Surface and foul water drainage, including for the DSM plant and recycling area.
47. POLL6 - Groundwater monitoring and mitigation if levels impact on nearby private wells.
48. LGHT1 – Fixed lighting restriction.
49. BESPOKE - Reptile mitigation strategy.
50. BESPOKE - Construction Environment Management Plan.
51. BESPOKE - Ecological Management Plan.
52. NSE1 - Noise limits for all permitted site operations:

Furze Hill	51dB LAeq
The Bungalow	52dB LAeq
Dyer's Road	53dB LAeq
Egremont Way	51dB LAeq
Randoms	53dB LAeq
Heath Road/Grymes Dyke Way	50dB LAeq
Wiseman's Farm	50dB LAeq
The Nook	50dB LAeq.
53. NSE2 – Temporary operations (not to exceed 70dBA).
54. NSE3 – Monitoring noise levels and the submission of a scheme of mitigation should noise levels be exceeded.
55. NSE5 – White noise alarms.

56. NSE6 – Silencing of plant and machinery.
57. DUST1 – Dust suppression scheme for all permitted operations.
58. POLL4 – Fuel/Chemical storage.
59. CESS2 – Cessation and removal from site of sand and gravel processing plant, Dry Silo Mortar Plant, concrete plant, access roads, weighbridge, workshop and related infrastructure by 31 October 2026.
60. CESS2 – Cessation and removal from site of the inert recycling operation and associated mobile plant parking area by 31 December 2037.
61. CESS2 – Cessation and restoration of FWFF area within the application site within 7 years of commencement of operations at FWFF and restoration of the entire site by 31 December 2037.
62. RES1 – Stones to be picked.
63. MIN1 – No importation except via conveyor from Bellhouse.
64. WAST1 – Waste type restriction.
65. GPDO1 – Removal of PD rights beyond the areas shown on drawing B30/489 dated February 2005.
66. BESPOKE – Scheme for pumps used for dewatering to be submitted and approved within 3 months.

Village Green

8. Good Easter Sports Field, Good Easter

The Committee considered report DR/04/15 by the Director for Essex Legal Services to consider an application made by Juliet Ann Glass, Anne Helen Clark and Victoria Jane Henderson under Section 15(8) of the Commons Act 2006 (“the 2006 Act”) as amended, to register land at Good Easter Sports Field, Good Easter, Chelmsford, as a Town or Village Green.

The Committee noted:

- The powers set out in section 15(8) of the Commons Act 2006 allow an owner of land to voluntarily dedicate land as a town or village green by applying to have it included in the register of town or village greens
- The normal requirements relating to historical use of the land ‘as of right’ do not apply in such a case; the Committee need only be certain that the applicant owns the land and that relevant consents have been obtained
- The pavilion shown on the map is not included within the application.

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 form was moved and seconded, and, following a unanimous vote in favour, it was

Resolved:

That, in accordance with the powers set out in Section 15(8) of the Commons Act 2006:

The application as amended is accepted and the land shown on the report to the Committee be added to the Register of Town and Village Greens, as VG 257.

Enforcement Update

9. Enforcement of Planning Control

The Committee considered report DR/05/15, updating members of enforcement matters for the period 1 October to 31 December 2014.

In response to a question raised by a Member, it was noted:

- Little Warley Hall Farm, Ranks Green – there is as yet no indication of a timeframe for the appeal; the Environment Agency is currently dealing with complaints regarding odour emissions.

The Committee **NOTED** the report.

10. Statistics

The Committee considered report DR/06/15, Applications, Enforcement and Appeals Statistics, as at end of the previous month, by the Director of Operations, Environment & Economy.

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 February 2015 at 10.30am in Committee Room 1.

There being no further business the meeting closed at 11.16 am.

Chairman