MINUTES OF A MEETING OF THE DEVELOPMENT AND REGULATION COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON 24 JULY 2015

Present

Cllr R Boyce (Chairman)
Cllr J Abbott
Cllr J Aldridge
Cllr K Bobbin
Cllr M Ellis
Cllr I Grundy
Cllr J Lodge
Cllr M Mackrory
Cllr M Maddocks
Cllr Lady Newton
Cllr J Reeves
Cllr C Seagers
Cllr S Walsh

1. Apologies and Substitution Notices

Apologies were received from Cllr C Guglielmi (substituted by Cllr M Maddocks) and Cllr J Jowers (substituted by Cllr C Seagers).

2. Declarations of Interest

Cllr Abbott declared a personal interest in agenda item 5a, in respect of Colemans Farm, as a member of Braintree District Council and Rivenhall Parish Council, both of which have opposed the application; and as member of the Campaign for the Protection of Rural Essex, which was a consultee. He also opposed this site in the Minerals Local Plan process. He would speak as local member and withdraw for the discussion of the item and thereafter not take part in the vote on the application.

Cllr Boyce declared a personal interest in agenda item 5a, in respect of Colemans Farm, as a member of Maldon District Council, which was consulted.

Cllr Lady Newton also declared a personal interest in agenda item 5a, in respect of Colemans Farm, as a member of Braintree District Council, which opposed the application, and its portfolio holder for Housing and Planning. She also knows Simon Brice, of Brice Aggregates, in a personal capacity.

3. Minutes

The Minutes and Addendum of the Committee held on 26 June 2015 were agreed and signed by the Chairman.

4. Identification of Items Involving Public Speaking

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

> Extraction of an estimated 2.5 million tonnes of sand and gravel; provision of a new access from Little Braxted Lane; installation/construction and operation of primary processing and ancillary facilities comprising washing and bagging plant, silt lagoons, weighbridge, site management office, mess room and maintenance workshop; with restoration to agriculture and water based nature conservation habitats.

Location: Land at Colemans Farm, Little Braxted Lane, Rivenhall, Witham CM8 3EX.
Ref: ESS/39/14/BTE.
Applicant: Brice Aggregates.

Public Speakers:
a) speaking against the application:
Cllr Bob Wright
Cllr Clare Dobie (speaking on behalf of Little Braxted PC)
Cllr Michael Lager
Ms Clare Dobie (speaking on behalf of Stop the Quarry Group and as local resident)

b) speaking for the application
Mr Dan Walker, agent for the applicant.

And, speaking as local Members, Cllr J Abbott and Cllr R Bass.

Minerals and Waste

5. Colemans Farm, Rivenhall

The Committee considered report DR/21/15 by the Director for Operations, Environment and Economy.

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

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
- Ecological considerations and Habitats Regulations assessment
- Landscape and visual impact
- Noise and dust
- Traffic and highways
- Pipelines
- Water and flood risk
- Heritage impact.

In accordance with the protocol on public speaking the Committee was addressed by Cllr Bob Wright, speaking on behalf of Rivenhall Parish Council, which opposes the application. Cllr Wright made several points:
- The development will have a severe impact on local residents and businesses, and on those living in Burghey Cottages in particular
- Access via Little Braxted Lane is totally unsuitable, requiring widening of this lane and hard cutting back of hedges, and will be hazardous to residents
- Suggestions have been made about producing new footpaths, to enable

pedestrians to avoid the dangers of increased quarry traffic, but these have not been taken up
- HGVs emerging from Little Braxted Lane going onto the A12 southbound will have to cross the slip road bringing traffic coming off the A12 into Witham, usually moving at about 50 mph. The sightlines are not good and do not allow sufficient time for a laden HGV to get up enough speed
- The other access, via Braxted Road, is also unsuitable; it will require removal of hedgerows and, turning right, traffic will have to cross Appleford Bridge, which has suffered damage on several occasions in the past
- Whilst he welcomed the routeing agreement he considered the site needs direct access from the A12.

Clare Dobie then addressed the meeting on behalf of Little Braxted Parish Council. Cllr Dobie said:
- There are many problems associated with the scheme, but the greatest is presented by road safety. The report contains over 50 comments by members of the public relating to road safety concerns
- The slip road at Little Braxted Lane is the greatest concern. It should be longer, straighter and with improved sightlines
- Two other road concerns: (i) there should be a turning circle at the access point to the site; (ii) Little Braxted Lane should be narrowed below the turning circle. This had already been agreed by the Highways Local Panel before this application was submitted, but has been put on hold
- Storage capacity is needed for flood water; this is entirely reasonable to prevent potential flood damage to those properties downstream
- There should be a bond required to ensure that the restoration plan is carried out
- Little Braxted PC opposes the scheme, but seeks the above mitigations if the Committee is minded to approve the application.

Michael Lager then addressed the meeting on behalf of Witham Town Council, to explain residents' concerns. Cllr Lager said:
- Addressing traffic dangers and lorry routeing must be key concerns. Speed of traffic and poor visibility on the bridge are mentioned – but no remedial action is suggested.
- With the proposed widening of the A12 to create a third lane, there should be no mining of the area immediately adjacent to the A12
- There should be a ban on any lorries accessing or leaving the site during rush hours, as there are already queues on the slip roads at these busy times; also site traffic should be banned from the town itself
- On-site retail sales or minerals processing that might cause pollution should be curtailed
- Planting of slow-growing vegetation and landscaping should begin early, rather than be delayed until the end of the site exploitation
- The County Council should receive a single contribution as capitalised amount, to recognise damage to the roads
- Witham Town Council opposes the scheme, but seeks the above mitigations if the Committee is minded to approve the application.

Clare Dobie, a local resident, then addressed the meeting on behalf of "Stop the

Quarry," a local campaign group. Ms Dobie said:

- Visibility from Little Braxted Lane to the A12 is restricted, not only because of the vegetation, but also because the road is on an incline and a curve. Also, traffic on the slip road travelling towards Chelmsford reduces visibility to less than 160 metres.
- Road safety is the key to this, but there are also concerns about local wildlife. There are otters on the river and provision should be made for them. A buffer zone should be created next to the river, to protect them. There are also bats in the area, which need the hedgerows to forage on.

Dan Walker, a Chartered Mineral Surveyor speaking on behalf of the Applicant, then addressed the meeting. Mr Walker raised several points:

- The site is allocated as Site A46 under the Essex Replacement Local Minerals Plan 2014. As data from technical surveys has been analysed, some extensions to the area under extraction have been proposed, although the total quantity to be extracted has remained the same: 2.5 million tonnes of minerals that will be processed on site to produce graded and bagged products
- Flood storage capacity will be available throughout the development
- The applicant has agreed to sign up to certain HGV routeing restrictions to minimise impact on the local community
- Progressive restoration of natural habitats will be achieved using on-site resources – no waste materials will be imported. It should deliver 30 hectares of new or enhanced habitat (10 hectares more than that required plans under the MLP)
- Long term management will be financed by a fund accrued during the lifetime of the project, to ensure the delivery of a sustainable development

It has been identified as a flagship scheme by the County Council.
It will create seven new jobs

- All technical issues raised can be addressed by appropriate mitigation measures as included in the planning conditions found in the report.

Cllr Rodney Bass, local Member for Heybridge and Tollesbury, then addressed the meeting. Cllr Bass pointed out that his division included Great Braxted and Little Braxted, and that, as Cabinet Member for Highways, he spoke with some knowledge on highways. However, he added that he was not making any representations on behalf of the Highway Authority, or speaking on its behalf. Usually, Highways officers were constrained from making anything other than technical evaluations of an incremental nature, relating to each individual case. However, politicians must also consider the overall cumulative impact of applications. This was a major project, which should be bonded, and there were no identifiable gains for the community. Having expressed full support for the objections raised by Braintree DC, and full support for and recognition of the representations made by Rivenhall PC, Little Braxted PC, Witham TC and CPRE, he raised four particular highways issues:

- There is a need to discover exactly how the A12 will be widened; the slips at both Witham North and Rivenhall are dangerous and substandard. At least, a running lane is required on both London-bound and Colchester-bound carriageways between Witham North and Rivenhall and the developer should be making a major financial contribution to this.
- There is a need to understand and regulate the traffic flows to be

generated by this development, which will be substantial. The applicant should have engaged with local communities to explain the routeing and should fit this in with the broader considerations regarding routeing, as demanded by Witham Town Council, for example

- There is a serious safety risk in the use of the upper part of Little Braxted Lane as an access and egress point for site traffic, into the path of vehicles that have just left the A12 or are joining the A12 toward Chelmsford. This needs a new junction alignment. The developer should also pay for the mitigation arrangements in the lower part of Little Braxted Lane, which were agreed by the Local Highway Panel but have been put on hold for three years
- The gravel lorries will cause substantial damage to the actual roads at Witham North and the developer should be required to make a contribution toward restitution of this.

Cllr James Abbott, local Member for Witham Northern, then addressed the meeting. Cllr Abbott made a number of points:

- This is in contrary to the Adopted Minerals Plan adopted in 2014 in three regards: relating to highways access, as it does not comply with any of the three categories; relating to site boundaries, as at no point were these site boundaries referred to when the Plan was being drawn up; and relating to the Braxted Road access – as there was no second access point agreed in the Plan
- There is very little discussion in the report of the access onto the Coleman's Bridge interchange, which is very dangerous
- This is a high quality river landscape, which will be turned into an industrial landscape. There is a bridleway, which will have to be moved. Little Braxted Lane is ancient, and will have to lose much established hedgerow. There is no mitigation proposed for the impact of HGVs turning on it, even though it is identified as a footway/cycleway in the Braintree District's Adopted Local Plan
- There are a number of properties that will be affected – in particular Burghey Cottages, which will be much nearer to the workings, if the extended boundary is adopted. What justification has been given for moving this boundary? And to moving it nearer to the Blackwater?
- An extraction period of 17 years is a very long time – 14 is the allocated period. Is this necessary?
- The identity of vehicles using the second exit (Braxted Lane) needs to be clarified. If these are HGVs, this is contrary to S11 of the Adopted Minerals Plan
- There is a concern about the maintenance of vegetation by Highways England
- Researched timings for the Colemans Bridge slip road suggest a car travelling at the average speed on leaving the A12 takes 6.2 seconds from entering the sightline to reaching the Little Braxted Lane and 4.2 seconds when travelling at 60 mph – far too short a time to allow the HGVs to emerge and motorists will not expect any such vehicles emerging there
- There will be an impact on wildlife and archaeological assessments have identified a potential prehistoric site there. Appleford Bridge is a listed structure and should be protected
- Has any air quality assessment been made for cumulative effect,

between the A12 and the quarry?

- Descriptions of increased traffic flow expressed in terms of a percentage increase are not appropriate here, as no HGVs currently use Little Braxted Lane.

Councillor Abbott left the meeting at this point.

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

- In response to the highways concerns raised, Officers and Highways England are satisfied that, in view of the information that has been submitted and the independent road safety audit, the impact on the local and strategic traffic situation will be acceptable
- At the Examination into the Minerals Local Plan in November 2013, many of the issues were raised in principle. The highways impact was scored as 'Amber 3', suggesting there were several issues of concern that needed to be addressed at the application stage. Following local concerns raised to the application, the developer has given a commitment to keep visibility splays cleared and maintained on the slip road at Coleman's bridge under licence from Highways England
- All impacts have been fully assessed for the development, including the extended boundaries which avoids mineral being sterilised.
- The National Policy Planning Framework recommends that restoration bonds only be issued in special circumstances; it is unlikely this application is exceptional as the applicant has control of the land and no importation of fill material will be required for restoration
- With regard to the potential damage to roads, the planning authority follows the guidance of the highway authority, which has not suggested that the developer should make any payments. HGV movements would be restricted to 58 per day, and the annual tonnage to 150,000tpa. The development is not large in comparison to some developments
- It is difficult to secure a committed sum for damage to roads as it is hard to pin down precisely which lorries are doing the damage; and there are already substantial HGV movements at Witham North
- The exit into Braxted Park Lane will be used by HGVs, but it is intended as a secondary exit, for traffic going to the Tiptree area only – a very small proportion; this is to avoid HGVs having to join the A12 northbound at Witham North and then travel on other residential roads. A Member noted that the exit at Rivenhall was very poor and suggested that HGVs should not use it at all
- The Government has made a commitment to widen the A12, which is at a very early stage of development as yet; but work must start on the scheme by 2020. It will affect this development and Essex County Council will work with Highways England on this
- HGVs will be deterred from going left onto Little Braxted Lane and there will be appropriate signage to this effect. Errant HGVs that have turned into Little Braxted Lane by mistake will have room to turn around, rather than have to travel further up the lane as they do now; so this will be an improvement.

A Member proposed that, in view of a number of issues and concerns that had been raised, that the item should be deferred, to allow for further work and negotiation with the applicant and that a site visit is held to help Members consideration of the application and better understand issues of concern.

Members were informed that, without an agreed extension of time, the applicant would have a right of appeal to the Secretary of State for non-determination at the end of August should the application remain undetermined by then. This was noted.

A motion to defer the decision was proposed and seconded. Following a vote of ten in favour and one against, it was

Resolved

That the decision be deferred, to allow for a site visit at the soonest convenient date and for further consideration and discussion with the applicant, where appropriate, with regard to the following:

a) Traffic concerns raised at the meeting, including the question of a possible contribution being made by the applicant for damage to the roads and for junction improvements, and improvements/protection works on Little Braxted Road
b) The question of whether a restoration bond may be acquired
c) The protection of the River Blackwater and a buffer against the area of extraction.

Councillor Abbott rejoined the meeting at this point.

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6. Martells Quarry, Ardleigh

The Committee considered report DR/22/15 by the Director of Operations: Environment and Economy.

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:

- Appropriateness and need for the development in this location
- Environmental issues - Traffic
- Environmental issues - Noise

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

- There is no requirement in the existing wording that the imported material should be used for blending purposes only; this could be included under Condition 7
- The application would permit the annual importation of up to 20,000 tonnes of mineral, but the output would remain at 125,000 tonnes per

annum, including the imported material. Restrictions in respect of HGV movements would remain the same, although it was thought an average of up to 2 extra movements per day might occur as a result of the change.

The resolution was proposed, incorporating the amendment in respect of Condition 7 of the original permission, as agreed by the Committee, and for a requirement on blending to be included, and seconded. Following a vote of 11 in favour, none against, with Cllr Abbott abstaining, it was

Resolved

That planning permission be granted subject to:

1) Condition 7 of planning permission ESS/46/14/TEN being amended to read: "No more than 20,000 tonnes of mineral per annum shall be imported into the processing area as defined on Drawing No M13.227.D.005 entitled "Final", and;

2) Condition 7 of planning permission ESS/46/14/TEN being amended to include a requirement for blending use only, and:

3) All other conditions of planning permission ESS/46/14/TEN being carried forward and appropriately reviewed and updated to reflect current practice.

7. Statistics

The Committee considered report DR/23/15, Applications, Enforcement and Appeals Statistics, as at end of the previous month, by the Director of Operations, Environment & Economy.

The Committee **NOTED** the report.

8. Date and time of Next Meeting

The Committee noted that the meeting scheduled for 28 August 2015 had been cancelled to allow a member site visit to take place and therefore the next meeting would be held on Friday 25 September 2015 at 10.30am in Committee Room 1.

There being no further business the meeting closed at 12.20 pm.

Chairman