

MINUTES OF A MEETING OF THE DEVELOPMENT AND REGULATION COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON 25 SEPTEMBER 2015

Present

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

1. Apologies and Substitution Notices

Apologies were received from Cllr C Guglielmi (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 Bobbin declared a personal interest in agenda item 5b, in respect of Pitsea Landfill, as local Member and Chairman of the liaison committee with the landfill site. He would not take part in the discussion of the item and would abstain from voting 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 Jowers declared a personal interest in agenda item 5a, in respect of Colemans Farm, as having been involved in the Minerals Plan, although he pointed out that the Plan operated at a strategic level rather than from a planning application point of view.

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 as 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 24 July 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 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 Member, Cllr J Abbott.

Minerals and Waste

5. Colemans Farm, Rivenhall

The Committee considered report DR/24/15 by the Director for Operations, Environment and Economy.

The Members of the Committee noted that this application was being reconsidered by the Committee, following the deferral of the item at the 24 July 2015 meeting to allow members to make a site visit on 28 August 2015.

The Committee noted the update on issues that were raised by Committee Members at the 24 July meeting, under the following headings:

- Ecological considerations and Habitats Regulations assessment
- Noise and dust
- Traffic and highways
- Water and flood risk
- Heritage impact
- Restoration Bond
- Policy S11 of Minerals Local Plan

In accordance with the protocol on public speaking the Committee was addressed by Cllr Clare Dobie, speaking on behalf of Little Braxted Parish

Council. Cllr Dobie said:

- Little Braxted Parish Council noted the changes that had been made, eg the cycle path, the pulling back from the river, and the financial contribution
- However, the main concern remained: the basic design of the junction between Little Braxted Road and the sliproad. This is inherently dangerous, and the placing of extra signage and cutting back vegetation cannot remove this. There are two reasons: (1) The slip road is curved, so cars leaving the A12 southbound would not immediately see any vehicles emerging from Little Braxted Lane; (2) Traffic coming the other way (ie those coming out of Witham and joining the A12 southbound) will block the view of the Little Braxted junction. Both of these constitute hazards, as they could lead to drivers having to make late and sudden stops.

Ms Dobie also addressed the meeting as a local resident, on behalf of “Stop the Quarry,” a local campaign group. Ms Dobie said:

- Members of the Group welcomed the bond, the buffer zone by the river and the planting scheme (all of which had been suggested originally by the Group), but serious safety issues remained – some of which she had already addressed
- The use of signage such as “lorries turning” actually exacerbates the problem of HGVs in Little Braxted Lane, as it normalises their use of it. Any sign should at least refer to “quarry” traffic
- The U-turn solution at the access to the site is no solution – it could lead to possible chaos and threaten the safety of those using the Lane when lorries are manoeuvring. This needs at least a proper turning circle or roundabout
- Little Braxted Lane should be narrowed at the site entrance but also at the far end (ie the opposite end to the A12 slip road) to ensure that HGVs do not try to use it as a route to the quarry.

Michael Lager then addressed the meeting on behalf of Witham Town Council. Cllr Lager said:

- He acknowledged the improvements already achieved, particularly with regard to improving the sightlines on Colemans Bridge and securing some funding for road maintenance ; but he wished to draw Members’ attention to three particular issues
- HGVs during Rush Hours. This is already a very busy junction, with cars queuing at both morning and evening rush hours. There are accidents and Witham TC would like the Committee to put some routeing requirement in place, forbidding quarry HGVs from accessing or leaving the site during weekday peak times
- In order to cut down the amount of traffic going through the town, the Town Council would like non-local site traffic to be banned from using either the B1389, accessing the town from the A12 at the north end of the town, and the B1019, the Maldon to Braintree road. This could also be achieved by way of the routeing plan
- Landscaping should be commenced from the outset, rather than after a delay, because of the time taken for vegetation to establish and provide the necessary cover.

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

- The applicant has liaised with officers since the last meeting and agreed to certain changes. A commuted sum has been agreed
- for the Little Braxted Lane between the site entrance and the sliproad junction, for the life of the project
- Vehicle routeing will restrict movement along certain roads (eg Oak Road and Little Braxted Lane) and a hotline will be set up, giving people the opportunity to report breaches of the requirements
- All the proposals comply with the necessary health & safety requirements
- Some features will bring positive improvements to local amenities, eg the cycle lane along Little Braxted Lane
- The buffer zone between works and river has been extended to 50 metres, and this will benefit the bridleway as well
- Restoration will be provided without use of external materials and, as a flagship scheme, will provide 30 ha of protected habitat
- The area is recognised in the Minerals Plan and the amended area will be virtually the same size as that originally set out in the Plan.

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

- The site visit was helpful, and demonstrated the beauty of this site; and it provided evidence of the presence of certain bird species not mentioned in the ecological report
- Certain changes are welcome, such as the increased buffer zone with the river, and the cycle way
- The noise assessment does not take into account the impact on Burghey Cottages, which will now not only have noise from the A12 on one side, but also have the quarry workings on the other during weekdays
- The routeing agreement is very important; officers are asked to liaise with local members and Witham Town Council to achieve an effective agreement
- The access and highway arrangements are the most important. Rivenhall End represents the pinch point of the proposed widening of the A12 north of Witham, but this proposal will mean that there may be quarrying alongside the road for two decades
- Despite the improvements to the visibility at Colemans Bridge, there remain fundamental problems with the design of the junction
- Allowing a second access point to the north of the site may increase health and safety issues. The sightline is difficult towards the bridge. There have been accidents involving 17 vehicles over the past ten years, with 19 casualties and one fatality. Use of this exit may be increased by some 12,500 vehicles over the life of the scheme; this could lead to an increased number of incidents.

The Committee noted the comments of Cllr Rodney Bass, local Member for Heybridge and Tollesbury, who was unable to attend the meeting:

- Please give my apologies as I would have liked to attend and reiterate strongly my previously expressed views about the Gravel extraction application at Rivenhall/Little Braxted Lane. May I also respectfully ask that full cognisance is taken of the damage to the local road network

which will result from the movement and turning of fully laden gravel lorries and the dangers of their egressing from Little Braxted Lane.

Councillor Abbott left the meeting at this point.

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

- The junction between Little Braxted Lane is already in use and the application has raised issues of visibility. A detailed survey of this junction has led to proposals that should improve the situation for all users of that junction
- The original speed surveys were inadequate and Essex had sought more appropriate work; the subsequent changes in visibility and signage accord with these revised figures
- Vehicles southbound for Chelmsford will periodically come into the view of vehicles coming in the opposite direction on the slip road, as they do at present
- HGV drivers do benefit from both an elevated and forward position of the cab and so have a very good vantage point when making decisions
- With regard to the site exit itself, this will be able to accommodate turning for articulated vehicles (the worst case scenario) and a mini roundabout would not seem an appropriate option, as British Standards would require street lights, which would be an alien feature here. Removal of some vegetation will be required to provide sufficient visibility but the oak tree can remain
- In view of the traffic volumes, the installation of traffic lights at the site entrance will not be necessary; the proposed measures are deemed adequate
- Appropriate speed surveys have been carried out at the Braxted Road exit, and the applicant can meet the required Highways standards. Vehicles will have to be registered and logged as they use this access point. An average of 6 daily movements is allowed for
- A condition restricting lorries travelling through Witham would be considered unreasonable (Traffic Regulation Orders would be required for this); the intention is for the Applicant to enforce the routeing agreement .

Members made several observations:

- Egress from Witham onto the sliproad southbound is controlled by traffic lights, which will create gaps in traffic flow
- Access to trunk routes is the Mineral Plan; others will not have such good access
- Due provision should be made, so that the Highways decision on the A12 widening will not be compromised by the mineral extraction activities.

The motion was proposed and seconded. Following a vote of eight in favour and one against, with Cllrs Bobbin and Lady Newton abstaining, it was

Resolved

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

A Legal Agreement covering the following matters:

- a. Ecological management plan and 25 year aftercare;
- b. Lorry routeing plan including the use of the Braxted Road access for local deliveries only;
- c. Scheme for improvements to signage on Coleman's Bridge and between the B1029 and proposed Little Braxted Lane access;
- d. Local liaison group;
- e. Habitat Management Group.
- f. Commuted sum for maintenance of highway between site entrance on Little Braxted Lane and junction with Colemans Bridge.
- g. Permissive cycle path on applicants as indicated on drawing No. C45/01/02A and C45/01/08 for duration of development (subject to any need for express planning permission).
- h. The prior completion of a S278 agreement requiring the clearance of vegetation and then subsequent maintenance to ensure visibility splays of at least 160m forward visibility splay in accordance with the details in Appendix B of the Road Safety Audit Stage 1, April 2015

And

Conditions covering the following matters:

1. COM1 - Commencement within 5 years.
2. COM3 - Compliance with submitted details.
3. CESS2 – Cessation of development.
4. CESS7 – Revised restoration in event of suspension of operations.
5. CESS3 - Removal of ancillary development (including haul route and car park).
6. GEN1 – Advance submission of details of plant site (workshop, messroom, bagging plant building, weighbridge) prior to construction of plant site.
7. HOUR2 – Hours of working (mineral specific):
0700– 1800 hours Monday to Friday
0700 – 1300 hours Saturdays
No working on Sundays or Bank/Public Holidays.
8. MIN6 – Records of output (150,000 tpa).
9. PROD3 – Vehicle records of output.
10. BESPOKE – Noise monitoring scheme prior to commencement.
11. NSE2 - Temporary operations.
12. NSE5 – White noise alarms.
13. NSE6 – Silencing of plant and machinery.
14. MIN1 – No importation.
15. MIN4 - Restriction on exports and no aggregates shall be sold directly from the application site.
16. BESPOKE - No importation of waste.
17. LS8 – Soil handled in a dry and friable condition.
18. HIGH10 – Advisory vehicle routeing (no left turn out of site along Little Braxted Lane).
19. LGHT1 – Fixed lighting restriction.
20. AFT1 – Aftercare scheme to be provided.
21. HIGH11 – Visibility splays and junction radius on Little Braxted Lane as shown in

- principle on David Tucker Associates drawing nos. 15057-02, and 15057-06.
22. HIGH15 – Gates.
 23. BESPOKE – Highway works as shown in principle on drawing no. 15057-06.
 24. HIGH11 – Visibility splays and junction radius on Braxted Road as shown in principle on David Tucker Associates drawing no. 15057-05.
 25. HIGH4 – Prevention of mud and debris on the highway.
 26. HIGH6 – Lorry sheeting.
 27. HIGH14 – Surface material.
 28. BESPOKE- Mitigation strategy for geoarchaeological investigation.
 29. BESPOKE – Post-excavation assessment of the geoarchaeological fieldwork.
 30. BESPOKE – Mitigation strategy for archaeological investigation.
 31. BESPOKE – Post-excavation assessment of the archaeological fieldwork.
 32. POLL6 – Groundwater monitoring.
 33. LAND1 – Landscape and restoration scheme.
 34. LAND2 - Replacement landscaping.
 35. TREE4 – Tree protection scheme.
 36. VIS1 – Limiting impact of skips/containers, etc.
 37. VIS2 – Stockpile heights.
 38. DUST1 – Dust suppression scheme.
 39. DUST3 – Spraying of haul road.
 40. BESPOKE – Submission of further ecological surveys prior to the commencement of each phase.
 41. ECO7 – Construction Environmental Management Plan.
 42. LS2 – Soil Movement Scheme.
 43. LS3 – Machine Movement Scheme.
 44. LS4 – Stripping of Top and Subsoil.
 45. LS5 – Maintenance of Bunds.
 46. LS6 – Retention of soils.
 47. LS7 – Location and volume of bunds.
 48. LS9 – Soil stripping depths and replacement
 49. LS10 – Notification of commencement of soil stripping
 50. LS11 – Notification of soil placement
 51. LS12 – Topsoil and subsoil storage
 52. LS13 – Topsoil and subsoil placement
 53. LS14 – Final soil coverage
 54. POLL4 – Fuel/chemical storage.
 55. RES1 – Stones to be picked.
 56. RES4 – Final landform.
 57. MIN7 – Extraction depth limit.
 58. MIN8 – Limits of permitted site.
 59. GPDO2 – Removal of PD rights – specific.
 60. HIGH 5 - HGV movements to be limited to 58 movements (no more than 29 in and 29 out of the combined access/egress points onto/from Little Braxted Lane and Braxted Road) per working day

Councillor Abbott rejoined the meeting at this point.

6. Pitsea Landfill, Basildon

The Committee considered report DR/25/15 by the Director of 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 waste policy considerations
- Basildon Local Plan Policy considerations
- Green Belt
- Ecological Impacts
- Traffic & Highways
- Landscape and visual impact
- Noise, dust and air quality
- Cultural heritage

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

- There have been delays with the footbridge to be provided by the applicant across the railway line on Pitsea Hall Lane, as the authorisations required from Network Rail are very complicated. The intended completion date would be 2016, but required completion by 2017.
- The applicant has been conservative in its estimates of waste inputs, allowing for an annual reduction from 500,000 m³ in the first year, to 100,000-200,000 m³ in the final year.
- The thrust of the National Policy Framework is for local self-sufficiency, but there is currently a surplus of non-hazardous capacity in Essex and Veolia believes it would not complete the project by 2025 using only locally sourced material. The situation is demonstrated by the RSPB project at Wallasea Island, which has had to cease temporarily, because of the lack of available inert material. There is also an economic constraint, which means that material will only travel certain distance, as it would be uneconomic to source from a long way away.
- The funding arrangements are covered in a separate agreement between Veolia and the RSPB. Officers will require to see this agreement, to ensure that the long-term management will be adequately funded. The money will come from Veolia, rather than the RSPB.

The resolution was proposed and seconded. Following a vote of seven in favour, two against, with Cllrs Bobbin, Ellis and Seagers abstaining, it was

Resolved

That planning permission be **granted** subject to

i.

- A. The prior completion of a legal agreement between the RSPB & Veolia for long-term management of the site upon completion of the aftercare period. And that ECC is satisfied that the agreement adequately provides for:
- the lease of the site by the RSPB,
 - management of the site by the RSPB for nature conservation and public open space, for a period in excess of 130 years
 - and adequate funding mechanisms are in place to ensure the proposed management is deliverable by the RSPB.
- B. AND the prior completion, by the 31 December 2015, of Legal Agreements under the Planning and Highways Acts to secure the following obligations:

New obligations

- Veolia participation in the Pitsea Barge Impact Group, and implementation of agreed operational practices and funding of monitoring while barges importing material to the site
- Management of restored areas for the benefit of nature conservation in accordance with an agreed scheme of management until completion of aftercare period on the last phase or until the RSPB take over management whichever is the sooner.
- Compliance and implementation of the Predator Monitoring and Management Plan for Pitsea Landfill and Bowers Marsh.

Existing obligations & amended existing obligations of the 2007 legal agreement

- The total number of all HGV daily movements Monday to Saturday shall not exceed 1100 movements (550 in 550 out). In addition no more than 100 HGV daily movements on Sunday and Public Holidays for deliveries of waste required by the Waste Disposal Authority only.
- The preferred route for HGV vehicles via the A13, A132, A127 and A130 and notification of such to all drivers
- No parking of vehicles on the access road and the developer to impose penalties on drivers for non-compliance
- Management of the nature conservation areas by the RSPB until 9 March 2159.
- Provision for release of the site for informal recreation and nature conservation uses upon completion of restoration and aftercare
- To provide for an Education Interpretation and Field Study Centre (EIFSC) at the site, only to be used in relation to informal recreation and nature conservation purposes

- Provide for a liaison group for the life of the site
- The developer to provide at no cost to the County Council a pedestrian bridge over the railway line on Pitsea Hall Lane. Time period for provision of the bridge extended to 31 August 2017. A maintenance sum to be paid with respect to the bridge. Developer funds previously held for highway improvements to be used to reimburse costs incurred by the County Council in delivering the bridge and assisting with securing the necessary approvals/authorisation from Network Rail for the pedestrian bridge. Should there be a surplus of funds following settlement of any costs incurred by the County Council this surplus to be returned to the developer.
- Submission and compliance with Management Plans for the restored areas and for land on the perimeter of the phases until completion of the aftercare period on the last phase.
- Submission and compliance with Management Plans for the Fobbing Horse Area
- Upon completion of the restoration not to use the Site other than for, aftercare, nature conservation, public open space for informal creation, agriculture necessary for aftercare and nature conservation and willow coppicing
- The southern wharf shall only be used for the importation of restoration and engineering materials.
- The use of the EIFSC shall not be detrimental the facilities provided at Wat Tyler Country Park
- Provision of pedestrian and vehicular access to Wat Tyler Country Park via the Old Redland Road.
- Provision of 15 hectares for 50 years for cultivation of biofuel
- Provision of drying and storage for harvested biofuels
- That the agreement supersedes all previous legal agreements

ii And conditions relating to the following matters:

- 1 Comm 2 - Commencement (Waste Specific)
- 2 Comm3 - Compliance with submitted details
- 3 CESS2 Cessation of development – landraising by the 31st December 2025 and the site restored by 31st December 2027.
- 4 CESS3 Removal of ancillary development
- 5 HOUR3 Hours of operation (Waste Specific)
07:00-18:30 hours Mondays to Saturdays
The site may in addition be open solely for the receipt of material of the Waste Disposal 08:00-16:00 hours Sundays and Public Holidays

- 6 High5 Vehicle movement limits
1100 daily HGV movements Monday to Saturday. 100 daily HGV movements Sundays & Public Holidays for deliveries as required by the Waste Disposal Authority only
- 7 NSE 6 - Silencing of plant and machinery
- 8 NSE 1 – Noise limits
- 9 NSE 2 Temporary operations
- 10 NSE 3 - Monitoring Noise Levels
- 11 NSE 5 - White noise alarms
- 12 Dust control measures in accordance with previously approved details
- 13 HIGH 2 Vehicular access
- 14 Storage of restoration materials in accordance with previously approved details
- 15 Machine movements in accordance with previously approved details
- 16 LS8 - Soil handled in a dry and friable condition
- 17 LS6 – Retention of soils
- 18 Soil depths in accordance with previously approved details
- 19 RS2 - Restoration levels shall not exceed the pre-settlement contours
- 20 Compliance with previously submitted Restoration Management Plan and submission of planting details with respect to each phase of the site
- 21 LAND 2 – Replacement planting
- 22 ECO 2 - Mitigation plan for legally protected species and/or priority species
- 23 Submission of details to address differential settlement
- 24 AFT1 - Aftercare scheme to be approved
- 25 AFT2 - Drainage of restored land and compliance with previously submitted details
- 26 No development of the previously permitted MBT
- 27 Cess 6 - Early restoration in event of suspension of operations to revised restoration scheme
- 28 Eco 6 - Biodiversity/Landscape Management Plan for land outside the identified phases, until 2027 and during the aftercare period.
- 29 High 3 - Surfacing/maintenance of access road
- 31 The reassessment of pre-settlements to include/make provision for:
 - assessment prior to commencement of waste deposit in each incomplete phase
 - include running a settlement model, if necessary
 - assessment to be undertaken a minimum of every two years
 - take account of any changes in the nature of waste, details of changes in waste to be monitored on annual basis, with significant change requiring reassessment of pre-settlement levels

- revision of pre-settlement levels on incomplete phases if the assessment identifies that the post settlement levels would not be achieved.
- 32 Removal and restoration of the temporary short rotation coppicing area by 31 September 2017.
 - 33 Submission of details to be used in the construction and maintenance of access roads located within the restored areas
 - 34 Within 6 months a scheme for provision of a minimum of 4 monitoring cameras observing the flora and fauna of restored areas. The footage either to be available as live feed via a website, or highlights of the footage to be made available through a website.

7. Colchester Quarry (Bellhouse)

The Committee noted that this item had been withdrawn from the agenda and would be considered at a later date.

Enforcement Update

8. Little Warley Hall Farm, Fairsted

The Committee considered report DR/27/15 by the Director of Operations: Environment and Economy, and the Director for Essex Legal Services.

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

Resolved

1. That any decision to prosecute for non-compliance with the Enforcement Notice issued on 7 May 2014 is deferred until the outcome of the judicial review (reference CO/2987/2015 and CO/3254/2015) is known and:
2. That a further update is provided to the Committee following the decision of the court.

Village Green

9. Update Report on Village Green applications and decisions

The Committee considered report DR/28/15 which provided an update on applications to register land as a town or village green pursuant to Section 15(2) of the Commons Act 2006, by the Director for Essex Legal Services.

The Committee **NOTED** the report.

10. Statistics

The Committee considered report DR/29/15, 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 would be held on Friday 23 October 2015 at 10.30am in Committee Room 1.

There being no further business the meeting closed at 12.42 pm.

Chairman