

Our ref: 21/01684/ECC
Your Ref: ESS/36/21/BTE
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Date: 12.08.2021



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Mr Terry Burns
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By e-mail only

Dear Mr Burns

APPLICATION NO : 21/01684/ECC

DESCRIPTION : Consultation on Essex County Council application no. ESS/36/21/BTE - Proposed western extension to the current site using existing approved facilities (site access, plant site, mineral processing plant and other ancillary facilities); including for the diversion of the Burghey Brook; with restoration to arable land using imported inert restoration materials, and on-site materials in advance of A12 road widening and improvement national infrastructure project.

LOCATION : Colemans Farm Quarry, Little Braxted Lane, Rivenhall End, Witham, Essex, CM8 3EX

I refer to your consultation under the above legislation for the proposed development described above and apologise for the delay in submitting this letter.

Under powers delegated to me, I write to inform you that an objection is raised by this authority to the proposal as set out below.

Principle of Development

It is acknowledged that the proposed realignment of the A12, as part of Highway England's widening scheme, has created a situation where the landowner has wanted to consider the extraction of sand and gravel deposits prior to the highway widening works taking place, in order that it is not sterilised by the proposed highway improvements.

As the District Council has set out in previous representations and consultation responses to the Mineral Planning Authority (MPA) there is a growing concern over the burden that this District is carrying in terms of mineral extraction within the County. The draft revisions to the Minerals Plan, even without this proposed extension to the Colemans Farm quarry, would see the Braintree District supplying 56% of the sand and gravel requirements for the whole County (22.78mt to be extracted within the Braintree District, measured against a target for the whole County of 40.824mt over the plan period). Taking the area of land that is proposed to quarried

as an alternative measure then the picture is similar with 55% of the land area allocated to be quarried being located within the Braintree District (338ha out of 615.5ha).

The District Council considers that the approach to allocations that are set out in the Essex Minerals Local Plan Review continues to fail to meet the requirements of Strategic Objective 2, which seeks to minimise mineral miles. Point 7 of SP2 also states that the Minerals Planning Authority (MPA) will require a geographic dispersal of sand and gravel across the County. Given the facts above concerning the planned land areas and extraction volumes it is hard to see how Mineral Miles are being minimised. Having established the Essex Climate Action Commission the County Council have stated that they will work to reduce carbon emissions within the County. Reducing the number of Mineral Miles by directing mineral extraction closer to user markets would be consistent with this aim.

If the MPA ultimately considers that this application to extend the Colemans Farm quarry is acceptable and grants planning permission then the District Council considers that it is imperative that a similar sized quarry site is removed from those that are proposed to be allocated within the Braintree District, in the draft Essex Minerals Local Plan Review. Failure to modify the Minerals Local Plan Review to reflect a further permission granted for this site would further add to the proliferation of mineral sites in the District, the length of time that sites are worked and generally have a negative impact on the Districts communities and infrastructure networks.

Deposition of Inert Waste

The application documentation states that it will be necessary to restore existing ground levels when the mineral extraction is complete. In order to achieve the restoration of the landform within the proposed extension it is stated that it is proposed to import approximately 236,000 m³ (425,000 tonnes) of inert material at a typical rate of 350,000 tonnes per annum. There is no certainty on where the inert waste will be transported from. The Supporting Statement identifies arisings from new greenfield housing development, within the District and County as being one source of material. It also identifies a number of large infrastructure projects underway or planned in the wider region which it is claimed will also serve to place additional strain upon existing inert waste processing capacity within the county. Examples cited include the Lower Thames Crossing, Thames Tideway Sewer, Bradwell B power station, North East Chelmsford Relief Road, A120 Braintree to A12 dualling. With the exception of the last two road schemes (noting that the A120 scheme is currently neither consented nor funded) none of these schemes would be considered local. The District Council feels that our communities and infrastructure are already carrying an unfair burden in terms of mineral extraction. That inert waste is then also being imported, largely from outside the District and quite possibly from outside the County, in such very large volumes further exacerbates the sense of inequity. If Essex, as a County, is required to accommodate inert waste from regional infrastructure projects then the Waste Plan should be identifying suitable sites that can meet this need as close to the source of the material as possible and ideally to sites where the material can be transported by water and or rail.

There does not appear to have been any assessment within the application of whether it would be possible to still construct the A12 highway improvements with a reduced amount of imported waste material, i.e. with lower ground levels. It is noted that the planning application includes typical cross sections of the site which shows extraction occurring to varying depths but in places exceeding 10m so some changes to levels are likely to be required but it is not clear whether reinstatement to existing levels is absolutely necessary, with the resulting HGV movements importing waste to reinstate the current levels.

The District Council do not support the principle of significant amounts of inert waste being imported from outside the County, particularly where this requires large numbers of HGV movements. With more innovative thinking, better solutions may be possible. For example the excavation of the Crossrail tunnels produced material that was used to support the creation of a new RSPB nature reserve at Wallasea Island. It is understood that nearly 80% of the excavated materials were exported from London by rail and water, removing approximately 150,000 Lorries from London roads. Some 3 million tonnes of excavated material was moved to the

Essex coast in 1528 shipments before being used to help create the nature reserve. As a destination for large volumes of inert waste the attractiveness of the Colemans Farm site should be limited as it cannot be reached by rail or water. This means that all imported inert waste will need to be moved by road, adding to congestion on the A12 and with resulting vehicle emissions.

Highways

The existing quarry operation operates with a restriction through the planning permission which restricts the maximum number of HGV movements to 150 per day (granted under ESS/40/18/BTE). It is intended that the mineral extraction proposed by this planning application would have up to 330 HGV movements per day. The Transport Statement explains that the increased number of vehicle movements is a result of the need to import inert waste to the site, over a relatively short period, to restore the existing ground levels following the extraction of the sand and gravel.

It is noted the Transport Statement refers to the ability for vehicles leaving the site to access the westbound carriage way of the A12 by the Rivenhall End junction. The District Council would be concerned about any increase in HGV traffic using the Rivenhall End junction given that there are a number of residential properties near the junction and given the limited entry / exit slip roads. The District Council would assume that neither Highways England nor the Highway Authority would support the principle of additional quarry traffic using the Rivenhall End junction.

The majority of HGV movements in and out of the site are understood to be from the A12, Junction 22 and along Little Braxted Lane. Whilst the site access and Junction 22 may well be designed in accordance with current standards the fact remains that the proposals will see a significant increase in HGV movements. It is noted that the Transport Statement argues that the number of HGV movements to and from the site is not significant when you measure the number of additional movements currently passing through Junction 22, and along this stretch of the A12, but the fact remains that this will result in up to 180 extra HGV movements within the District daily.

It is noted that Highways England have registered that they have no objection to the proposals. Although the publicity / consultation period for this application has now passed I note that at the time of writing this letter no consultation response from the Highway Authority has been received / published. Given the significant increase in HGV movements proposed by the application, the District Council would not expect this application to be determined until such time as the views of the Highway Authority are known.

Ecology

The Development Management Team at Braintree takes specialist ecological advice on development proposals from Place Services. It is noted that the Ecology team at Place Service have registered a holding objection to the proposals in respect of the ecological assessment and potential impact.

Having reviewed the comments of Place Services, the District Council consider that their concerns appear well founded and are of a significant concern, particularly given the proposals to temporarily divert the Burghey Brook, given the fact that the watercourse feeds directly into the River Blackwater, which then joins into the Blackwater Estuary. The Estuary is subject to a number of statutory designations including Site of Special Scientific Interest, Special Protection Area, Ramsar site as is therefore afforded a high level of protection. In addition the Whetmead Local Nature Reserve is only a short distance downstream on the River Blackwater. Further information would need to be provided to demonstrate that the development would not adversely affect these protected environments.

It is further noted that the existing consented quarry operation at Colemans Farm is designated as a Biodiversity Flagship Site in the Essex Minerals Local Plan. The District Council note that Place Services have raised no concerns that the required Biodiversity Enhancement Scheme

for the existing quarry site would be adversely affected by this proposed extension to the west, however we would ask that the MPA satisfy themselves that this is the case. The District Council would be very concerned if this proposed extension were to undermine the significant biodiversity enhancement scheme.

Whilst the rehabilitation of the consented quarry is intended to be to an exemplar standard the proposed ecological enhancements proposed in respect of the proposed western extension are extremely limited, with an apparent commitment to do no more than reinstate to arable farmland. The NPPF is clear that all development should be contributing to biodiversity net gains where possible. Whilst it is accepted that proposals for reinstatement need to be cognisant of the A12 scheme it is not clear why the reinstated arable land cannot include native species hedgerows around field boundaries and along ditches. The Place Services Ecologist also highlights that the reinstatement of Burghey Brook could be carried out in a far more sympathetic manner which would enhance the brooks current biodiversity value. It is understood that the County Council has a team advising on Green Infrastructure and although they do not appear to have been consulted we would assume they would be able to provide further advice on this matter.

Whilst the Environment Agency have been consulted and have submitted a consultation response at the time of writing this response I cannot see any comments from the ECC Watercourse team. Assuming that consent will be required to divert the watercourse the District Council would question whether the ECC Watercourse Team need to review the proposals and confirmed that they have no objections.

Air Quality & Noise

It is noted that the proposed development would allow working at just 100m from the boundary of Burghey Brook Cottage which lies alongside the A12 carriage way.

The information presented within the application document confirms that the existing noise conditions applied to the site (and as applicable to mineral working sites) will not be exceeded at nearest residential property in particular Burghey Brook Cottages and Colemans Cottage as a result of the implementation of the proposals.

Noise levels at Burghey Cottages are already influenced significantly from road traffic noise on the A12. Works to construct a noise barrier (bund) of 3m height will take place prior to the commencement of soil stripping and extraction works. If they are minded to approve the application, then the MPA should ensure that the height, length and design of the bund represents best practice to minimise noise and so achieve acceptable noise levels and that an appropriate noise management plan is in place to implement best practicable means at the time of construction.

It is noted that works to construct the noise bund will commence at 0800 hours rather than 0700 hours as a typical start time.

It must be ensured that dust levels are controlled as the CEMP 4.7 states that dust levels are likely to be problematic under dry conditions and dust suppression will be carried out. The dust assessment for the report confirms that there will be a slight adverse effect due to dust at Burghy Cottages and therefore consideration to permanent dust and particulate matter monitoring would be appropriate.

Whilst the proposed increase in vehicle movements will inevitably increase vehicle emissions this will for the most part add to emissions from existing traffic on the A12. It is acknowledged that the routing of the majority of HGVs on to the A12 through the Colemans Bridge junction will limit exposure of increased traffic emissions to any sensitive residential developments as the traffic will not then need to pass directly by residential property.

Notwithstanding the numerous controls that have been imposed on the operation of the existing quarry operation to protect the amenity of the area, the District Council are concerned that the apparent tight timetable for the extraction of the sand and gravel and for site reinstatement could well result in pressure being applied by the operator to relax the controls over site in the future and that this could be detrimental to the amenity of the area.

Yours faithfully

Data Protection Act



For Planning Development Manager