

DR/30/09

committee DEVELOPMENT & REGULATION

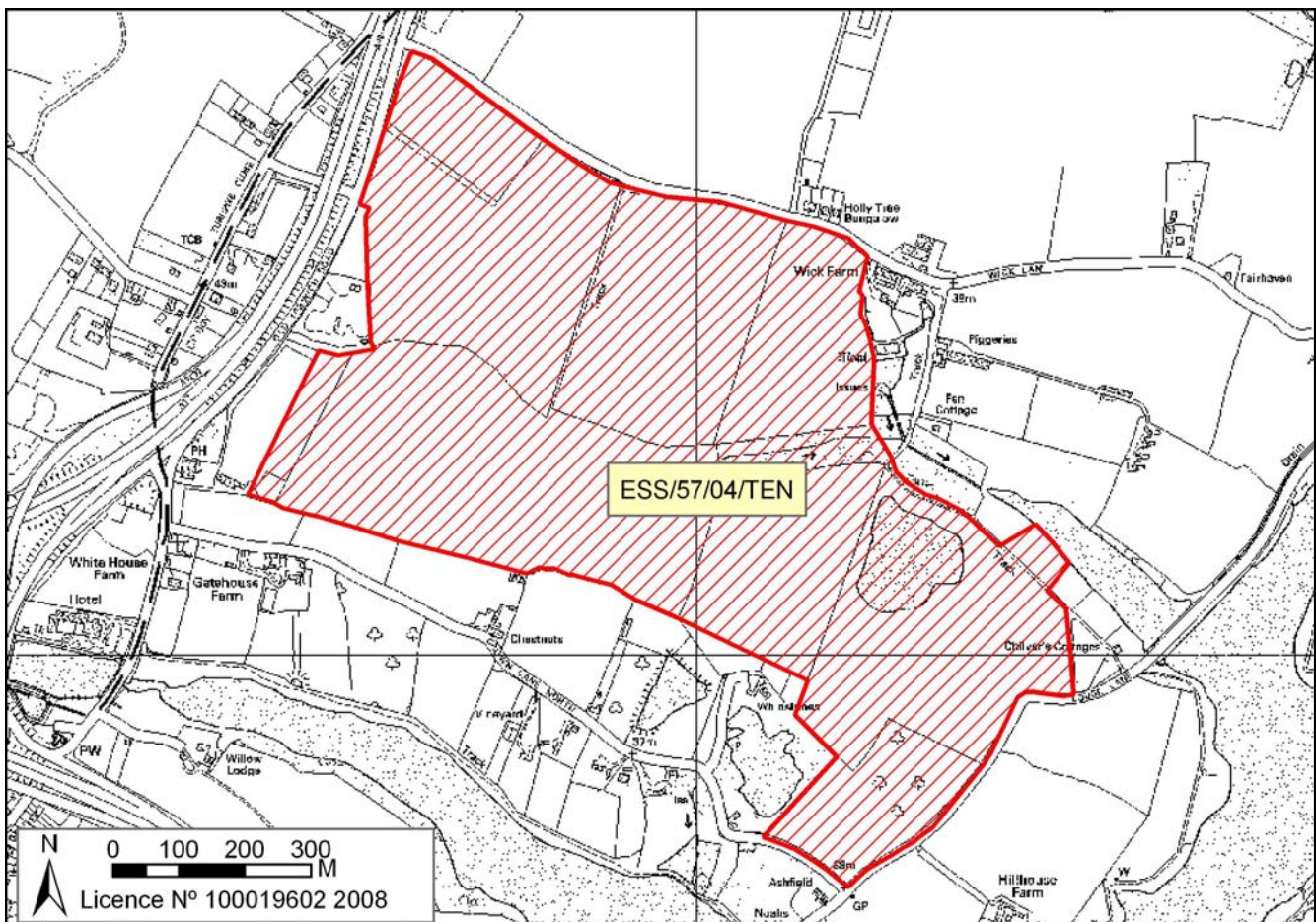
date 22 May 2009

MINERALS AND WASTE DEVELOPMENT

Winning and working of minerals, removal surplus soils and the erection of a low profile processing plant, concrete batching plant and ancillary buildings (including workshop) interim restoration to lakes and subsequent construction of potable water storage reservoir as an extension to the Ardleigh Reservoir with landscaping and an area of public open space. Wick Farm, Ardleigh. Ref: ESS/57/04/TEN

Report by Head of Environmental Planning

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1. BACKGROUND

In March 2007 Members resolved to grant planning permission subject to a legal agreement and conditions for the above development to construct a new 2 million cubic metre reservoir through sand and gravel extraction. The Committee Report of March 2007 is attached at Appendix A.

The application was required to be referred to the Secretary Of State and the application was not called in and drafting of the legal agreement has been progressing.

In January 2009 Members were updated as to progress with respect to the completion of the legal agreement. At that time clarification was provided with respect to provision for mitigation with respect to potential impacts from the development upon private water supplies. The wording of the requirements of the legal agreement with respect to such was resolved to be amended to ensure clarity of the mechanism for provision of the mitigation.

In January 2009 officers committed to report progress if the legal agreement had not been signed by the end of April 2009, which to date it has not.

2. DISCUSSION

Discussions are progressively positively, but the wording of the agreement is still being finalised.

RECOMMENDED

That the Committee re-endorse the previous decision to grant planning permission subject to

1. The applicants and all the relevant landowners of the site entering into a planning and highway agreements to cover the following:
 - A. Monitoring of groundwater including points on the edge of site to assess impact of the development upon ground water levels and the quality and quantity of water available to individual residential properties in the vicinity of the site with private water supplies from wells or boreholes and also monitor the impact upon the moat around Wick Farm, and ponds to the south of the site.
 - B. Requirement that the developer provide a completed Unilateral Obligation. The Unilateral Obligation shall make provision for deepening boreholes or alternative water supply facilities for individual residential properties in the vicinity of the site, including those fronting Wick Lane and Crown Lane North, in the event that ground water monitoring shows a detrimental impact on the potential yield or quality of these wells/boreholes as a result of mineral extraction and/or reservoir construction and other mitigating measures have failed to restore groundwater levels.

- C. Retention of the area restored for public open space to remain open and available for public use for a period of at least 50 years post completion of the reservoir.
- D. Provision of a 50 year management programme for the site post completion of the reservoir, including the areas of public open space and new habitat areas.
- E. Provision for post restoration visitor facilities, including car and cycle parking, disabled access, access to waters edge, toilet facilities and interpretation boards.
- F. Revocation of any planning permissions to work and process the remaining minerals at Tiptree Quarry and its early closure.
- G. To provide details of the end use of soils and demonstrate that they are to be used in a sustainable manner.
- H. Dedication of new public rights of way around the reservoir including a commuted sum for future maintenance of the new public bridleways.
- I. Following a monitoring period, if the current arrangements lead to access difficulties for Large Goods Vehicles, the provision additional waiting restrictions in Old Ipswich Road. Details to be submitted to and approved in writing by the Minerals Planning Authority.

Planning permission be granted subject to the conditions.

- 1. C1 Commencement within 5 years.
- 2. G1 Details in accordance with submitted plans.
- 3. A2 Hours of operation 07:00 – 18:30 Monday to Friday, 07:00 – 13:00 Saturdays.
- 4. G5 Records of outputs.
- 5. H6 Wheel cleaning.
- 6. 6.H1 Point of access.
- 7. The provision of the access onto Ipswich Road as shown in principle on drawing numbered IT430/SK/01 dated January 2007 to include the following:
 - a. A 4.5 metre by 160 metre visibility splay to the north and 4.5 metre by 215 metre visibility splay to the south as measured from the nearside edge of Ipswich Road.
 - b. Radius kerbs of 15 metres (minimum) returned to an access road width of 7.3 metres which shall be a straight and metalled for at least the first 30 metres from its junction with the public highway.

8. The permanent closure of the existing access into the application site from Ipswich Road. Full details to be submitted to and approved in writing by the Minerals Planning Authority.
9. The provision of a road signage scheme to include advanced warning signs to inform road users of the presence of Large Goods Vehicles, full details to be submitted to and approved in writing by the Minerals Planning Authority.
10. The safeguarding/diversion of Public Footpath 19 Ardleigh during construction stages 1 to 4 and completion of the reservoir, full details to be submitted to and approved in writing by the Minerals Planning Authority.
11. Any gates or barriers provided at the site access shall only open inwards and shall be set back a minimum of 15 metres from the nearside edge of the carriageway.
12. The submission of full details relating to the proposed car park and access arrangements for the recreational use following completion of the reservoir.
13. D4 Lorries to be sheeted.
14. N2 Noise Limits.
15. N3 Noise monitoring.
16. N5 No audible warning devices without prior approval.
17. N1 Silencing of Plant and Machinery.
18. A6 No lighting except in accordance with approved details.
19. Stockpile Heights shall not exceed 46 metres AoD.
20. L1 Submission of a detailed landscaping scheme to be broadly in accordance with the details submitted with the planning application.
21. L2 Replacement Planting.
22. L3 Tree Protection Measures.
23. S1 Soil Movement scheme.
24. S7 Stripping of top and sub soil.
25. S11 Maintenance of Bunds.
26. S4 Soil handling in a dry and friable condition.
27. S13 Spreading soils.
28. S14 Depth of sub and topsoil.

29. S15 stone picking following soil placement.
30. S9 Notification of commencement of soil stripping (add that the maximum period for notification is 21 days).
31. R Archaeological investigation.
32. P3 Fuel and Oil Storage.
33. Ra2 Aftercare scheme to be approved.
34. T3 Expiration of planning permission modified to relate to mineral extraction and construction of the reservoir.
35. T7 Removal of plant and equipment removal when no longer required.
36. Prior to the commencement of each new phase of a working an ecological survey and mitigation shall be carried out in accordance with an approved scheme.
37. T5 Details of restoration if works stop.
38. G3 No importation for processing other than cement for the concrete batching plant.
39. G2 Removal of permitted development rights (minerals only).
40. D1 Dust management scheme.
41. No existing vegetation shall be removed between September and February.
42. Through the duration of the mineral extraction provision shall be made for fodder crops in accordance with an approved scheme.
43. Prior to the commencement of the development hereby approved the developer shall provide written confirmation to the Mineral Planning Authority that a Habitats Directive compliant source of water will be available to supply the reservoir.
44. Mineral extraction and reservoir construction operations within 100 metres of Chilver's Cottages, Whinstones and Gate House Farm shall be limited to no more than 8 weeks in any one calendar year.
45. Detailed restoration scheme to be submitted and approved in writing.
46. Details of the link between the existing and proposed reservoir to be submitted and approved in writing.
2. A further report to be submitted to the Committee should the legal agreement not be signed by the end of August 2009 to allow Members to review progress.

BACKGROUND PAPERS

Ref: LP/DC/Claire Tomalin/ESS/57/04/TEN.

LOCAL MEMBER NOTIFICATION

TENDRING - Tendring Rural West.