
Minutes of the meeting of the Development and Regulation Committee, held in Committee Room 1, County Hall, on Friday, 22 March 2024 at 10:30.

Present:

Cllr C Guglielmi (Chairman)	Cllr J Jowers
Cllr J Henry	Cllr M Steel
Cllr M Garnett	Cllr M Steptoe
Cllr B Aspinell	Cllr D Harris

1. Membership, Apologies, Substitutions and Declarations of Interest

Apologies were received from Cllr M Hardware, for whom Cllr J Henry substituted, and from Cllr M Stephenson and Cllr P Thorogood. Cllr L Bowers-Flint joined via Zoom.

Councillor C Guglielmi declared a non-registerable interest in item 4.1 of the agenda (Minute 2) concerning the land at Stanway Quarry and east of Colchester Zoo, Maldon Road, Stanway, Colchester as his wife's son-in-law worked for Tarmac in Suffolk. Cllr Guglielmi considered that as there was no direct connection with this application, he was not precluded from chairing the meeting.

Cllr J Jowers declared an interest in item 4.1 of the agenda (Minute 2) concerning the land at Stanway Quarry and east of Colchester Zoo, Maldon Road, Stanway, Colchester as he was a member of Colchester City Council and had participated in the preparation of their Minerals Local Plan as the relevant Cabinet Member. Cllr Jowers considered that as he had not previously expressed a view on the proposal, he was not precluded from participated in the debate and voting on this item.

Cllr D Harris declared an interest in item 4.1 of the agenda (Minute 2) concerning the land at Stanway Quarry and east of Colchester Zoo, Maldon Road, Stanway, Colchester as he was a Member of Colchester City Council. Cllr Harris considered that as he had not previously expressed a view on the proposal, he was not precluded from participated in the debate and voting on this item.

2. Minutes

The minutes of the meeting held on 26 January 2024 were agreed as a correct record and signed by the Chairman.

3. Identification of Items Involved in Public Speaking

Individuals to speak in accordance with the procedure were identified for the following items:

- 1) Land at Stanway Quarry and east of Colchester Zoo, Maldon Road, Stanway, Colchester

To consider report DR/09/24 relating to the proposed prior extraction of sand as enabling works associated with a future expansion of Colchester Zoo including the extraction of some 500,000 tonnes of sand; the

construction of temporary soil screen mounds; the use of the adjoining Stanway Quarry processing plant, DSM plant and related infrastructure in conjunction with the prior extraction scheme; the establishment of a temporary conveyor link between the prior extraction area and Stanway Quarry, including a temporary conveyor bridge over Maldon Road; and cut and fill reprofiling works to establish the proposed restoration contours and proposed (interim) after uses.

Location: Land at Stanway Quarry and east of Colchester Zoo, Maldon Road, Stanway, Colchester, Essex, CO3 0SL

Ref: ESS/34/23/COL

Public speakers:

- On behalf of the applicant: Mr Alan Everard – speaking for the application,
- A statement read on behalf of Dr DA Tropeano – in support of the application,
- A statement read on behalf of Dame Priti Patel MP – in support of the application.

4. Land at Stanway Quarry and east of Colchester Zoo

The Committee considered report DR/09/24 by the Chief Planning Officer.

Members noted the addendum to the agenda. A verbal update was also given in respect of pages 46 and 75 of the report, to replace 'Appendix A; C' with 'Appendix A; D' and to remove the reference to 'and OV2'.

Policies relevant to the application were detailed in the report and addendum.

Details of consultation and representations received were set out in the report.

The Committee noted the key issues:

- Principle of development
- Impact on the Aggregates Landbank
- Landscape/Visual implications
- Cultural Heritage
- Historic Buildings
- Implications for the Extant Stanway Hall Quarry permission
- Ecology
- Environmental emissions
- Drainage – Hydrology/Hydrogeology

In accordance with the protocol on public speaking the Committee was addressed by Mr Alan Everard, speaking on behalf of the applicant in support of the application. Mr Everard made several points:

- The Application had taken many years to prepare and had involved considerable discussion with Colchester Zoo and Colchester City Council.

- Colchester City Council's Policy WC3 supported this planned growth and stated that it was recognised that the site was underlain by mineral which should not be permanently sterilised by the Zoo's planned growth.
- The Application had four key objectives:
 1. To ensure that the mineral extraction could be completed within a period of time that would not disrupt the Zoo's plans to expand into this area by the end of the decade,
 2. To minimise disturbance to visitors whilst the works were being carried out,
 3. To ensure that any harm to the setting of the Grymes Dyke Ancient Monument was minimised, and
 4. To recover sufficient high-grade sands to supply Tarmac's Dry Silo Mortar Plant that was located within the existing Stanway Quarry for approximately 4 to 5 years.
- The Application had support from Parish, City, County Councillors as well as the MP Dame Priti Patel. Objections had been received from Historic England and the County's Landscape Officer. These had been taken on board by the applicant to ensure the restored landform would be virtually the same as the existing landform.
- The report had little reference to the economic importance of the Dry Silo Mortar operation and the safeguarding of the 30 jobs linked directly to that operation.
- The report concluded that the application could not be justified on policy grounds. The applicant did not agree with this conclusion, and argued that it did not take Colchester City Council's views into account, as they believed that a pragmatic approach was required in the absence of perfectly timed applications from Tarmac and Colchester Zoo.
- It was important to ensure that the mineral resource could be recovered in a sensible timeframe to allow Colchester Zoo to plan for its proposed growth.

In accordance with the protocol on public speaking, a statement was read on behalf of Dr Tropeano, in support of the application. Dr Tropeano's statement made several points:

- Colchester Zoo were the freehold landowner for the area of land that was subject to the planning application for mineral extraction, by the applicant Tarmac.
- Colchester Zoo had had regular dialogue with Tarmac ahead of the application to ensure that mineral extraction would have no adverse implications on the Zoo's current operational requirements and visitor experience.
- Colchester Zoo had worked with Colchester City Council and through the Local Plan consultation process they had observed the promotion and acceptance of the now adopted Policy WC3.
- In accordance with Policy WC3 of the Colchester City Local Plan, Colchester Zoo had produced a Masterplan vision, including the prior works requirements associated with the successful extraction of mineral. The Masterplan would be taken forward to the detailed stage to facilitate the future expansion of the

Zoo.

- Extraction of the limited mineral by Tarmac would enable Colchester Zoo to comply with the requirements of Policy WC3 and progress their redevelopment plans and Masterplan vision.
- The applicant had provided studies on the visual and noise impacts of the proposed development during extraction that had demonstrated that there would not be a significant impact on the animals within the Zoo, the visitor experience and the operational running of the Zoo.
- Colchester Zoo was aware of the importance of the conservation of the scheduled monument which sat within the land and had been in communication with Historic England to work collaboratively with them whilst working on the Masterplan vision.

In accordance with the protocol on public speaking, a statement was read on behalf of Dame Priti Patel MP, in support of the application. Dame Patel's statement made several points:

- A refusal of this application would be detrimental to the future of Colchester Zoo.
- Quarrying was nationally important with the minerals extracted being used for a variety of purposes, including supporting the construction industry.
- Essex County Council was seeking further sites to carry out mineral extraction, in recognition of the vital role which quarrying played in supporting economic growth and development.
- The proposal offered an opportunity to unlock more quarrying in a way which would provide an opportunity for the future expansion of Colchester Zoo.
- Colchester Zoo was one of the county's leading tourist attractions, as well as a centre of excellence for conservation, science, and research. They had a clear expansion plan which was dependent on this development taking place.
- It would be unreasonable for an application for the expansion of Colchester Zoo to be forthcoming given the timescales concerned.
- A Masterplan could be provided in due course.
- It should be both practical and possible to resolve the concerns raised by Historic England through conditions and negotiations.

Following comments and concerns raised by public speakers, it was noted:

- The report did not seek to prevent Colchester Zoo from redeveloping in the future.
- Any future application made by the Zoo for redevelopment would be expected to include an application for any associated incidental mineral extraction. At that stage both Colchester City Council and the Mineral Planning Authority would have an opportunity for assessing the holistic project.

Following comments and concerns raised by members, it was noted:

- The applicant reported that the proposal pre-dated the call for sites for the draft Minerals Local Plan.
- The applicant reported that there had not been an opportunity for the site to be considered as part of the Local Minerals Plan until the most recent call for sites.

- If permission was granted, the land would be restored at a low level and there was no proposal for backfilling.
- Whilst the Minerals Local Plan did provide for prior extraction before built development, this proposal did not involve the permanent sterilisation of land through built development such as housing.
- In a situation where an application would involve the permanent sterilisation of land through built development, the plans for the non-mineral development would include the prior extraction of the mineral.
- This application had been treated as a standalone application as there were no existing applications to develop the Zoo, and therefore nothing to suggest that the mineral would be sterilised.
- The site was a non-preferred site in the Minerals Local Plan, and in order to release this for extraction there had to be an overriding reason. Officers had reached the conclusion that there was no overriding need for the release of the site.
- There was a timetable to submit the draft Local Minerals Plan in 2025, however, this could be subject to delays due to the number of representations received.
- Historic England had reached the conclusion that there would be less than substantial harm caused by the application. This held great weight as the NPPF outlined that this was in conflict with policies.

There being no further points raised, the resolution, was proposed by Cllr J Jowers and seconded by Cllr B Aspinell. Following a vote of six in favour, with two abstentions, it was

Resolved

That planning permission ESS/34/23/COL be refused for the following reasons:

The proposed development would cause harm to the appearance, quality and character of the landscape and countryside and harm to the setting of Cultural Heritage assets, including the Grymes Dyke Scheduled Monument. The proposed development, in the absence of there being a formally approved Colchester Zoo Masterplan and a parallel Colchester Zoo redevelopment/expansion proposal, would not serve to extract mineral at risk of sterilisation. There is therefore no identified need for the release of sand and gravel from this non-preferred site given the Essex aggregate landbank is over 7 years. Accordingly, there is no overriding justification or overriding benefit for the extraction of mineral from this location that outweighs the harm caused. The development is therefore considered contrary to Essex Minerals Local Plan Adopted July 2014 policies S1; S2; S6; S8; S10; S11; S12; DM1 and DM2; North Essex Authorities' Shared Strategic Section 1 Plan 2017-2033 (Adopted February 2021) Policies SP1; Colchester Borough Council Section 2 Local Plan 2017- 2033 (adopted July 2022 Policy DM1; DM15; DM16; DM24; EN1; ENV5 and WC3 and the National Planning Policy Framework (NPPF) December 2023.

5. Applications, Enforcement and Appeals Statistics

The Committee considered report DR/10/24; applications, enforcement and appeals statistics, as at the end of January 2024.

The Committee NOTED the report.

6. Applications, Enforcement and Appeals Statistics

The Committee considered report DR/11/24; applications, enforcement and appeals statistics, as at the end of the previous month.

The Committee NOTED the report.

7. Date of Next Meeting

The Committee noted that the next meeting was scheduled for 10.30am on Friday 26 April 2024, to be held in Committee Room 1, County Hall, Chelmsford.

There being no further business, the meeting closed at 11:34am.