

MINUTES OF A MEETING OF THE DEVELOPMENT AND REGULATION COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON 22 MAY 2015

Present

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

1. Apologies and Substitution Notices

Apologies were received from Cllr J Reeves (substituted by Cllr M Maddocks).

2. Declarations of Interest

Cllr Abbott declared a personal interest in agenda item 6a, the Village Green application in respect of the Land off Oxford Meadow, Sible Hedingham, as a member of Braintree District Council, which is objecting to the application; however Cllr Abbott had taken no part in the District Council's representations and therefore considered he was not prejudiced in considering the application.

Cllr Lady Newton also declared a personal interest in agenda item 6a, the Village Green application in respect of the Land off Oxford Meadow, Sible Hedingham, as a member of Braintree District Council, which is objecting to the application; Cllr Newton declared she would take part in the discussion but abstain from voting.

3. Minutes

The Minutes and Addendum of the Committee held on 24 April 2015 were agreed and signed by the Chairman.

4. Identification of Items Involving Public Speaking

There were none identified.

5. Roxwell Quarry Complex, Roxwell, Chelmsford

The Committee considered report DR/15/15 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:

- Principle of Development and Need
- Landscape and visual impact
- Residential and Local Amenity
- Water Environment
- Highways and Rights of Way
- Ecology
- Restoration and Afteruse.

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

- The existing permission appeared not to have conditions setting precise limits to the amount being tipped, either in terms of volume or weight (as these would vary, according to the nature of the waste). The applicants appeared to have been tipping according to the wrong plan, which came to light as they revisited the requirements for restoration of the site; and they themselves actually brought the matter to the attention of Council officers
- It might be construed that permitting this could be seen as setting a precedent for other operators to flout the conditions of their agreements with impunity. However, in this case, requiring the removal of excess materials would have a negative environmental impact; whereas the outcome of this application would be an improved restoration of the site overall, financed by the operator, which would not have been enforceable under the original agreement
- Although a 10 year aftercare period for biodiversity was now being proposed, even though the County Ecologist had initially suggested a 25 year period, this was an improvement on the 5 year maximum that Essex could legally require. 10 years was also considered a sufficient period to enable the biodiversity to become self-sustaining
- Negotiations to address this issue not only involved the operator but a third party – the landowner. Any increase beyond the 5 years could not be covered as a condition, but would have to be part of a Section 106 Agreement. This would also need consent all three parties.
- Why had compensation not been provided to local parishes? Any requirements had to be directly related to the development in accordance with NPPF

One further point was made by a Member:

- The operator had also engaged with the local Parish Council and local residents, to address the issues here, and this had resulted in noticeable benefits to the local community.

A Member proposed an amendment to increase the aftercare period to 25 years in the Section 106 Agreement.

The resolution for the amendment was moved, seconded and following a vote of five in favour and seven against, the amendment was not approved.

A Member proposed an amendment to include an additional condition requiring submission of the proposed additional ecological survey work referred to on page 31 of the agenda. This would ensure the survey work was undertaken.

The resolution for the amendment was moved, seconded and following a unanimous vote in favour, the amendment was approved.

The original resolution was proposed and seconded, subject to the addition of the above amendment. Following a vote of eight in favour and none against, it was

Resolved

That planning permission be **granted** subject to

- i. The prior completion, within 3 months, of Legal Agreements under the Planning Acts to secure obligations covering the following matters
 - a) 10 year aftercare period and requirement for submission and approval of ecological management delivery plan for all areas restored to biodiversity, including meadowland.
 - b) Creation, installation and maintenance of permissive bridleway around the Brittons Hall Landfill, with its retention for a minimum period of 50 years.
- ii. And conditions relating to the following matters:
 1. The development hereby permitted shall be carried out in accordance with the details of the application dated 04/02/15, together with;
 - report reference LT/BHF/ABW/1649/01 dated January 2015;
 - letter dated 1st May 2015 reference LT/BHF/ABW/1649/01;
 - emails dated 8th May 2015 reference LT/BHF/ABW/1649/01;
 - Figure 1 LT/BHF/01-15/18458;
 - Figure 2 LT/BHF/01-15/18459;
 - Figure 3 LT/BHF/01-15/18460;
 - Figure 4 LT/BHF/01-15/18461;
 - Figure 5 LT/BHF/01-15/18462;
 - Figure 6 LT/BHF/01-15/18463;
 - Figure 7 LT/BHF/01-15/18464; and
 - HDA9 dated April 2015.
 2. The development hereby permitted shall be completed by the 31/12/15;
 3. The total number of HGV movements associated with the development shall not exceed 120 movements Monday to Friday or 60 movements on Saturdays;
 4. Operations associated with the developments hereby permitted shall only be permitted between 0700 and 1800 Monday to Friday, and 0700 and 1300 on Saturdays;
 5. Access to the Site shall be by way of the haul road and access via the A1060 as identified on drawing LT/BHF/01-15/18464 (dated January

- 2015). Other than at the identified crossing point, vehicles shall not use Pengymill Lane;
6. No waste other than those waste materials defined in the application details shall enter the site;
 7. Noise emanating from any activities associated with the developments operation, shall not exceed 50dB at any noise sensitive receptor;
 8. Noise emanating from any temporary activities associated with the development, shall not exceed 70dB at any noise sensitive receptor for a continuous eight week period;
 9. No stripping or spreading of materials shall take place when the wind speed measured at the site equals or exceeds 28knots;
 10. The development hereby permitted shall not take place until details of measures to prevent odour nuisance have been submitted to and approved in writing by the Waste Planning Authority;
 11. No development shall commence in Area Z until a soil analysis has been undertaken to establish the existing nutrient content and the quantities required to bring the land into arable agricultural use;
 12. Machinery, plant and vehicles used on the site shall be effectively silenced in accordance with the manufacturer's specification;
 13. Any fuel, lubricant or/and chemical storage vessel shall be placed or installed within an impermeable container with a sealed sump and capable of holding at least 110% of the vessel's capacity. All fill, draw and overflow pipes shall be properly housed within the bunded area to avoid spillage. The storage vessel, impermeable container and pipes shall be maintained for the life of the development hereby permitted;
 14. Unless the WPA otherwise agree in writing any building, plant, machinery, foundations, roadways, structures or erections in the nature of plant or machinery used in connection with the development hereby permitted shall be removed by 31 December 2015 and upon their removal the land shall be restored and placed into aftercare;
 15. No removal of hedgerows, trees or shrubs, or excavation works shall take place between 1st March and 31st August inclusive, unless approved by an ecological assessment confirming that no wildlife will be harmed and/or appropriate measures are in place to protect existing wildlife;
 16. The applicant shall notify the WPA at least 3 working days in advance of the commencement of the final subsoil placement on each phase. On completion of the subsoil placement no further work is to be carried out for a period of 5 working days without the consent of the WPA, to allow an inspection of the site to take place;

17. The development hereby permitted shall not exceed the pre-settlement contours as shown on drawing number LT/BHF/01-15/18462 dated January 2015 and 2093.15/11B dated October 2014;
18. Commencement of the development hereby permitted shall take place until an aftercare scheme has been submitted to and approved by the WPA;
19. Any tree or shrub forming part of a landscaping scheme approved in connection with the development under Condition 28 of this permission that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season;
20. All topsoil, subsoil and soil making materials shall be retained on site and used within the restoration scheme;
21. The development hereby permitted shall be implemented in accordance with the details relating to the restoration scheme as set out in 2093.15/05H dated April 2015 and 2093.15/11B dated October 2014;
22. Within 6 months of the date of this permission a Habitat Management Scheme shall be submitted to and approved in writing by the WPA;
23. The development hereby permitted shall be carried out in accordance with LT/BHF/01-15/18464 (dated 30th January 2015) and the Flood Risk Assessment (Reference LT/BHF/ABW/1649/01);
24. All watercourses existing on or adjacent to the site shall not be affected in terms of quantity and quality by the restoration operations except with the prior written approval of the Waste Planning Authority;
25. Where differential settlement occurs during the restoration and aftercare period, that is no greater than 10m² the applicant shall fill the depression to the final settlement contour specified with suitable imported soils, to a specification to be agreed in advance by the WPA;
26. Prior to the commencement of the development hereby approved, a Landscape scheme shall be submitted and approved by the WPA; and
27. Landscape Management Plan.
28. Submission of ecological survey works prior to commencement of works within the areas to be surveyed.

INFORMATIVES

PROW diversion of Footpath 35

Village Green

6. 'Land off Oxford Meadow,' Sible Hedingham

The Committee considered report DR/16/15 by the Director for Essex Legal Services to consider an application made by Mrs Lisa Babbs of 76 Oxford Meadow, Sible Hedingham under Section 15(2) of the Commons Act 2006 as amended, to register land known as 'Land off Oxford Meadow' at Sible Hedingham, Chelmsford, as a Town or Village Green.

The Committee noted:

- A non-statutory public inquiry had been held and the inspector had made a recommendation on the evidence in relation to the application and the objection
- Some of the boundaries of the area under consideration were not precisely defined
- The applicant had asked that the application be considered with reference to the use of the land by the inhabitants of the "locality" of the Civil Parish of Sible Hedingham (ie not to a neighbourhood within that parish)
- The local Member had been consulted and was in favour of the recommendation.

Following the presentation, which included photographs and detailed maps of the application land and surrounding area, the recommendation to accept the recommendation was moved and seconded, and, following a vote of eleven in favour and none against, with Cllr Lady Newton abstaining, it was

Resolved:

The inspector's analysis of the evidence in support of the application is accepted and his recommendation is accepted that the application made by Lisa Babbs dated 24th April 2013 is rejected for the reasons set out in the inspector's report and in summary in the report.

7. Statistics

The Committee considered report DR/17/15, 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 next meeting will be held on Friday 26 June 2015 at 10.30am in Committee Room 1.

There being no further business the meeting closed at 11.29 am.

Chairman