

Minutes of the meeting of the Development and Regulation Committee, held in Committee Room 1, County Hall, on Friday, 25 August 2023 at 10:30.

Present:

Cllr C Guglielmi (Chairman)	Cllr L Bowers-Flint
Cllr J Jowers	Cllr L Mackenzie
Cllr M Mackrory	Cllr M Hardware
Cllr M Steel	Cllr M Steptoe
Cllr M Garnett	

1. Membership, Apologies, Substitutions and Declarations of Interest

Apologies were received from Cllr B Aspinell for whom Cllr M Mackrory substituted, and from Cllr M Stephenson, Cllr D Harris and Cllr P Thorogood.

Cllr L Mackenzie declared an interest in item 4.1 of the agenda (Minute 2) concerning Castledon School, Bromfords Drive, Wickford as he was a member of Basildon District Council who had been consulted on the application. Cllr Mackenzie considered that as he had not previously expressed a view on the proposition, he was not precluded from participating in the debate and voting on this item.

Cllr M Steel declared an interest in item 4.2 of the agenda (Minute 9) concerning Great Baddow Library, High Street, Great Baddow as he was a member of Chelmsford City Council who had objected to the application. Cllr Steel considered that as he had not previously expressed a view on the proposition, he was not precluded from participating in the debate and voting on the item.

2. Minutes

Subject to a correction on Minute 2 that amended 'Braintree Borough Council' to read 'Braintree District Council,' the minutes of the meeting held on 28 July 2023 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) Castledon School, Bromford Drive, Wickford

To consider report DR/30/23 relating to the construction of a two-storey standalone building; extension to existing Oriel building; removal of existing temporary classbases, reconfiguration of existing car parking area including the provision of additional car parking spaces, creation of new outdoor play space and associated ancillary development.

Location: Castledon School, Bromfords Drive, Wickford, Essex, SS12 0PW

Ref: CC/BAS/53/23

Public speakers:

- Agent on behalf of the applicant: Ms Rebecca Howard – speaking for
- Local Member: Cllr Malcolm Buckley

4. **Castledon School, Bromfords Drive, Wickford**

The Committee considered report DR/30/23 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of changes to proposed Conditions.

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:

- Need and Principle of Development in the Green Belt
- Design, Layout and Sustainability
- Impact on Playing Field
- Impact on Residential Amenity
- Traffic and Highways
- Impact on Natural Environment
- Impact on Historic Environment
- Flood Risk

In accordance with the protocol on public speaking the Committee was addressed by Ms Rebecca Howard, speaking as the agent on behalf of the applicant. Ms Howard made several points:

- Castledon School had experienced year on year growth due to increased local need. There was a lack of facilities which prevented the school from extending its curriculum to teach a broader range of subjects, including dance, music and drama, and offering a range of qualifications which would increase opportunities, future career choices and employability of pupils.
- There was a lack of small group rooms which made it difficult to manage instances when a pupil needed individual attention in a quiet space.
- There had been incremental growth of the school, which meant that whilst classroom space had expanded, vital related facilities, including the school hall, had not grown to the required size to support the pupil population.
- The existing school hall was undersized, which led to a loss in teaching time.
- The proposed two storey building and extension to the existing Oriel building would replace existing dilapidated, temporary accommodation and provide much needed permanent facilities.
- The Planning Officer had concluded that the justification for the development did represent very special circumstances in meeting Green Belt policies.
- Comments received by neighbouring residents and planning officers at the pre-application stage had resulted in a number of improvements, including the reconfiguration of the car park, removal of the Astro pitch, the addition of a

canopy at the entrance to the block and the obscured glazing of the library window to reduce any perceived overlooking.

- The Transport Assessment had concluded that the additional movements associated with the additional 25 pupils would have a minimal impact.
- No objections had been received from statutory consultees and support had been received from urban design.

In accordance with the protocol on public speaking the Committee was addressed by Cllr M Buckley, speaking as the Local Member. Cllr Buckley made several points:

- There was a cluster of three other schools in the vicinity of Castledon School which led to concerns from local residents regarding traffic.
- The Active Travel Scheme included a 20 mile an hour speed limit in the area, as well as changes to the built environment including speed bumps and turns to slow the traffic down.
- The existing environment of the school was not fit for modern day needs. The school was experiencing growing demand, and it served a large part of South East Essex.
- Many students were accompanied to the school by parents or brought to school on a minibus.
- The school provided an excellent provision for SEND students.
- There had been several objections raised by residents, however, the Active Travel Scheme would alleviate some of these concerns.

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

- A new library was proposed to be built on the first floor of the two-storey building. There was an existing facility of a library bus which would remain on site but be relocated to the edge of the playing field, which was further away from properties. The library bus could be removed in the future.
- The nearest bus stop was a ten-minute walk away, so the school was accessible by public transport. It was noted that many pupils travelled to and from the school via minibus. The proposed reconfiguration of the car park would make it easier for minibuses to gain access to the school site.
- The Green Belt designation would stand unless this was changed in a future Local Plan.
- The Fire and Rescue Service had confirmed that they approved of the proposal in terms of access.
- The proposed building and extension would be constructed to modern standards, including the insulation.

There being no further points raised, the resolution, including the amendment to Condition 11 in the Addendum, was proposed by Cllr J Jowers and seconded by Cllr L Mackenzie. Following a unanimous vote in favour, it was

Resolved

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission.

Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the details of the application dated 22 June 2023 and validated on 22 June 2023 together with Drawing Numbers:

- CASTL-IW-XX-XX-DR-A-2403 P2 – Site Location Plan – 22/06/23
- CASTL-IW-NB-00-DR-A-2500 P5 – New Block GF Plan – 22/06/23
- CASTL-IW-NB-01-DR-A-2501 P5 – New Block FF Plan – 22/06/23
- CASTL-IW-NB-RF-DR-A-2502 P5 – New Block Roof Plan – 22/06/23
- CASTL-IW-EB-XX-DR-A-2520 P3 – Extension Block Drawings - 14/06/23
- CASTL-IW-EB-XX-DR-A-2523 P4 – Extension Block Elevations – 31.07.23
- CASTL-IW-NB-XX-DR-A-2503 P6 – New Block Elevations – 14/07/23
- CASTL-IW-XX-XX-DR-A-2400 P4 – Proposed Site Plan – 22/06/23
- CASTL-IW-XX-XX-VS-A-2402 P4 – Proposed Site AXO – 22/06/23
- CASTL-IW-XX-XX-DR-A-2504 P2 – New Block Sections – 03/03/23
- CASTL-IW-XX-XX-DR-A-2201 P1 – Existing Oriel Block – 14/04/23
- 2304-799_001 Rev D – Engineering Layout to New Building and Extension -21.04.2023
- CASTL-IW-XX-XX-VS-A-2300 P3 – Visuals 1 – 22/06/23
- CASTL-IW-XX-XX-VS-A-2301 P3 – Visuals 2 – 22/06/23
- CASTL-IW-XX-XX-VS-A-2302 P1 – Visuals 3 – 22/06/23
- 4482-LAN-ZZ-XX-DR-L-1002 PO4 – External Play Spaces – 29.06.2023
- 4482-LAN-ZZ-XX-DR-L-1001 P11 – Landscape Masterplan – 29.06.2023

And in accordance with any non-material amendments as may be subsequently approved in writing by the County Planning Authority, except as varied by the following conditions:

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure the development is carried out with the minimum harm to the local environment and in accordance with Policy RS1 and Policy BAS BE12 of the Basildon Local Plan 2007.

3. Demolition and construction work and associated activities shall only be carried out between:

- 08:00 and 18:00 hours Monday to Friday
- 08:00 and 13:00 on Saturday

With no working on Sundays or Bank or Public Holidays other than internal works not audible from outside the site boundary.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and in accordance with Policy BAS BE12 of the Basildon Local Plan 2007

4. The Rating Noise Level from the external plant associated with the development hereby permitted, when assessed in accordance with BS4142:2014 shall not exceed the representative background sound level at the nearest noise sensitive properties.

Reason: In the interest of residential amenity and to comply with Policy BAS BE12 of the Basildon Local Plan 2007.

5. The obscure glazing to the first floor windows to the northern elevation of the development hereby permitted shall be provided as shown on Drawing CASTL-IW-NB-XX-DR-A-2503 P5 – 22.06/23.

Reason: In the interest of residential amenity and to comply with Policy BAS BE12 of the Basildon Local Plan 2007.

6. No development **beyond installation of damp proof membrane above-ground level** shall take place until a scheme of soft landscaping (drawn to a scale of not less than 1:200) has been submitted to and approved in writing by the County Planning Authority. The soft landscaping details shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants noting species, plant sizes and proposed numbers/densities. The scheme shall be implemented within the first available planting season (October to March inclusive) following the commencement of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with Condition 7 of this permission.

Reason: To assimilate the development into its surroundings and protect the character and appearance of the area and to comply with Policy BAS BE12 of the Basildon Local Plan 2007.

7. Any tree or shrub forming part of a landscaping scheme approved in connection with the development (under Condition 6 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 (October to March inclusive) with an appropriate species of tree or shrub the details of which shall have received the prior written approval of the County Planning Authority.

Reason: In the interest of the amenity of the local area, to ensure the development is adequately screened and to comply with Policy BAS BE12 of the Basildon Local Plan 2007.

8. No development **beyond installation of damp proof membrane above-ground level** shall take place until details of a hard landscaping scheme has been submitted to and approved in writing by the County Planning Authority. The

details shall include proposed finished levels and contours showing earthworks and mounding surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (for example furniture, play equipment, refuse and/or other storage units, signs, lighting and similar features), proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features), retained historic landscape features and proposals for restoration where relevant. The scheme shall be implemented in accordance with the approved details prior to the beneficial occupation of the development hereby permitted.

Reason: To assimilate the development into its surroundings and to protect the character and appearance of the area and to comply with Policy BAS BE 12 of the Basildon Local Plan 2007.

9. Prior to beneficial occupation of the development hereby permitted, the car parking area as shown on Drawing Number: 4482-LAN-ZZ-XX-DR-L-1001 P11 Landscape Masterplan dated 29.06.2023 shall be constructed and laid out as approved. The electric vehicle charging points within the approved car park area, as shown on Drawing Number: 4482-LAN-ZZ-XX-DR-L-1001 P11 Landscape Masterplan dated 29.06.2023 shall, for the avoidance of doubt, be installed ready for use at the point of beneficial occupation. The parking areas shall be permanently retained for parking and shall be used for no other purpose.

Reason: To provide a safe level of parking on-site, in the interests of highways safety and to comply with the Parking Standards adopted as County Council Supplementary Guidance in September 2009.

10. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy (Ref: 2304-799 Rev A dated June 2023 prepared by Ingent Consultants) and the following mitigation measures detailed within the FRA:

- Limiting the discharge from the site to 2.3l/s
- Provide attenuation storage (including locations on layout plan) for all storm events up to and including the 1:100 year storm event inclusive of 45% climate change

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may be subsequently agreed, in writing, by the County Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective treatment of surface water runoff to prevent pollution and to comply with the National Planning Policy Framework (2021).

11. No development shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to and approved in writing by the County Planning Authority. The scheme shall subsequently be implemented as approved.

Reason: Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development; construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed and in accordance with the National Planning Policy Framework (2021).

12. Prior to beneficial occupation of the development hereby permitted, a maintenance plan detailing the maintenance arrangements, including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to the County Planning Authority for review and approval in writing.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended and to ensure mitigation against flood risk as failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site and to comply with the National Planning Policy Framework (2021).

13. All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment Report (Lanpro, June 2023) as already submitted with the planning application and agreed in principle with the County Planning Authority prior to determination.

Reason: To conserve protected and Priority species and allow the County Council to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and to comply with the National Planning Policy Framework (2021).

14. ~~No development beyond installation of damp proof membrane shall take place until Prior to commencement of~~ a Biodiversity Enhancement Strategy for protected and Priority species (prepared by a suitably qualified ecologist) shall be submitted to and approved in writing by the County Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) Detailed designs or products descriptions to achieve stated objectives;
- c) Locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) Persons responsible for implementing the enhancement measures; and
- e) Details of initial aftercare and long-term maintenance

The works shall be implemented in accordance with the approved details and be retained in that manner thereafter.

Reason: To demonstrate measurable biodiversity net gains and to allow the County Planning Authority to discharge its duties under the National Planning Policy Framework (2021) and s40 of the NERC Act 2006 (Priority habitats & species).

15. No works or development shall take place until a scheme for the protection of trees to be retained has been submitted to and approved in writing by the County Planning Authority. The scheme shall include:
- a) Details and positions of the Ground Protection Zones in accordance with section 9.3 of Page 32 of 59 BS:5837
 - b) Details and positions of Tree Protection Barriers identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping) in accordance with section 9.2 of BS:5837). The Tree Protection Barriers shall be erected prior to each construction phase commencing and remain in place and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
 - c) Details and positions of the Construction Exclusion Zones in accordance with section 9 of BS:5837
 - d) Details of the working methods to be employed for the installation of drive and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction
 - e) Details of the working methods to be employed for the access and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site
 - f) Details of the working methods to be employed for the site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.

Reason: To ensure that retained trees are protected from damage in the interests of visual amenity and to comply with the National Planning Policy Framework (2021).

16. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained trees' branches, stems or roots be pruned.

Reason: In the interest of the amenity of the local area and to comply with the National Planning Policy Framework (2021).

17. No development or any preliminary groundworks shall take place until:
- a) All trees to be retained during the construction works have been protected by fencing of the 'HERAS' type. The fencing shall be erected around the trees and positioned from the trees in accordance with BS:5837 "Trees in Relation to Construction"; and
 - b) Notices have been erected on the fencing stating "Protected Area (no operations within fenced area)". Notwithstanding the above, no materials shall be stored or activity shall take place within the area enclosed by the fencing. No alteration, removal or repositioning of the fencing shall take place during the construction period without the prior written consent of the County Planning Authority.

Reason: In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with the National Planning Policy Framework (2021).

Informative

Prior to the first occupation of the development, the applicant, in association with Essex County Council's School Travel Planning Advisor, shall agree the frequency of reviewing and, where necessary, updating the School Travel Plan. To this end, the School Travel Planning Advisor will provide assistance in identifying measures that should help mitigate the overall impact of the proposal.

5. Great Baddow Library, High Street, Great Baddow

The Committee considered report DR/31/23 by the Chief Planning Officer.

Members noted the addendum to the agenda.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Need
- Impact on Historic Environment
- Impact on Natural Environment
- Highways & Traffic

The Planning Officer clarified that the London plane tree was protected by a specific Tree Protection Order, and that the sycamore tree was not subject to a specific Tree Protection Order but was protected due to its size and location within the Conservation Area.

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

- The access to the proposed car parking space was close to the existing zebra crossing, however, Highways had not raised any concerns relating to this.

- The material that was proposed to be used was block paving of a permeable nature to allow water penetration.
- The management of the use of the parking space would be handled by the library.

There being no further points raised, the resolution was proposed by Cllr J Jowers and seconded by Cllr M Steptoe. Following a unanimous vote in favour, it was

Resolved

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission.

Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the details of application reference CC/CHL/25/23 dated 14 March 2023 and validated on 30 May 2023 together with Drawing Numbers:

- 1910/01 Rev A – Existing Layout – Jan 2023
- 1910/02 Rev A – Proposed Layout – Jan 2023
- 1910/03 – Existing & Proposed Street Scenes – Mar 2023

And in accordance with any non-material amendments as may be subsequently approved in writing by the County Planning Authority, except as varied by the following conditions:

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details; to ensure that the development is carried out with the minimum harm to the local environment and in accordance with Policy S3 (Conserving and Enhancing the Historic Environment), Policy S4 (Conserving and Enhancing the Natural Environment), Policy DM13 (Designated Heritage Assets), Policy DM14 Non-Designated Heritage Assets), Policy DM17 (Trees, Woodland and Landscape Features) and Policy DM29 (Protecting Living and Working Environments) of the Chelmsford Local Plan adopted May 2020.

3. The development hereby permitted shall be carried out in accordance with the Arboricultural Impact Assessment, Method Statement and Tree Protection Plan prepared by A G Mitchell dated March 2023.

Reason: In the interest of visual amenity and to ensure protection for the existing natural environment and to comply with Policy S4 (Conserving and

Enhancing the Natural Environment) and Policy DM17 (Trees, Woodland and Landscape Features) of the Chelmsford Local Plan adopted May 2020.

4. Any excavation work carried out beneath the crown spread of a tree shall be undertaken using hand tools only, working around tree roots so as to prevent damage or injury to the tree root. No tree root with a diameter greater than 25mm shall be severed unless approved in advance in writing by the County Planning Authority.

Reason: To ensure that trees on site are protected from damage, in the interest of visual amenity and to comply with Policy S4 (Preserving and Enhancing the Natural Environment) and Policy DM17 (Trees, Woodland and Landscape Features) of the Chelmsford Local Plan adopted May 2020.

5. No works or development shall take place until a scheme of supervision for the arboricultural protection measures has been submitted to and approved in writing by the County Planning Authority. The scheme shall be appropriate to the scale and duration of the development hereby permitted and shall include details of:
 - a) An induction and personnel awareness of arboricultural matters
 - b) Identification of individual responsibilities and key personnel
 - c) A statement of delegated powers
 - d) Timing and methods of site visiting and record keeping, including updates
 - e) Procedures for dealing with variations and incidents

The development shall be implemented in accordance with the approved scheme.

Reason: To ensure that retained trees are protected from damage, in the interest of visual amenity and to comply with Policy S4 (Preserving and Enhancing the Natural Environment) and Policy DM17 (Trees, Woodland and Landscape Features) of the Chelmsford Local Plan adopted May 2020.

6. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree branches, stems or roots be pruned.

Reason: In the interest of the amenity of the local area and to comply with Policy D4 (Preserving and Enhancing the Natural Environment) and Policy DM17 (Trees, Woodlands and Landscape Features) of the Chelmsford Local Plan adopted May 2020.

7. Areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

Reason: To ensure that appropriate loading/unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety and in accordance with Policy DM29 (Protecting

Living and Working Environments) of the Chelmsford Local Plan adopted May 2020.

8. Prior to the first beneficial use of the development hereby permitted, the vehicular access at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. The low planting to the north side of the vehicular access shown on Drawing Number 1910/02 Rev A – Proposed Layout dated Jan 2023 shall be maintained at a height not exceeding above 600mm at all times.

Reason: To provide adequate inter-visibility between vehicles using the vehicular access and those in the existing public highway in the interest of highway safety in accordance with Policy DM29 (Protecting Living and Working Environments) of the Chelmsford Local Plan adopted May 2020.

9. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with Policy DM29 (Protecting Living and Working Environments) of the Chelmsford Local Plan adopted May 2020.

10. There shall be no discharge of surface water onto the Highway.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to ensure compliance with Policy DM29 (Protecting Living and Working Environments) of the Chelmsford Local Plan adopted May 2020.

11. The proposed new vehicular access, drive, turning area and parking space, shall be constructed as shown on Drawing Number 1910/02 Rev A – Proposed Layout dated Jan 2023. It shall be provided with an appropriate dropped kerb crossing of the footway/verge. The vehicle parking area and associated turning area shall be retained in this form at all times.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner, in forward gear in the interests of highway safety in accordance with Policy DM29 (Protecting Living and Working Environments) of the Chelmsford Local Plan adopted May 2020.

6. Bliss Heights, 140 London Road, Abridge

The Committee considered report DR/32/23, by the Chief Planning Officer, relating to unauthorised minerals and waste development.

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

- The waste imported to this site included soils, trommel fines, building waste, concrete, hardcore and other mixed waste. It was noted that trommel fines originated from waste transfer sites and were the end product from the separation of minerals and waste through trommels. As the origin of trommel fines, in this

instance, was unknown, there was a possibility that the fines could contain hazardous materials. As such, the Environment Agency was also involved in the monitoring of this site.

- Officers from the Environment Agency attended each visit with officers and, as appropriate, carried out monitoring of the water quality in the river.
- The proposed recommendation gave the landowner until the 11 September 2023 to comply with the Enforcement Notice, after which Essex Legal Service would be instructed to pursue a prosecution.

There being no further points raised, the resolution was proposed by Cllr M Hardware and seconded by Cllr J Jowers. Following a unanimous vote in favour, it was

Resolved

That, at the current time, the WPA continue to monitor the site and proactively work towards compliance with the extant requirements of the Enforcement Notice with the parties involved.

If significant progress towards compliance with the Enforcement Notice is not evidenced at the next WPA site visit (mid to late September 2023) that the WPA instruct ELS to pursue a prosecution against the landowner, being in the public interest to do so.

7. Crumps Farm, Stortford Road, Little Canfield

The Committee considered report DR/33/23, by the Chief Planning Officer, relating to unauthorised minerals and waste development.

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

- The Environment Agency had stronger powers in respect of the breach, and additionally had the evidence to substantiate the breach, so would be best placed to continue to lead investigations.
- As the composition of the imported waste was not fully known, it was not yet possible to fully assess potential options and accordingly identify or propose a preferred way forward.
- Officers had not received the full gas monitoring report from the Environment Agency; however, they had received confirmation that the levels of some gases were above what the Environment Agency considered safe.
- The LiDAR surveys had been conducted by the Environment Agency.
- Officers could consider joint working with other local authorities in order to access drones for the purpose of taking photos of such sites in future.

There being no further points raised, the resolution was proposed by Cllr M Steptoe and seconded by Cllr J Jowers. Following a unanimous vote in favour, it was

Resolved

Due to the complexity of issues, and the potential scale of illegal activities, the WPA continues to assist the Environment Agency with its investigations. However, at the current time, no formal enforcement action is pursued by the WPA.

And, that monitoring visits are suspended until such time as the Environment Agency confirms there would be no health and safety concerns for officers visiting the site.

8. Applications, Enforcement and Appeals Statistics

The Committee considered report DR/34/23; applications, enforcement and appeals statistics, as at the end of July 2023.

The Committee NOTED the report.

9. Date of Next Meeting

The Committee noted that the next meeting was scheduled for 10.30am on Friday 22 September 2023, to be held in Committee Room 1, County Hall, Chelmsford.

There being no further business, the meeting closed at 11:49am.