

**MINUTES OF A MEETING OF THE DEVELOPMENT AND REGULATION
COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON
23 NOVEMBER 2012**

Present

Cllr N Edey (Chairman)
Cllr W Dick
Cllr M Garnett
Cllr I Grundy
Cllr M Mackrory

Cllr G McEwen
Cllr M Miller
Cllr D Morris
Cllr I Pummell
Cllr J Reeves

1. Apologies and Substitution Notices

Apologies were received from Cllrs R Boyce (substituted by Cllr I Grundy), T Higgins (substituted by Cllr M Mackrory), S Hillier and R Pearson (substituted by Cllr C Riley).

2. Minutes

The Minutes and Addendum of the Committee held on 26 October 2012 were agreed and signed by the Chairman.

3. Matters Arising

There were no matters arising.

4. Declarations of Interest

Councillor Mackrory declared a non-pecuniary interest in Agenda Item 5a.

Councillor Pummell declared a non-pecuniary interest in Agenda Item 7a.

Councillor Morris declared a non-pecuniary interest in Agenda Items 7a and 7b.

5. Identification of Items Involving Public Speaking

There were none identified.

Minerals and Waste

6. Park Farm

The Committee considered report DR/41/12 by the Head of Environmental Planning.

The Members of the Committee noted the contents of the Addendum attached to these minutes and the changes to heads of terms of the legal agreements and the conditions.

The Committee was advised that the proposal was for the winning and working of sand and gravel and associated dry screen processing plant, temporary storage

of minerals and soils and associated infrastructure; in addition backfilling of the void with soils and overburden arising from the development of mixed uses on land adjacent to the mineral working.

Policies relevant to the application were detailed in the report.

The Committee noted the contents of the Environmental Impact Assessment attached as an appendix to the report.

Details of Consultation and Representations received were set out in the report.

The Committee noted the key issues that were:

- Need & Principle of the Development
- Relationship With Mixed Use Development And Legal Agreements
- Landscape and visual Impact
- Impact on Residential & Local Amenity – air quality, dust and noise
- Ground & Surface Water
- Ecology
- Historic Environment
- Traffic and Highways
- Agriculture and Soils
- Public Rights Of Way
- Phasing, Reinstatement/Restoration & Timescale

A number of concerns were raised by Members.

In response to questions raised, Members were informed that:

- The movement of plant beneath powerlines should not present difficulties
- The flood risk assessment had not revealed any potential flooding problems
- The spine road would not be constructed until the final phase of the development (scheduled completion in 2022).

The resolution was moved, seconded and unanimously agreed and

Resolved:

That planning permission be granted subject to the following:

- i) The prior completion, within 12 months, of Legal Agreements under the Planning Acts to secure obligations or such alternative forms as may be agreed by the Head of Environmental Planning and the County Council's Legal Officer, following further discussions with the applicant to cover the following matters:
 - The scheme of obligations relating to the application site as currently set out within the existing s52 legal agreement associated with planning permissions CHL/1890/87 and CHL/1019/87 will require to be altered and/or restructured or a new legal agreement agreed to take account of the proposals.

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- Not to commence implementation of the mineral/backfill development until lawful commencement of GBP development (CCC application ref: 09/01314/EIA).
 - Prior to commencement of the mineral/backfill development to obtain approval from ECC of the habitat management plan as required by CCC application reference ref: 09/01314/EIA, subject to Chelmsford City Council confirming they intend to approve the same habitat management plan.
 - Prior to commencement of the mineral development to obtain approval from ECC of the construction and environmental management plan as required by CCC application ref: 09/01314/EIA, subject to Chelmsford City Council being in a position confirming they intend to approve the same construction and environmental management plan.
 - Prior to commencement of dewatering of the application site to obtain approval from ECC of the drainage management system (in particular with respect to the settlement pond and discharge of water resulting from dewatering and surface water from the application site) as required by CCC application Ref. 09/01314/EIA, subject to Chelmsford City Council confirming they intend to approve the same drainage management system.
 - Groundwater monitoring outside the application site as described within the application and Environmental Statement
 - Scheme of mitigation to be submitted should the water level in ponds outside the site drop significantly due to activities associated with the mineral/backfill development.
 - Requirement for applicant to serve Unilateral Undertakings (UU) (the wording of which to be agreed in advance with MPA) on licensed abstractors. The UUs obligating to put licensed abstractors on mains water supply should there be significant detrimental impact upon water abstractions resulting from the mineral/backfill development.
 - Early implementation of planting on the north and west boundary of New Hall School, as proposed by planning application CCC Ref: 09/01314/EIA
 - Access/egress to and from the public highway for vehicles associated with the mineral/backfill development only at locations as approved under planning application CCC Ref: 09/01314/EIA
- ii) And conditions relating to the following matters;
- COMM1 Commencement within 5 years
 - COM3 Compliance with Submitted Details
 - PROD 1 Export restriction - no greater rate than 325,000 tonnes per annum

- CESS5 Cessation of Mineral Development within 4 years, cessation of landfilling and restoration within 8 years except for restoration of boundary with Bulls Lodge Quarry extraction
- CESS3 Removal of Ancillary Development
- CESS7 Revised Restoration in Event of Suspension of Operations
- HOUR2 Hours of working (Mineral Specific)
07:00 to 18:30 hours Monday to Friday
07:00 to 13:00 hours Saturdays
and at no other times or on Sundays, Bank or Public Holidays.
- The schedule of work and timescales shall be carried out to accommodate the infrastructure delivery plan set out in the proposal of application ref. 09/01314/EIA
- South and east facing slopes of stores of overburden and subsoil shall be no greater than 1:3 and shall be topsoiled and seeded in first available planting season and subject to a programme of maintenance
- LGHT1 Fixed Lighting Restriction
- ECO3 Protection of Breeding Birds
- Submission of method statement with respect to removal of hedgerow
- Scheme of mitigation should ponds within the site dry due to mineral operations
- 10m standoff to all retained hedgerow and hedgerow trees
- NSE1 Noise Limits
- NSE2 Temporary Noisy Operations
- NSE3 Monitoring Noise Levels
- NSE5 White Noise Alarms
- NSE6 Silencing of Plant and Machinery
- HIGH3 Surfacing/Maintenance of Haul Road
- HIGH2 Vehicular Access
- DUST1 Dust Suppression Scheme – including source of water for dust suppression
- POLL6 Groundwater Monitoring
- Flood risk mitigation in accordance with FRA Dec 2011
- Details of method of soil stripping and placement
- LS4 Stripping of Top and Subsoil
- LS5 Maintenance of Bunds
- LS8 Soil Handled in a Dry and Friable Condition
- LS10 Notification of Commencement of Soil Stripping
- LS12 Topsoil and Subsoil Storage
- ARC1 Advance Archaeological Investigation
- No material other than overburden, subsoils and excavation waste (except topsoils) shall be disposed in the void
- POLL 4 Fuel/Chemical Storage
- POLL 8 Prevention of Plant and Machinery Pollution
- Scheme for removal of suspended solids from surface water run-off
- RES4 Final Landform
- Interim restoration scheme to rough grassland for phases where infilling complete, but redevelopment under GBP development not planned within 6 months

- Submission of restoration details for northern boundary area as indicated hatched on ES4.16 ensuring levels tie in with those permitted as part of CHL/1890/87 or any subsequent amendment
- Nature and use of infilling materials in accordance with report by URS Mineral Extraction and Backfill dated May 2012 and ensure the made up ground over which the Radial Distributor Road associated with application Ref 09/01314/EIA being dealt with by CCC is backfilled with appropriate material and compacted to finished levels to support the new RDR design requirements.
- MIN1 No Importation
- WAST6 No Crushing of Stone
- GPDO2 Removal of PD Rights
- Scheme of mitigation should ponds inside the site dry due to mineral operations
- No extraction or infilling at the site 4 years after commencement until the submission and approval of a reassessment of the impact of the proposals on ecology and the water environment.
- Submission of details of use of surplus topsoils

County Council Development

7. Castle View School

The Committee considered report DR/42/12 by the Head of Environmental Planning.

The Committee was advised that the school was exploring options with regard to reducing the height of the cage. If this were to prove unsuccessful, it would then look at an alternative site. In either case, it was likely to come back to the Committee early in 2013.

The Committee noted the position.

Village Green

8. Wethersfield Way, Wickford

The Committee considered report DR/43/12 by the County Solicitor.

Members considered an application made by Mrs Tristan Marriott to register land known as "the Green", adjacent to Wethersfield Way, Wickford as a town or village green pursuant to Section 15(2) of the Commons Act 2006.

The Committee noted:

- A non-statutory public local inquiry has been held and the Inspector's report was attached as Appendix 1 in the agenda for information.
- No further representations had been received, either from the applicant or the objector following the Inspector's Report
- Brief comments made by Councillor Iris Pummell, local Member for Wickford Crouch.

Following the presentation, which included photographs and detailed maps of the

site, the recommendation to accept the application was moved, seconded and unanimously agreed and

Resolved:

1. The boundary of the identified neighbourhood on Appendix 2 in DR/43/12 is accepted as the neighbourhood and that Basildon Borough, formerly Basildon District, is the locality area in relation to the application;
2. The inspector's analysis of the evidence in support of the application is accepted and his recommendation that the application made by Mrs Marriott received in May 2011 is accepted for the reasons set out in the inspector's report and in summary in report DR/43/12 and the land applied for is added to the Register of Town and Village Greens.

Councillor Morris left the meeting at 11.20 am

9. Kent View Road, Vange

The Committee considered report DR/44/12 by the County Solicitor.

Members considered an application made by Mr Neil Hart to register land known as Kent View Recreation Ground, Kent View Road, Vange, as a town or village green pursuant to Section 15(2) of the Commons Act 2006.

The Committee noted:

- A non-statutory public local inquiry has been held and the Inspector's report was attached as Appendix 1 in the agenda for information.
- Following the Inspector's Report, the applicant has expressed the intention to approach Basildon Borough Council, as landowner, to see if it might consider extending the area recommended to be registered as village green.
- Basildon BC has made no further representations, following the Inspector's Report.

Following the presentation, which included photographs and detailed maps of the site, the recommendation to accept the application was moved, seconded and unanimously agreed and

Resolved:

1. That, with the exception of the cross hatched area on the map at the front of report DR/44/12, the application is rejected as the land has a legal status which defeats the acquisition of village green rights over it.
2. The part of the application land shown with cross hatching on the map at the front of report DR/44/12 is registered as town or village green.

Enforcement Update

10. Weald Place Farm

The Committee considered report DR/45/12, by the Head of Environmental Planning.

The Committee **NOTED** the report.

Appeal Update

11. Coronation Nursery

The Committee considered report DR/46/12, by the Head of Environmental Planning.

The Committee **NOTED** the report.

12. Maple River

The Committee considered report DR/47/12, by the Head of Environmental Planning.

The Committee **NOTED** the report.

Information Items

13. Statistics

The Committee considered report DR/48/12, Applications, Enforcement and Appeals Statistics, as at end October 2012, by the Head of Environmental Planning.

The Committee **NOTED** the report.

14. Date and Time of Next Meeting

The Committee noted that the next meeting was scheduled for Friday 14 December 2012 at 10.30am in Committee Room 1. However, given the lack of agenda items at present, it was possible that no meeting would be necessary.

[Position confirmed subsequent to meeting; so the December meeting was cancelled. Next meeting: Friday 25 January 2012]

Before closing the meeting, the Chairman informed Members that Roy Leavitt, Head of Environmental Planning, will be retiring in December, so this will be his last meeting. The Committee thanked him for his long service for the County and wished him well for the future.

There being no further business the meeting closed at 11.40am.