

DR/15/15

committee DEVELOPMENT & REGULATION

date 22 May 2015

MINERALS AND WASTE DEVELOPMENT

Proposal: **Modification to the restoration profile and the restoration scheme for the non-hazardous landfill arising from overtipping of approx. 85,250 cubic metres (part retrospective). Enhanced restoration of a former landfilling area by the importation of inert materials and biosolids to enable agricultural after-use and restoration scheme for the former mineral processing plant site to woodland, nature conservation and agricultural after-uses (including retention of hardstanding and workshop). All to be completed by 31 December 2015.**

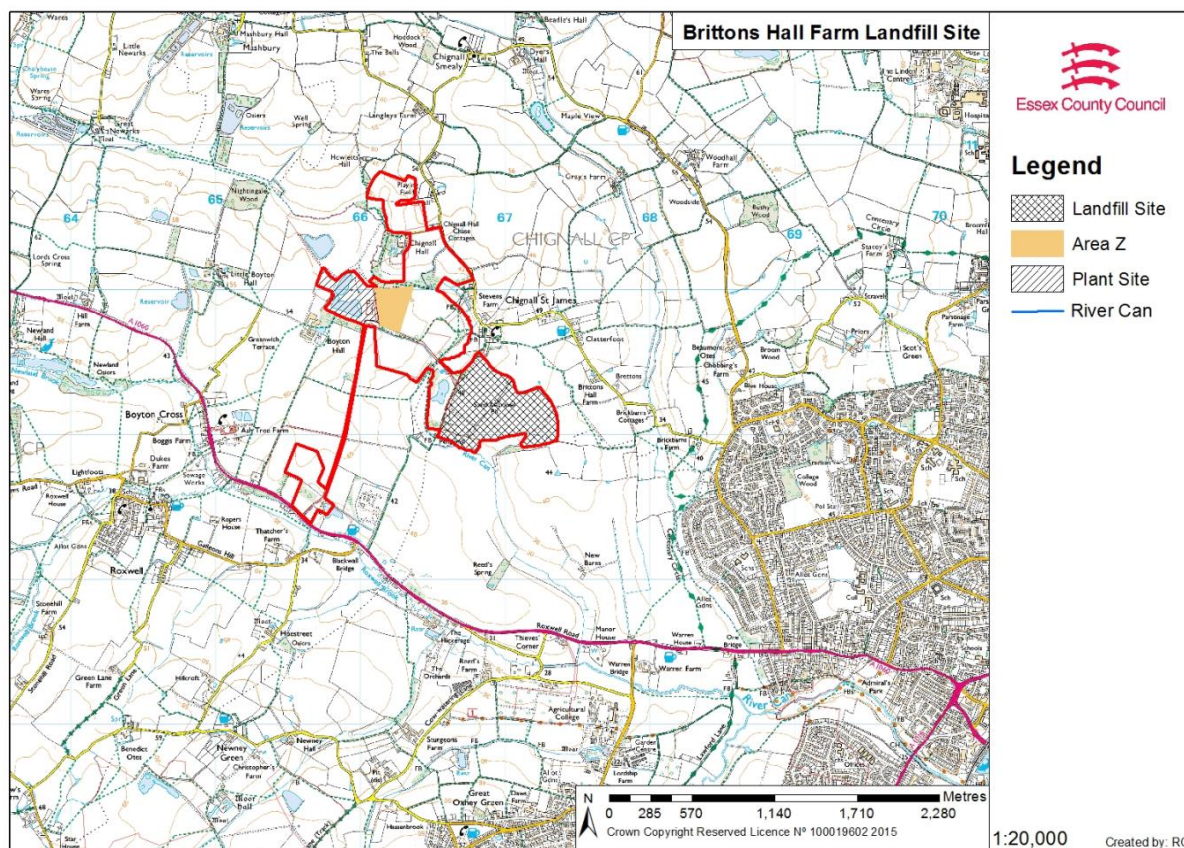
Location: **Roxwell Quarry Complex, Boyton Cross, Roxwell, Chelmsford, CM1 4LT**
 Ref: **ESS/05/15/CHL**

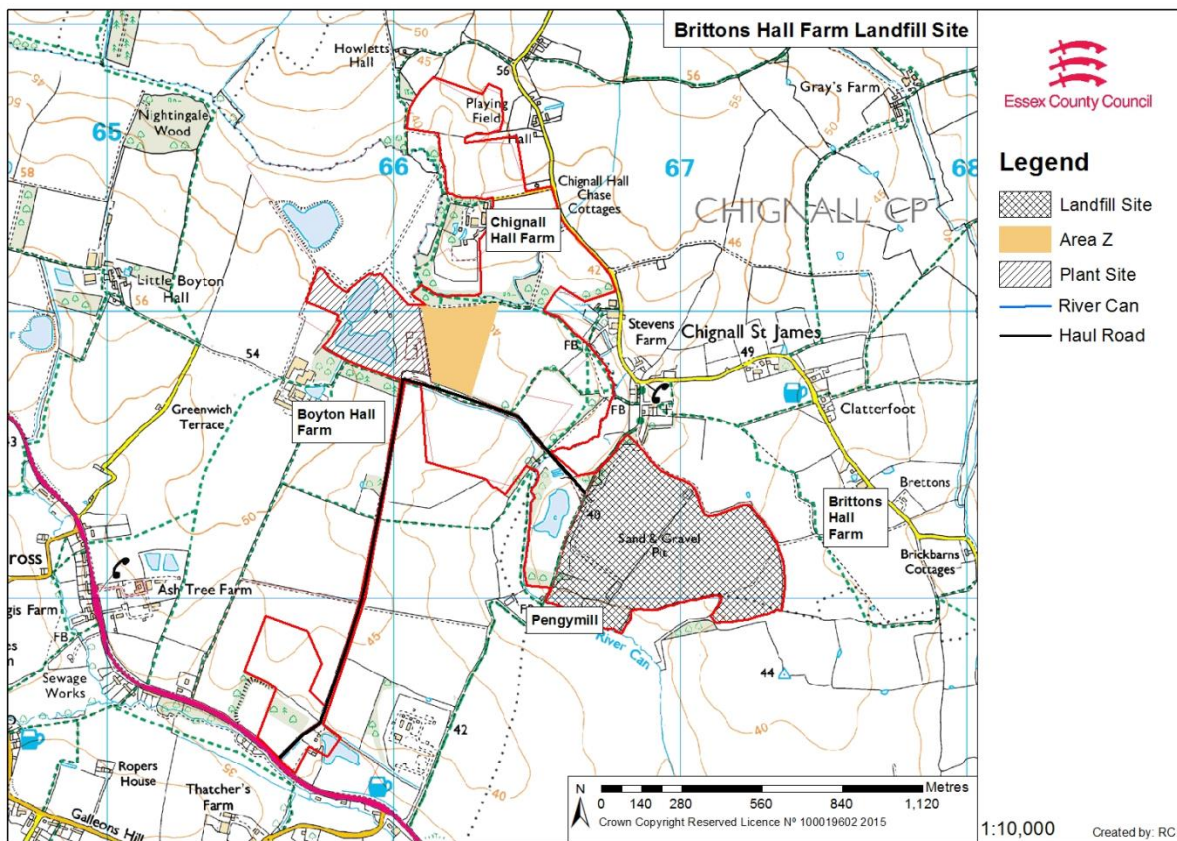
Applicant: **Lafarge Aggregates Limited**

Report by Director of Operations, Environment and Economy

Enquiries to: Charlotte Powell Tel: 03330 130469

The full application can be viewed at www.essex.gov.uk/viewplanning





1. BACKGROUND

Planning permission was first granted for the extraction of sand and gravel and landfilling operations at the Brittons Hall Farm Landfill Site in 1993.

In 2009 planning permission (ref. ESS/02/09/CHL) was granted to revise the pre-settlement restoration contours of the consented landfill operation to take into account a higher rate of settlement in the waste and to extend the life of the site and provide for restoration to amenity comprising conservation grassland, woodland and hedgerows.

On 28th March 2012 planning permission (ref. ESS/60/11/CHL) was granted to extend the time period for landfilling to 31st March 2015 with restoration works to be completed by 31st December 2015. Planning permission reference ESS/60/11/CHL is the extant planning permission for the landfill operations at the site.

In February 2013 Lafarge advised the Waste Planning Authority that an error had occurred and tipping had been carried out utilising the wrong restoration pre-settlement levels drawing and as a result tipping had taken place above the approved pre-settlement contours.

Two options for the regularisation of the waste levels were identified by Lafarge comprising;

- The excavation and removal from the site of the waste which had been placed above the consented pre-settlement contours; or
- Submission of a planning application to revise the consented contours to reflect the additional waste which had been deposited.

Lafarge carried out an assessment as to the likely impacts from both of the options. It was concluded that removal of waste would likely give rise to odour issues as it would have started to decompose and the waste would be required to be transported away, giving rise to additional traffic movements and potential odour issues on route, and at its destination. There would be some landscape impacts from the revised higher levels of regularising the landform but it was concluded these minor long term landscape impacts were less than the environmental impacts associated with removing the waste. Thus this application has been submitted to regularise the current landform.

In addition during discussions with the Waste Planning Authority it was identified that there are two further areas of the Roxwell Quarry complex in which restoration has not been completed known as Area Z and the former minerals processing Plant Site and thus these are also included in the application.

2. SITE

Brittons Hall Farm Landfill Site is a former sand and gravel mineral extraction site and forms one of a number of separate landfill areas at the Roxwell Quarry Complex.

The Roxwell Quarry Complex is approximately 4.5km north west of the centre of Chelmsford, Essex and approximately 200m south of the village of Chignall St. James. It is an allocated non-hazardous landfill (LNI.3) within the Essex Waste Local Plan (2001).

The access to the Roxwell Quarry Complex is from the A1060 approximately 1150m south west of the Brittons Hall Farm Landfill Site. A private haul road links the A1060 to the landfill. The weighbridge and reception area is located just to the east at its end.

The land use surrounding the Roxwell Quarry Complex is predominantly agriculture with several isolated dwellings.

The applicant proposes development on 3 parts of the site, the Plant Site located to the north of the weighbridge, Area Z to the north east and the recently completed landfill to the east, Brittons Hall Farm Landfill Site.

The proposals are in close proximity to the River Can which is 20m to the north of Area Z and 60m to the north east from the Plant Site. The River Can then flows east, south, then east to form the southern boundary of the Brittons Hall Farm Landfill Site.

To the north of the Roxwell Quarry Complex footpath 35 generally follows the River Can in a southerly direction before crossing footpath 38 and passing through the west side of Area Z and joining with footpath 40 which runs in an east-west direction adjacent to and south of the primary access road between the landfill site reception area and Brittons Hall Farm Landfill. Footpath 40 turns in a north easterly direction approximately mid-way between the site reception area and the landfill site before turning generally easterly towards Chignall St James. Footpath 38 runs in a generally east to south easterly direction along the River Can to the north of Area Z.

Footpath 37 runs in a south westerly direction between Brittons Hall Farm Landfill Site and Area Z and crosses the primary access road before splitting with footpath 37 continuing generally south westerly and then westerly and crossing the primary access road to the south of the landfill site reception area and footpath 38 which follows the River Can in a southerly direction and joins Bridleway 33 near Pengymill. To the north of Brittons Hall Farm Landfill, footpath 30 runs in a generally south easterly direction from Chignall St James.

Brittons Hall Farm Landfill Site Pengymill is a residential property and is located to the south west of the landfill area approximately 190m from the landfill and is the closest residential dwelling.

Properties to the north of the landfill area are a group of residential houses which form the southern edge of Chignall St James, the closest of which is located approximately 250m from the landfill.

To the north east of the landfill area are several properties located adjacent to an

unclassified road. The closest property is located approximately 410m from the landfill. To the east is Brittons Hall Farm approximately 320m from the landfill.

The village of Roxwell is located approximately 2km to the south west of the Landfill Site, south of the A1060.

There are two areas of landfilling at the Brittons Hall Farm Landfill Site, the western and eastern areas which are divided by a gas main corridor which runs in a generally north east to south west direction. The gas main corridor comprises an approximately 20m wide strip of ground that has not been worked for mineral or landfilled.

Plant Site The former plant site is located adjacent to and north west of the site reception area. The former plant site covers an area of approximately 9.7ha which is located below natural ground levels. Access to the former plant site is via a sloped hard surfaced access track from the site reception area (weighbridge, site office and car park). The former plant site was previously occupied by the mineral processing plant, aggregate stockpiles, and a concrete batching plant.

Following the completion of mineral extraction operations at the Roxwell Quarry Complex the mineral processing plant was removed but areas of concrete hardstanding remain. The former silt lagoon and the clean water lagoon remain in the south western and north western parts of the former plant site respectively and the office and workshop buildings remain centrally. A landfill gas management compound is located mid way along the eastern part of former plant site which would remain. The former plant site is predominantly surrounded by agricultural land with blocks of woodland adjacent to the southern and south western boundaries beyond which is Boyton Hall Farm.

Boyton Hall Farm is located approximately 310m west south west of the site reception area and Chignall Hall Farm is located approximately 350m north-north east of the gas management compound.

Area Z Area Z is located east of the former Plant Site. It is accessed from the south via the access road to Brittons Hall Landfill Site from the reception area and the access track forms the southern boundary of Area Z. The eastern boundary is delineated by a step feature which is between 1m and 2m high. The screening bund to the former Plant Site forms the western boundary and the River Can flows close to the northern boundary. The closest property is located approximately 230m to the north in Chignall Hall. Area Z covers approximately 5.6ha. The area is currently to grass but there is only a poor grass sward.

3. PROPOSAL

There are three elements to the proposal, namely:

- Amended levels and restoration of the Brittons Hall Farm Landfill;
- Restoration of Area Z; and
- Restoration of the Plant Site.

Amended levels and restoration of the Brittons Hall Landfill

The Landfill is in two parts divided by a gas main, the western and eastern areas.

i. Western Landfill Area

It was identified by Lafarge that waste had been deposited above the consented pre-settlement restoration contours in the area of the Brittons Hall Farm Landfill Site.

The maximum consented pre-settlement level in the western landfill is 52m AOD located in the northern part of the site and the maximum post settlement level is 47m AOD located in the northern part of the site.

The maximum proposed pre-settlement restoration contours would be 52mAOD. The area of the highest proposed pre-settlement restoration level is larger and extends further in a south-westerly direction in comparison to the consented levels. The proposed maximum post settlement level would be 50m AOD.

ii. Eastern Landfill Area

The pre-settlement contours are generally consistent with ESS/60/11/CHL however there are some areas which exceed or are lower than the consented pre-settlement profile. As a result there are areas where the gradient is lower than the minimum gradient for landfill sites which could result in the pooling of water. Additional material would be placed in these areas to achieve appropriate gradients.

Accordingly planning permission is sought for the modification to the restoration profile and the restoration scheme for the non-hazardous landfill arising from overtipping of approximately 85,250 cubic metres (part retrospective). All parts are to be completed by 31 December 2015.

The proposed restoration scheme for which approval is sought would result in higher spurs and steeper gradients than the approved scheme. The regularisation of the Brittons Hall Landfill Site contours includes a revised landscaping scheme in order to provide increased levels of screening and help integrate the site with surrounding land. It is proposed to create additional locally-characteristic copses and woodlands on the steeper areas of the landfill compared to those approved to soften the spurs and gradients further. This is proposed to soften the landform and reflect similar patterns already in occurrence in the Can Valley. It is still proposed to restore the site to grassland and meadow.

The new restoration scheme includes a new bridle way, circumnavigating the spurs and connecting with Bridleway 33 to the west.

A sustainable drainage scheme is proposed for the landfill site with the route of surface water drains constructed with sufficient capacity to accommodate surface water runoff from the eastern and western areas. No drains are proposed in the vicinity of the gas main.

Drains would discharge from the western spur to the lake, which in turn discharges into the River Can.

A drain is proposed which would intercept runoff on the eastern area to a channel located on land in control of the applicant. An additional drain would drain to a confluence with an existing drain which continues to the River Can.

Due to the topography of the site, a narrow strip accommodating the gas main would continue to drain to the southwest. Runoff would drain to the ground or to the wet grassland south of the landfill. It is considered in the report submitted with the application the volume of runoff would be small and unlikely to result in significant changes to the flood risk.

Perimeter ditches are being constructed around the landfill and the silt would be removed to maintain capacity of the ditches until vegetation is established. The report states there may be an increase in the rate of runoff as a result of the revised contours and surface water attenuation would be provided for in the existing lake.

Restoration of Area Z

Enhanced restoration is proposed for the former landfilled area by the importation of inert restoration materials and biosolids to enable agricultural after use comprising grassland for grazing. The importation of materials would create a landform consistent with the surrounding ground levels and provide for agricultural use comprising grazing together with peripheral tree and hedgerow planting.

Footpath 35 would be temporarily diverted or closed during the restoration works. The inert materials and biosolids would be mixed on site and placed using mobile plant. Works are anticipated to take 6 months.

The restoration of Area Z would require approximately 56,000m³ of materials (inert materials and bio-solids (5,000m³)) and would commence in mid-2015 for 6 months. Based on a 6 month programme it is estimated 66 HGV's would visit the site daily, which is in accordance with ESS/60/11/CHL. Deliveries would take place between 0700 and 1800 Monday to Friday, and 0800 and 1200 Saturday.

Following placement of restoration materials, it would be seeded and hedgerow/tree planting carried out to the northern and western sides.

It is proposed to retain as much natural regeneration as possible and supplement with additional planting. Tree and hedgerow planting is proposed along the boundary of Area Z and the Plant Site.

Surface water management is not proposed.

Restoration of Plant Site

It is proposed to restore the former mineral processing plant site to woodland,

grassland, nature conservation and agricultural after-uses (including retention of the hardstanding and workshop). The former silt lagoon located in the south western part of the site would be retained and would be allowed to dry out and naturally regenerate.

It is proposed to keep the majority of the existing vegetation alongside the restoration to grassland within the plant site. These features are characteristic of the local landscape.

The Plant Site comprises two lagoons and an ephemeral pond, rainfall incidents drains to the north west lagoon and the River Can. The restoration of Plant Site would not change the landform, with a rainfall incident continuing to drain to the ground, to the lagoon, or River Can. As a result surface drainage systems are not included.

The restoration of the Plant Site is anticipated to be completed using soils available at the Roxwell Quarry Complex.

4. POLICIES

The following policies of the Essex and Southend-on Sea Waste Local Plan (WLP), adopted 2001, the Essex Minerals Local Plan (MLP), adopted July 2014, and the Chelmsford Borough Local Development Framework 2001-2021 Core Strategy and Development Control Policies (CBLDF) adopted February 2008 and the Chelmsford City Council Core Strategy and Development Control Policies Focused Review Development Plan Document (CCCFR) adopted December 2013 provide the development plan framework for this application.

Policy	MLP	WLP	CBLDF
Sustainable Development			CP1
Development Control/Development Management Criteria	DM1	W10E	
The Countryside & Landscape	S10	W10E, W10A, W9A, W9B	CP13, CP14, DC13,
Noise generation		W10E	
Nature Conservation, Biodiversity	S12	W10E	DC13,
Water pollution and flood control		W4A & W4B	CP10
Transportation		W4C	DC41
Protection of amenity		W10G, W10C, W10F	DC4, DC29

The National Planning Policy Framework (NPPF), published in March 2012, sets out requirements for the determination of planning applications and is also a material consideration.

The NPPF combined and streamlined all planning policy except for waste. Planning policy with respect to waste is set out in the National Planning Policy for Waste (NPPW published on 16 October 2014). Additionally the National Waste Management Plan for England (NWMPE) is the overarching National Plan for Waste Management. All decisions must comply with the NPPF and NPPW, while the NWMPE is a material consideration in planning decisions.

Paragraph 215 of the NPPF states, in summary, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

The MLP, adopted July 2014, is considered to have full weight in the decision-making process, since it has been adopted taking the NPPF fully into account.

5. CONSULTATIONS

CHELMSFORD CITY COUNCIL – No objection

ENVIRONMENT AGENCY – No objection

ESSEX WILDLIFE TRUST – Comment as follows:

- Object to the removal from the proposed restoration scheme of the small shallow pond in the south of the site, located in the flood meadows adjacent to the River Can.
- Support the creation of a circular footpath around Brittons Hall Site but consider this should be on a more permanent basis rather permissive.
- Expect measures to be taken to eradicate/prevent contamination of invasive species in Brittons Hall Lake and along the River Can.

Comment:

A revised Landfill Landscape Restoration Scheme plan (Drawing No. HDA9) was submitted in April 2015, which included the creation of 2 new waterbodies in the south of the site, located in the wet grassland.

HIGHWAY AUTHORITY (Public Rights of Way) – No objection

HIGHWAY AUTHORITY - No objection

PLACE SERVICES (Landscape) - No objection, subject to the following:

- A landscape plan shall be submitted showing species, numbers and densities.
- A landscape management plan shall be submitted and cover the first 25 years.

PLACE SERVICES (Ecology) - No objection, subject to the following:

- Details of planting and seed mixes should be supplied

PLACE SERVICES (Arboriculture) - No objection, subject to the following:

- Submission of planting details.

BRITISH PIPELINE AGENCY - No comments to make

RAMBLERS ESSEX AREA FOOTPATH SECRETARY – No comments received

BRITISH HORSE SOCIETY - No comments received

ESSEX BRIDLEWAY ASSOCIATION - No comments received

RINGWAY JACOBS (NOISE) - No objection

ROXWELL PARISH COUNCIL – Given the level of over tipping, breach of pre-planning applicant agreement, is there any fine or community compensation the Parish can receive.

Comment: Paragraph 204 of the NPPF states that “*Planning obligations should only be sought where they meet all of the following tests:*

- *Necessary to make the development acceptable in planning terms*
- *Directly related to the development*
- *Fairly and reasonably related in scale and kind to the development.”*

As such it is not considered reasonable for the Waste Planning Authority to secure compensation for the Parish.

CHIGNALL PARISH COUNCIL - No objection

LOCAL MEMBER – CHELMSFORD – Broomfield and Writtle - No comments received

6. REPRESENTATIONS

18 properties were directly notified of the application. Three letters of representation have been received.

Observation

Comment

Objection to the placement of biosolids for grass meadow restoration in close proximity to the River Can, as this could be a potential source of pollution to the river.

See appraisal

Concerns regarding the spread of invasive species particularly along the River Can from Japanese Knotweed and Himalayan Balsam.

No invasive species have been identified within Area Z or the former Plant Site, but there are some present outside the application site.

The retention of the hardstanding and workshop is a concern on the basis that previously used sections of the plant site, no longer under Lafarge ownership, are now used as a dumping ground for hard-core materials and have not been returned to agriculture. See appraisal

It is also unclear whether the intent is to keep the old plant office or remove it. We believe the workshop should be removed when no longer needed by Lafarge. The maximum size of the hardstanding to be specified within the permission to ensure it does not extend beyond existing concreted limits onto non-concreted but hard-packed gravelled areas of the site. See appraisal

Public footpath 35 runs alongside the former plant site and we would ask that consideration be given to providing a spur and circular footpath around the restored site. See appraisal

Disturbed to hear that no provision has been made for a shallow pool shown on the original plans, and insufficient attention paid to the needs of the wildlife found on and around the site, including rare great crested newts. See appraisal

7. APPRAISAL

The key issues for consideration are:

- A. PRINCIPLE OF DEVELOPMENT AND NEED
- B. LANDSCAPE AND VISUAL IMPACT
- C. RESIDENTIAL AND LOCAL AMENITY
- D. WATER ENVIRONMENT
- E. HIGHWAYS AND RIGHTS OF WAY
- F. ECOLOGY
- G. RESTORATION & AFTERUSE

As the application involves three different elements the appraisal is divided in parts and considers the various issues against the three elements namely the revised contours and restoration to the Landfill, restoration to Area Z and restoration of the Plant Site.

A PRINCIPLE OF DEVELOPMENT AND NEED

Brittons Hall Farm Landfill Site Brittons Hall Farm Landfill Site is a preferred site for landfill (non-inert waste) within the Waste Local Plan. Therefore the principle of landfill is established. As explained previously, consideration was given to removal of the overtipped material but the environmental impacts were considered to be

greater than retaining the overtipped material on site and revising the restoration scheme to accommodate the raised levels.

Policy S12 of the MLP in summary permits minerals development when restoration is capable at the earliest opportunity with beneficial after use and positive benefits to the environment, biodiversity and local communities. WLP policy W10C also seeks to ensure satisfactory restoration of landfill sites.

While it is disappointing that tipping was carried out above the previously approved settlement levels, it is considered with the proposed regularisation of the existing levels would enable satisfactory restoration of the site in compliance with the policies S12 and W10C and avoid the impacts associated with removing the waste. Policy W10C seeks to ensure restoration of landfills.

Area Z Area Z has not received an adequate amount of restoration soils following mineral extraction/landfilling. The soil quality is currently poor and is not adequate to establish a grass sward, which is reflected in the poor vegetation cover currently on site. The importation of soils and bio solids would improve the depth and nutrient content of soils across the site and return the land to productive after use.

It is considered the proposed quantity of inert materials would enable levels to blend with adjacent restored land, currently it has a step change in levels which prevents the area being managed as one field such that it can be brought into beneficial agricultural afteruse and are therefore justified. The volume of biosolids required would be dependent on the quality/nutrient levels of the soils imported to restore the area. Testing would be required by condition to ensure only the volume of biosolids necessary to achieve beneficial agricultural restoration would be imported.

Policy W9B of the WLP in summary states landfill will not be permitted when at a scale beyond that which is essential for the restoration of the site. On site stockpiles within Plant Site will be used alongwith the minimum amount of imported material to restore the land. Subject to conditions it is considered the imported material is justified and would bring the land into beneficial agricultural use.

Plant Site While conceptual restoration schemes were proposed for the plant site as part of previous mineral permissions, no final scheme was approved or required to be implemented. The opportunity has been taken to regularise this situation and a scheme submitted. The scheme retains the workshop and hardstanding for agricultural purposes. Essex Wildlife Trust (EWT) has raised concerns at the retention of the hardstanding for agricultural use but it is noted that no objection has been raised by Chelmsford City Council. EWT note that hard core has been stored within the plant site. This material is understood to maintain agricultural tracks and is a matter for Chelmsford City Council. The proposal is not to extend the agricultural storage area beyond the hard standing. If this was required it would be a matter for Chelmsford City Council.

The proposed restoration scheme would ensure satisfactory restoration of site to a combination of nature conservation/biodiversity after use and agriculture use apart from that retained for the landfill gas compound. This restoration is considered in

accordance with MLP Policy S12.

B LANDSCAPE AND VISUAL IMPACT

CBLDF Policy CP14 (Environmental Quality and Landscape Character) in summary, promotes the enhancement of the environmental quality of the City's countryside.

WLP Policy W10A in summary, states that when granting planning permission for Waste Management facilities, the WPA will impose conditions and/or enter into legal agreements as appropriate to ensure that the site is operated in a manner acceptable to the WPA and that the development is undertaken in accordance with the approved details.

MLP Policy S10 in summary permits minerals development that demonstrates opportunities have been taken to improve / enhance the environment and amenity and character of the landscape.

MLP Policy S12 in summary permits minerals development provided that it can be demonstrated that the land is capable of being restored at the earliest opportunity to an acceptable environmental condition and beneficial after-uses, with positive benefits to the environment, biodiversity and/ or local communities.

Policy W10E of the WLP in summary permits waste management development where satisfactory provision is made in respect of the effect of the development on the landscape and countryside.

Brittons Hall Farm Landfill The changes to the approved restoration profile at the Brittons Halls Landfill Site result in an increase in visibility of the landform by surrounding residential receptors due to the increase in height and gradients in parts of the scheme.

The landform profiles of the proposed and approved restoration both consist of steeper gradients than would occur locally but would be no greater in total height than that naturally occur to the North of the site.

It is considered the proposed landscaping to the western and eastern landfill areas which is designed to help mitigate the visual impact and soften the profile conforms to Policy S10 and S12 of the MLP and W10E of the WLP.

Area Z Area Z is currently only visible from Footpath 25 and the access road. The restoration of Area Z would restore features characteristic of the local landscape and return the land to a productive agricultural afteruse, comprising grassland for grazing and hay production (email dated 8th May 2015 ref. LT/BHF/ABW/1649/01). The initial loss of existing vegetation as a result of the re-profiling within Area Z is to be compensated through additional planting to the boundary of the site.

It is considered the proposed restoration of Area Z would create visual continuity with the surrounding area and provide a long term improvement to the landscape character as it returns to agricultural use. As such this proposal complies with MLP

Policy S10 and S12, WLP W10E and W9A, and CBLDF Policies DC13 and CP14.

Plant Site The Plant Site is located in a hollow and currently only visible from Footpath 25 and the access road, with the nearest residential receptor located 310m from the site. The restoration of former plant site would restore features characteristic of the local landscape.

Concerns have been raised regarding the retention of the hardstanding, workshop, and the old plant office, particularly that the agricultural storage might extend in the future beyond the existing concrete hardstanding. The area would be subject to 5 years of aftercare, beyond which, should the storage extend beyond the concrete hard standing this would be a matter for Chelmsford CC.

It is considered the proposed restoration of the Plant Site would create visual continuity with the surrounding area and provide a long term improvement to the landscape character and the use of the existing hardstanding and building would not give rise to adverse visual or landscape impact. As such this proposal complies with MLP Policy S10 & S12 and W10E, and CBLDF Policies DC13 and CP14.

C RESIDENTIAL AND LOCAL AMENITY

Policy W10E seeks to control the impact of noise and odour from waste development. In addition;

- CBLDF Policy CP13 (minimising environmental impact) in summary seeks to ensure that development proposals minimise their impact on the environment and that they do not give rise to significant and adverse impacts.
- CBLDF Policy DC4 in summary safeguards the amenities of occupiers of any nearby properties.
- CBLDF Policy DC29 (Amenity and Pollution) in summary ensures appropriate mitigation is in place to prevent emissions to land, air, and water.
- W10F of the WLP requires the restrictions of hours of operation;
- MLP Policy DM1 in summary permits development when it can be demonstrated that there will be no acceptable impact upon amenity, ecology, locality, and appearance.

Brittons Hall Farm Landfill The noise survey and email dated 8th May 2015 (ref. LT/BHF/ABW/1649/01) submitted by the applicants predicts there would be a 'fractional increase' in noise from restoration plant reaching the nearest residential receptor as a result of the restoration contours and profile. It is concluded that the increases in noise level would be 'imperceptibly higher' and there would no unacceptable impact and the existing maximum noise levels imposed under ESS/60/11/CHL could be complied with.

Odour controls have been routinely implemented within the Roxwell Quarry Complex and the controls would continue as far as is necessary given the completion of the landfilling and placement of the cap. The report submitted with the application states that the risk of nuisance associated with Brittons Hall Farm Landfill Site is low.

Area Z The nearest residential receptors are located 230m from Area Z. The noise

report submitted with the application concludes that the restoration of Area Z can be completed without unacceptable noise levels based on good practice and mitigation measures, such as white noise alarms.

The application states that there would not be any nuisance (odour, pests and litter) associated with the importation with inert materials. Nuisance controls would be implemented to minimise the risk of dust and mud on the road. Odour monitoring would be undertaken on site on a daily basis and odour controls implemented if necessary, including covering malodorous materials.

Deliveries associated with the restoration works would take place between 0700 and 1800 Monday to Friday, and 0800 and 1200 Saturday.

No objection has been raised by the County Council's noise consultant.

Plant Site The nearest residential receptor is 310m from the site boundary. The noise survey submitted by the applicants concludes that the restoration of the Plant Site can be completed without unacceptable noise levels based on good practice and mitigation measures.

It is therefore considered the works associated restoration and landscaping could be undertaken in accordance with the current noise limits and subject to good site practices impacts from odour and dust could be mitigated, such that the proposals would be in accordance with CBLDF Policies DC4, CP13, DC29, MLP Policy DM1 and WLP W10E and W10F.

D WATER ENVIRONMENT

In addition to the policies mentioned previously in the report that make reference to the water environment (WLP W10E, MLP Policy DM1, CBLDF DC29 Policy);

- WLP Policy W4B in summary permits development when there would not be an unacceptable risk to the quality of surface and ground waters or a risk of impediment to groundwater flow
- CBLDF Policy CP10 (Protection from Flooding) in summary deals with the protection from flooding and require that development is protected from flooding and that appropriate measures are implemented to mitigate flood risk.
- WLP Policy W4A in summary permits development where there would not be an adverse effect on the water environment, existing flood defences or the flow/storage of surface water.

It should be noted that the Environment Agency (EA) has not objected to this proposal.

Brittons Hall Landfill Site It is reported by the applicants that the revised topography of the Landfill Site would increase potential run off rates compared to the approved restoration profile and as a result it would be necessary to reduce the rate at which run off enters the surface water management system and as a result attenuation lakes have been included in the application. The report provided with this application highlights that subject to the implementation of current and

proposed measures to manage water flows; the change in profile would not represent an increased flood risk either for the site or surrounding area.

Area Z The restoration of Area Z would only result in minor topographical changes, with runoff continuing to drain to the River Can, and as such, surface drainage systems are not proposed.

The proposed restoration of Area Z includes the use of biosolids and inert restoration materials. Concerns have been raised regarding the placement of biosolids in proximity to the River Can as a potential source of pollution. The applicants state within the report *'the use of biosolids in the restoration of Area Z would not have a significant effect on water quality of surface water in the receiving watercourses or ground water'*. The bio solids will be subject to an Environmental Permit from the EA controlling the ratio and rate of the spread of the biosolids with the inert materials.

Plant Site The proposed restoration of the Plant Site would utilise on site soils and would not alter the landform significantly. The concrete pad and flare compound would remain and there would be no increase in the area of surface water runoff following restoration. As a result, surface water drainage systems are not proposed. The report provided with this application highlights that restoration would not result in changes to flow rates, and it is considered that the proposals would not represent an increased flood risk either for the site or surrounding.

In accordance with CBLDF Policy CP10, MLP Policy DM1, and WLP Policies W4A and W4B and W10E it is considered that the restoration schemes, changes to topography and proposed water management measures would not have any detrimental impact on water quality or flood risk

E HIGHWAYS AND RIGHTS OF WAY

The haul road from the A1060 would not be removed upon completion of the restoration as it has a separate planning permission from Chelmsford City Council to allow its retention.

Brittons Hall Farm Landfill No traffic movements are associated with the scheme, all materials are already on site.

Area Z The proposed HGV numbers would not exceed those under the current planning permission (60 in, 60 out) and therefore the proposals are considered to comply with WLP W4C which ensures sites are accessed by an existing road, MLP Policy DM1 and CBLDF Policy DC41 (Traffic Management Measures) which permits development with appropriate traffic management measures to facilitate the safe and efficient movement of people and goods whilst protecting and enhancing the quality of life within communities.

Plant Site As it is anticipated that restoration would be completed with soils available within the Roxwell Quarry Complex and as such no traffic movements are associated with the scheme.

EWT raised concerns regarding no provision of PROW to give access to the Plant

Site biodiversity restoration. A good level of public access already exists in the surrounding area and the Landfill Site restoration scheme includes the creation of a new circular route. Further PRoW are not considered necessary and leaves areas of biodiversity which would not be disturbed by walkers.

F ECOLOGY

In addition to the policies mentioned previously in the report that make reference to biodiversity and nature conservation (WLP Policy W10E), MLP Policy DM1, CBLDF Policy DC13 (Sites of Biodiversity and Geological Value) promotes opportunities for the incorporation of beneficial biodiversity and geological features within the design of development. MLP Policy S12 contains similar objectives regarding the creation of habitats.

Brittons Hall Landfill Site As it is an active landfill no ecological assessment of Brittons Hall Farm Landfill area was required by ECC as part of the application.

The applicant has submitted that the proposed changes to the landscape scheme and restoration works would provide and extended habitat for local species, enhance the biodiversity of the area and promote a coherent ecological network across the local landscape.

Concerns had been raised by EWT in relation to the loss of the southern pond in the wet grassland. The applicant has since submitted a revised restoration scheme which includes two southern ponds in the wet grassland to the south of the gas main in addition to the new pond to the east of the landfill and lake to the west.

EWT additionally raised concerns regarding the possible spread of invasive species. Japanese Knotweed is in proximity to the Site, but is not included within the application boundary. Management of invasive species outside the site is a matter for the landowner but if found within the site would be required to be removed.

Area Z An Extended Phase 1 Habitat Survey (September 2014) for Area Z has been submitted by the applicant which highlights that the habitats of highest nature conservation interest are the River Can and associated Woodland Corridor. The survey stated that no reduction in the ecological interest is likely to arise, with the restoration scheme providing opportunities to enhance the areas for a range of species and provision of habitats.

Plant Site An Extended Phase 1 Habitat Survey (September 2014) for the Plant Site has been submitted by the applicant which highlights that the habitats of highest nature conservation interest are the River Can and associated Woodland Corridor. The survey stated that no reduction in the ecological interest is likely to arise, with the restoration scheme providing opportunities to enhance the areas for a range of species and provision of habitats.

The applicant has advised that further ecological survey work will be completed by the end of May 2015 including surveys for bats, badgers, reptiles, great crested newts and invertebrates.

In accordance with CBLDF Policy DC13, WLP Policy W10C, W10E and MLP Policy S12 and DM1 it is considered that the proposed restoration to Area Z and the Plant Site would provide areas of improved biodiversity and the proposed restoration scheme for the Landfill Site would have a positive benefit in respect of nature conservation, habitat creation and biodiversity.

G RESTORATION & AFTERUSE

In addition to the policies mentioned previously in the report that make reference to afteruse;

- CBLDF Policy CP1 (Securing Sustainable Development) states development shall create well designed places and spaces, promote social inclusion, and work with the environment where they are located;
- WLP Policy W10E - Waste management development, including landfill, will be permitted where satisfactory provision is made in respect of a number of criteria including effect on landscape, traffic, and nature conservation;
- WLP Policy W10G in summary states that applications for waste management facilities should include measures to safeguard and where practicable to improve the rights of way network, which shall be implemented prior to any development affecting public rights of way commencing;
- WLP Policy W10C in summary states in considering planning applications for landfill proposals the WPA will require the proposed measures for restoring the land to an acceptable and sustainable after-use to be feasible;
- WLP Policy W9B permits land raising when necessary for restoration;
- MLP Policy S12 in summary permits minerals development when restoration is capable at the earliest opportunity with beneficial after use and positive benefits to the environment, biodiversity and local communities.

Brittons Hall Farm Landfill The restoration as previously permitted would be restored to meadow to be managed to promote biodiversity, with areas of woodland. The revised proposals for the Landfill site include the creation of a circular permissive bridleway giving access to the meadowland. EWT support the creation of a circular footpath around Brittons Hall Site but consider this should be on a more permanent basis rather permissive.

Initially the applicant had suggested a 20 year period for its maintenance and retention to be secured through a S106, but the Waste Planning Authority would seek to ensure a 50 year time scale is in place. The areas of biodiversity would be subject to long-term management to be secured through a legal agreement, should permission be granted

Area Z The restoration scheme would return the site back into productive agricultural after use and allow it to be farmed in conjunction with the adjacent land and would provide areas of biodiversity. Footpath 35 would be temporarily disrupted during the works, but not be affected once the restoration scheme has been completed.

Essex Wildlife Trust have raised no objections regarding the restoration of Area Z

however question that no Agricultural Survey has been carried out to determine the issues associated and alternative restoration measures.

Additional information submitted by the applicant states that the soils are very compacted with black deposits, suggesting anaerobic conditions. During rainfall events the soils become waterlogged with standing water which dries to form a crust. The applicants intend on importing 5000m³ of biosolids which will be subject of an Environmental Permit and the Waste Planning Authority would require soils samples to be taken in order to assess the state of the soil and the volume of biosolids required in order to bring the soils back to productivity. The site would also be subject to 5 years agricultural aftercare, which may include the need for subsoiling or underdrainage to bring the site into beneficial agricultural afteruse.

Plant Site The restoration scheme would retain the hard standing and building for agricultural use and provide areas of biodiversity.

It is considered the restoration proposals for the three areas provide for a good mix of agricultural use, the creation of a range of habitats and a new circular route within the Landfill Site and therefore are in accordance with CBLDF Policy DC4 and CP1, WLP Policies W10E, W10G, and W10C and MLP Policy S12.

8. CONCLUSION

Whilst clearly unfortunate that over-tipping has taken place, in considering appropriate action in relation to a breach of planning control relevant Government Guidance is found in the National Planning Policy Framework (the Framework) and the Council's Local Enforcement and Monitoring Plan.

The Framework highlights that enforcement action is discretionary and the Local Planning Authority should act proportionality in resolving any breaches of planning control.

The procedure for dealing with breaches of planning control for the Council's own development is also set out in the Local Enforcement and Monitoring Plan. Upon concluding there has been a breach of planning control, negotiation has rightfully been the first step in addressing the situation.

The authority needs has considered the harm being caused and made a judgement as to whether or not planning permission is required and if so whether it is likely to be granted for the development in question.

It is considered that the principle of restoration in the three locations is well established and in accordance with Policy S12 and S10 of the MLP, and Policy W10E of the WLP.

The need for the restoration is considered to have been proven and the requirement within the NPPF and NPPW for restoration has been taken into account.

The landscape scheme of Brittons Hall Farm Landfill site is considered to be well

thought out with copses of woodland and scrubs to complement the surrounding landscape and soften areas of increased gradients. No ecological issues have been identified and the scheme incorporates extensive sustainable drainage systems to accommodate the increase in surface run off and altered gradients. The landscape scheme of the Plant Site and Area Z is again, considered to be well thought out with areas for biodiversity and measures to increase the nutrient content and levels of Area Z, allowing productive agricultural after use. It is therefore considered that the proposed development would comply with WLP Policies W10E, W10A, W9A and W9B, MLP Policy S10 and CBLDF Policy DC13 and CP14.

In terms of residential impact, it is considered the proposals can be carried out without any unacceptable detrimental impacts on surrounding amenity, in accordance with the provisions of WLP policies W10G, W10C and W10F, and CBLDF policies DC4 and DC29.

Finally, it is considered that gains would be made in the 3 dimensions of sustainable development: economic, social and environmental and that the development would fully comply with MLP Policy DM1, WLP Policies W4A, W4B, W10G, W10C and W10F, and CBLDF policies CP1, CP13, CP14, DC41 and CP10. There is therefore a presumption in favour of the development according to the NPPF.

9. RECOMMENDED

That planning permission be **granted** subject to the following conditions, which in summary are:

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 movement's 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.

INFORMATIVES

PROW diversion of Footpath 35

BACKGROUND PAPERS

Consultation replies
Representations

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (as amended)

Following consultation with the County Council's Ecologist no issues have been raised to indicate that this development would adversely affect the integrity of the European site/s, either individually or in combination with other plans or projects.

Therefore, it is considered that an Appropriate Assessment under Regulation 61 of The Conservation of Habitats and Species Regulations 2010 is not required.

EQUALITIES IMPACT ASSESSMENT

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER

The Minerals and Waste Planning Authority has engaged with the applicant over several months prior to submission of the application, advising on appropriate options for the regularisation of the waste levels and restoration within the Complex.

Throughout consideration of the application, the applicant has been informed of consultation responses. The opportunity has been given for issues to be addressed through the submission of additional supporting information, with the result of a timely decision.

LOCAL MEMBER NOTIFICATION

LOCAL MEMBER – CHELMSFORD – Broomfield and Writtle