

# Development and Regulation Committee

<b>10:30</b>	<b>Friday, 22 November 2013</b>	<b>Committee Room 1, County Hall, Chelmsford, Essex</b>
--------------	-------------------------------------	---

**Quorum: 3**

**Membership:**

Councillor R Boyce	Chairman
Councillor J Abbott	
Councillor K Bobbin	
Councillor A Brown	
Councillor P Channer	
Councillor M Ellis	
Councillor C Guglielmi	
Councillor J Lodge	
Councillor M Mackrory	
Councillor Lady P Newton	
Councillor J Reeves	
Councillor S Walsh	

**For information about the meeting please ask for:**

Matthew Waldie, Committee Officer

**Telephone:** 01245 430565

**Email:** [matthew.waldie@essex.gov.uk](mailto:matthew.waldie@essex.gov.uk)



Essex County Council

## **Essex County Council and Committees Information**

All Council and Committee Meetings are held in public unless the business is exempt in accordance with the requirements of the Local Government Act 1972.

Most meetings are held at County Hall, Chelmsford, CM1 1LX. A map and directions to County Hall can be found at the following address on the Council's website:  
<http://www.essex.gov.uk/Your-Council/Local-Government-Essex/Pages/Visit-County-Hall.aspx>

There is ramped access to the building for wheelchair users and people with mobility disabilities.

The Council Chamber and Committee Rooms are accessible by lift and are located on the first and second floors of County Hall.

If you have a need for documents in the following formats, large print, Braille, on disk or in alternative languages and easy read please contact the Committee Officer before the meeting takes place. If you have specific access requirements such as access to induction loops, a signer, level access or information in Braille please inform the Committee Officer before the meeting takes place. For any further information contact the Committee Officer.

Induction loop facilities are available in most Meeting Rooms. Specialist head sets are available from Duke Street and E Block Receptions.

The agenda is also available on the Essex County Council website, [www.essex.gov.uk](http://www.essex.gov.uk). From the Home Page, click on 'Your Council', then on 'Meetings and Agendas'. Finally, select the relevant committee from the calendar of meetings.

Please note that an audio recording may be made of the meeting – at the start of the meeting the Chairman will confirm if all or part of the meeting is being recorded.

## **Part 1**

(During consideration of these items the meeting is likely to be open to the press and public)

		<b>Pages</b>
<b>1</b>	<b>Apologies and Substitution Notices</b> The Committee Officer to report receipt (if any)	
<b>2</b>	<b>Declarations of Interest</b> To note any declarations of interest to be made by Members	
<b>3</b>	<b>Minutes</b> To approve the minutes of the meeting held on 25 October 2013.	<b>7 - 16</b>
<b>4</b>	<b>Identification of Items Involving Public Speaking</b> To note where members of the public are speaking on an agenda item. These items may be brought forward on the agenda.	
<b>5</b>	<b>Minerals and Waste</b>	
<b>5a</b>	<b>Birch Airfield, Colchester</b> Continuation of use as a composting facility attached to existing planning permission to allow an increase in the permitted vehicular movements from 24 (12in and 12out) to 44 (22in and 22out).  Location: Birch Airfield Composting, Blind Lane, Birch, North Colchester, Essex, CO5 9XE  Ref: ESS/41/13/COL <b>DR/51/13</b>	<b>17 - 72</b>

<b>5b</b>	<b>Mid Essex Gravel Pit, Little Waltham</b> Continuation of waste transfer and recycling operation without compliance with conditions 4 and 5 attached to existing planning permission to allow the external handling, storage, processing and transfer of waste and the removal of condition 2 (internal layout plan) to allow flexible internal working (Retrospective).  Location: Mid Essex Gravel Pit. Essex Regiment Way, Little Waltham, Chelmsford, Essex, CM3 3PZ  Ref: ESS/42/13/CHL <b>DR/52/13</b>	<b>73 - 94</b>
<b>5c</b>	<b>Land at Park Farm, Chelmsford</b> 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 on land adjacent to the mineral working.  Location: Land to the south of Park Farm, Springfield, Chelmsford.  Ref: ESS/21/12/CHL <b>DR/53/13</b>	<b>95 - 150</b>
<b>6</b>	<b>Enforcement Update</b>	
<b>6a</b>	<b>Land at Dairy House Farm, Great Holland</b> The unauthorised extraction and exportation of sand and gravel from the land and the importation and deposition of waste materials and consequential raising of the land levels (the unauthorised development).  Location: Land at Dairy House Farm, Little Clacton Road, Great Holland. CO13 0EX <b>DR/54/13</b>	<b>151 - 154</b>
<b>6b</b>	<b>Land at Allens Farm, Elmstead</b> The unauthorised extraction and exportation of sand and gravel from the land and the importation and deposition of waste materials on to the land for refilling.  Location: Land at Allens Farm, Tye Road, Elmstead, Colchester, Essex. CO7 7BB Ref: ENF/SA <b>DR/55/13</b>	<b>155 - 158</b>

<b>6c</b>	<b>Dannatts Quarry, Hatfield Peverel</b> Restoration of mineral workings and non-compliance with planning conditions  Location: at Dannatts Quarry, Hatfield Peverel, Essex Ref: 70/421/33/114 <b>DR/56/13</b>	<b>159 - 164</b>
<b>7</b>	<b>Appeal Update</b>	
<b>7a</b>	<b>Mackers Metals Ltd, Laindon</b> Use of the site as i) a waste transfer station for the handling of various kinds of waste, and ii) a vehicle depollution, car breaking and dismantling facility, and operational development comprising of the erection of an associated three sided enclosure  Location: Mackers Metals Ltd, The Yard, Wrexham Road, Laindon, Essex, SS15 6PX  ECC Reference: ESS/68/12/BAS Planning Inspectorate Reference: APP/Z1585/A/13/2195119 <b>DR/57/13</b>	<b>165 - 172</b>
<b>8</b>	<b>Public Speaking at Committee</b> To review the situation with regard to public speaking at meetings of the Development and Regulation Committee (Report <b>DR/58/13</b> , attached, plus 3 Appendices).	<b>173 - 202</b>
<b>9</b>	<b>Information Items</b>	
<b>9a</b>	<b>Applications, Enforcement and Appeals Statistics</b> To update Members with relevant information on planning applications, appeals and enforcements, as at the end of the previous month, plus other background information as may be requested by Committee. <b>DR/59/13</b>	<b>203 - 206</b>
<b>10</b>	<b>Date of Next Meeting</b> To note that the next meeting will be held on Friday 13 December 2013.	
<b>11</b>	<b>Urgent Business</b> To consider any matter which in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.	

## **Exempt Items**

(During consideration of these items the meeting is not likely to be open to the press and public)

To consider whether the press and public should be excluded from the meeting during consideration of an agenda item on the grounds that it involves the likely disclosure of exempt information as specified in Part I of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act.

In each case, Members are asked to decide whether, in all the circumstances, the public interest in maintaining the exemption (and discussing the matter in private) outweighs the public interest in disclosing the information.

### **12 Urgent Exempt Business**

To consider in private any other matter which in the opinion of the Chairman should be considered by reason of special circumstances (to be specified) as a matter of urgency.

---

All letters of representation referred to in the reports attached to this agenda are available for inspection. Anyone wishing to see these documents should contact the Officer identified on the front page of the report prior to the date of the meeting.

---

**MINUTES OF A MEETING OF THE DEVELOPMENT AND REGULATION  
COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON 27 OCTOBER  
2013**

**Present**

Cllr R Boyce (Chairman)  
Cllr J Abbott  
Cllr K Bobbin  
Cllr A Brown  
Cllr M Ellis  
Cllr I Grundy

Cllr C Guglielmi  
Cllr J Lodge  
Cllr M Mackrory  
Cllr Lady P Newton  
Cllr J Reeves  
Cllr C Seagers

**1. Apologies and Substitution Notices**

Apologies were received from Cllrs P Channer (substituted by Cllr I Grundy) and S Walsh (substituted by Cllr C Seagers).

**2. Declarations of Interest**

There were no declarations of interest.

**3. Minutes**

The Minutes and Addendum of the Committee held on 27 September 2013 were agreed and signed by the Chairman, subject to the following amendment:

Minutes 4, 2<sup>nd</sup> paragraph, 2<sup>nd</sup> bullet, should read: "The application that the County Planning Authority had refused, in October 2012, ...).

**4. Identification of Items Involving Public Speaking**

There were none identified.

**Minerals and Waste**

**5. Former Goods Yard, off Brook Street, Chelmsford**

The Committee considered report DR/41/13 by the Director for Operations, Environment and Economy. Members noted that this was being brought back to the Committee to agree the reasons for refusal following the Committee's resolution to refuse planning permission at the September meeting.

Members, having noted the proposal, AGREED that planning permission be refused for the following reasons:

1. The development would fail to provide any environmental enhancement as required by the Chelmsford Borough Local Development Framework – Chelmsford Town Centre Area Action Plan (2008) and would therefore adversely affect and undermine the ability for the creation of a new built

frontage to face Brook Street. The development would therefore undermine the overall objectives of the Chelmsford Borough Local Development Framework – Chelmsford Town Centre Area Action Plan (2008) and would not deliver sustainable development as required by the Framework. The development would also be contrary to policies CP7 (Area Action Plans) and CP22 (Securing Economic Growth) of the Chelmsford Borough Local Development Framework – Core Strategy and Development Framework (2008);

2. The development would introduce uses such as mixing, processing and manufacturing outside the lawful use of the current permitted use of storage and distribution causing a detrimental impact to the local environment and amenity contrary to policy MLP13 (Development Control) of the Minerals Local Plan (1997), Policy S10 (Development Management Criteria) of the Replacement Minerals Local Plan (SoS Submission 2013) and policies CP7 (Area Action Plans), CP13 (Minimising Environmental Impact), DC4 (Protecting Existing Amenity) and DC29 (Amenity and Pollution) of the Chelmsford Borough Local Development Framework – Core Strategy and Development Framework (2008);
3. The development's plant/building design would not be in keeping with the surrounding town centre location, contrary to policy DC45 (Achieving High Quality Development) of the Chelmsford Borough Local Development Framework – Core Strategy and Development Framework (2008);
4. The submitted Noise Impact Assessment provides insufficient information to be able to fully establish and determine whether there would be an acceptable noise impact from the proposed development on the local environment and amenity, including the impact upon nearby residential and business properties. It is therefore considered that the development could have an unacceptable impact from noise emissions on local amenity, contrary to the Framework, policy MLP13 (Development Control) of the Minerals Local Plan (1997) and policies CP13 (Minimising Environmental Impact), DC4 (Protecting Existing Amenity) and DC29 (Amenity and Pollution) of the Chelmsford Borough Local Development Framework – Core Strategy and Development Framework (2008).

## **6. Sandon Quarry – erection of fence**

The Committee considered report DR/42/13 by the Director for Operations, Environment and Economy.

The Committee was advised that the proposal was for a retrospective planning application for the erection of a 43.2m x 2m high acoustic mitigation fence along the northern boundary of the access road to Sandon Quarry.

Policies relevant to the application were detailed in the report.



Details of Consultations received were set out in the report.

The Committee noted the key issues that were:

- Need
- Impact on Amenity.

In response to a question raised, Members were informed that the temporary life end date of the fence (December 2017) had been aligned with the current permission for landfill, rather than with that for extraction (February 2042), as there is no activity in respect of extraction at present.

The resolution was moved, seconded and unanimously agreed and it was

**Resolved:**

That planning permission be granted subject to conditions covering the following matters:

1. COM3 – Compliance with submitted details.
2. GEN1 - Submission of details of fence colour within 1 month and subsequent implementation.
3. TEMP1 – Temporary life of fence (end date of 31 December 2017).

## **County Council Development**

### **7. Woodlands Comprehensive School, Basildon**

The Committee considered report DR/43/13 by the Director for Operations, Environment and Economy.

The Members of the Committee noted the contents of the Addendum attached to these minutes.

The Committee was advised that the proposal was for the construction of a new full size '3G' Artificial Grass Pitch (AGP) with fencing, replacing an area of hard play and grass playing fields.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues that were:

- Need
- Policy Considerations
- Impact on Amenity
- Landscape and Visual Impact
- Traffic Impact
- Water Impact.

In response to questions and concerns raised, Members were informed that:

- There is no provision for lighting or the infrastructure for lighting included in this application.
- The surrounding fence uses a fine mesh, which is denser at the bottom, as a rebound surface
- The County Planning Authority consults Sport England on such proposals, but is not reliant on the latter's views, as Sport England is a third party operating outside of planning controls
- Although there are no conditions relating to community use of this facility, the County Planning Authority is not averse to community use, and Woodlands School has its own agreements in place outside of the planning realm with regard to the use of its facilities. It was noted that the school has enjoyed good relations with its local community
- Although the addition of a condition restricting the installation of lighting was not appropriate here, it was suggested that an informative should be put in place to state that this planning permission does not grant planning permission for any fixed lighting on or for the Artificial Grass Pitch. Such lighting would require further planning permission.

The resolution was moved, seconded and unanimously agreed and it was:

**Resolved:**

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission be granted subject to the Secretary of State not calling in the application for his own determination and subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 5 years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority within 7 days of such commencement.
2. The development hereby permitted shall be carried out in accordance with the details of the application dated 30 August 2013 and covering letter dated 04 September 2013, together with:
  - the 'Woodlands School: All Weather Pitch Landscape Management Plan' ref WWA/1232/DOC/602 PLANNING ISSUE dated August 2013,
  - the 'Woodlands School: All Weather Pitch Landscape Specification' ref WWA/1232/DOC/601 PLANNING ISSUE dated August 2013,
  - Planning Statement v2 dated August 2013,
  - Letter from SRL Technical Services Ltd dated 27 August 2013,

drawing numbers:

  - 1323/LP/301 Rev A dated 08/10/13,
  - WS NHA DWG L AWP1 I Rev 03 dated 28/01/13,

- WS NHA DWG L AWP2 I Rev 03 dated 28/01/13,
- WS NHA DWG L AWP3 I Rev 04 dated 27/08/13,
- WS NHA DWG L AWP4 I Rev 04 dated 27/08/13,
- WS NHA DWG L AWP5 I Rev 04 dated 27/08/13,
- WS NHA DWG L AWP6 I Rev 03 dated 27/08/13,
- WS NHA DWG L AWP7 I Rev 01 dated 28/08/13,

and the contents of the Design and Access Statement ref WS-NHA-RPT-A-115-I-01 dated August 2013

and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the County Planning Authority, except as varied by the following conditions: -

3. Any tree or shrub forming part of a landscaping scheme approved in connection with the development hereby approved 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 a tree or shrub to be agreed in advance in writing by the County Planning Authority.
4. Prior to the first use of the development hereby permitted, a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the County Planning Authority. The development shall be implemented and maintained in accordance with the approved Management and Maintenance Scheme for the life of the development hereby permitted.

#### Informative

This planning permission does not grant planning permission for any fixed lighting on or for the Artificial Grass Pitch. Such lighting would require further planning permission.

### Enforcement Update

#### 8. Land adjacent to the Cock Inn, Boreham

The Committee considered report DR/44/13 by the Director for Operations, Environment and Economy.

The Committee was advised that the proposal related to an enforcement order ceasing the unauthorised importation, deposition crushing and processing of construction and demolition waste (including concrete, brick other rubble and road scalplings), on land adjacent to The Cock Inn, Boreham, as reported to the Committee on 19 April 2013.

In response to a question raised, Members were informed that most of the work left to do at the site involved the removal of materials, and should be completed

by the end of November.

The resolution was moved, seconded and unanimously agreed and it was

**Resolved:**

That:

- 1) Subject to the continued removal of excess materials to restrict the operation to that permitted by the CLUED, it is not considered expedient to take further enforcement action at this time.
- 2) a further update shall be provided at the January 2014 meeting.

**9. Land at A120/B1256 intersection, Braintree**

The Committee considered report DR/45/13 by the Director for Operations, Environment and Economy.

The Committee was advised that the proposal related to an enforcement order ceasing the importation, deposition and spreading of waste materials on the land, substantially raising the land levels at the intersection of the A120 and B1256 (Stortford Road), Braintree.

In response to questions and concerns raised, Members were informed that:

- The site is described as being both Braintree and Little Canfield in the report; the reason is that the Land Registry lists it as Braintree, but it now comes under Uttlesford
- The enforcement notice has been served and is extant
- Officers have delegated powers to take further action, but wish to give the landowner the opportunity to redress the situation.

The resolution was moved, seconded and unanimously agreed and it was:

**Resolved:**

That:

- 1) Subject to the removal of the unauthorised material from the site no further action is taken, however if all imported waste materials deposited on the land have not been removed and the land restored (as required by the Enforcement Notice issued June 2009) legal proceedings are commenced for non-compliance with the notice, and:
- 2) a further update shall be provided at the January 2014 meeting.

**10. Land at Dairy House Farm, Great Holland**

The Committee considered report DR/46/13 by the Director for Operations, Environment and Economy.

The Committee was advised that the proposal related to an enforcement order ceasing the unauthorised extraction and exportation of sand and gravel from the land and the importation and deposition of waste materials and consequential raising of the land levels on land at Dairy House Farm, Little Clacton Road, Great Holland.

In response to a question raised, Members were informed that the land had been restored to its original level.

An additional condition, requesting a report to the November meeting was agreed.

The resolution was moved, seconded and unanimously agreed and it was

**Resolved:**

That:

- 1) Subject to no further extraction and exportation of mineral taking place and that the land is restored, no further action is taken.
- 2) a further update shall be provided at the November 2013 meeting.

**11. Land at Springvale Farm, Navestock – information item**

The Committee considered report DR/47/13 by the Director for Operations, Environment and Economy.

The Committee **NOTED** the report.

**12. Land at Armigers Farm, Thaxted – information item**

The Committee considered report DR/48/13 by the Director for Operations, Environment and Economy.

The Committee **NOTED** the report.

**Appeal Decision**

**13. Land adjacent to Manning Grove, Great Bromley**

The Committee considered report DR/49/13 by the Director for Operations, Environment and Economy.

The Committee **NOTED** the report.

**14. Statistics**

The Committee considered report DR/50/13, Applications, Enforcement and Appeals Statistics, as at end of the previous month, by the Director for Operations, Environment and Economy.

The Committee **NOTED** the report.

**15. Online Tracking of Planning Applications**

In response to a Member's question on the likely date for the online system to go live, the Minerals and Waste Planning Manager confirmed that the test version was already live; and the scheduled date for the main version to go live was 11 November.

**16. Date and Time of Next Meeting**

The Committee noted that the next meeting will be held on Friday 22 November 2013 at 10.30am in Committee Room 1.

There being no further business the meeting closed at 11.20am.

Chairman

**ADDENDUM FOR THE MEETING OF DEVELOPMENT & REGULATION COMMITTEE**  
**25 October 2013**

**Item 6a (DR/43/13) Woodlands School**

Page 82

**REPRESENTATIONS**

Replace: '20 letters of representation have been received'  
with: '23 letters of representation have been received'.





**DR/51/13**

committee DEVELOPMENT & REGULATION

date 22 November 2013

## MINERALS AND WASTE DEVELOPMENT

Proposal: **Continuation of use as a composting facility without compliance with condition 22 (Vehicle Movements) attached to planning permission ESS/09/07/COL to allow an increase in the permitted vehicular movements from 24 (12in and 12out) to 44 (22in and 22out).**

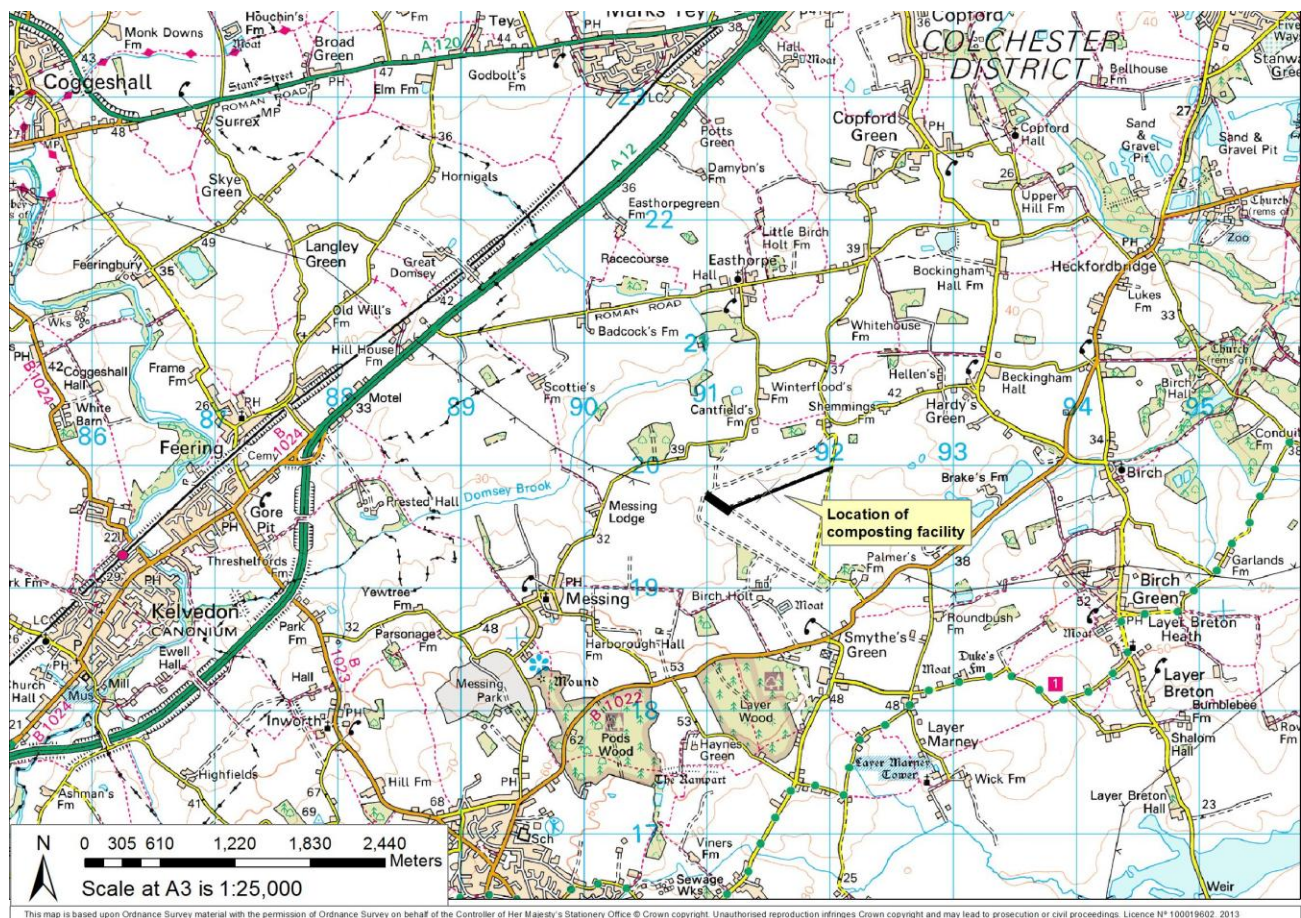
Location: **Birch Airfield Composting, Blind Lane, Birch, North Colchester, Essex, CO5 9XE**

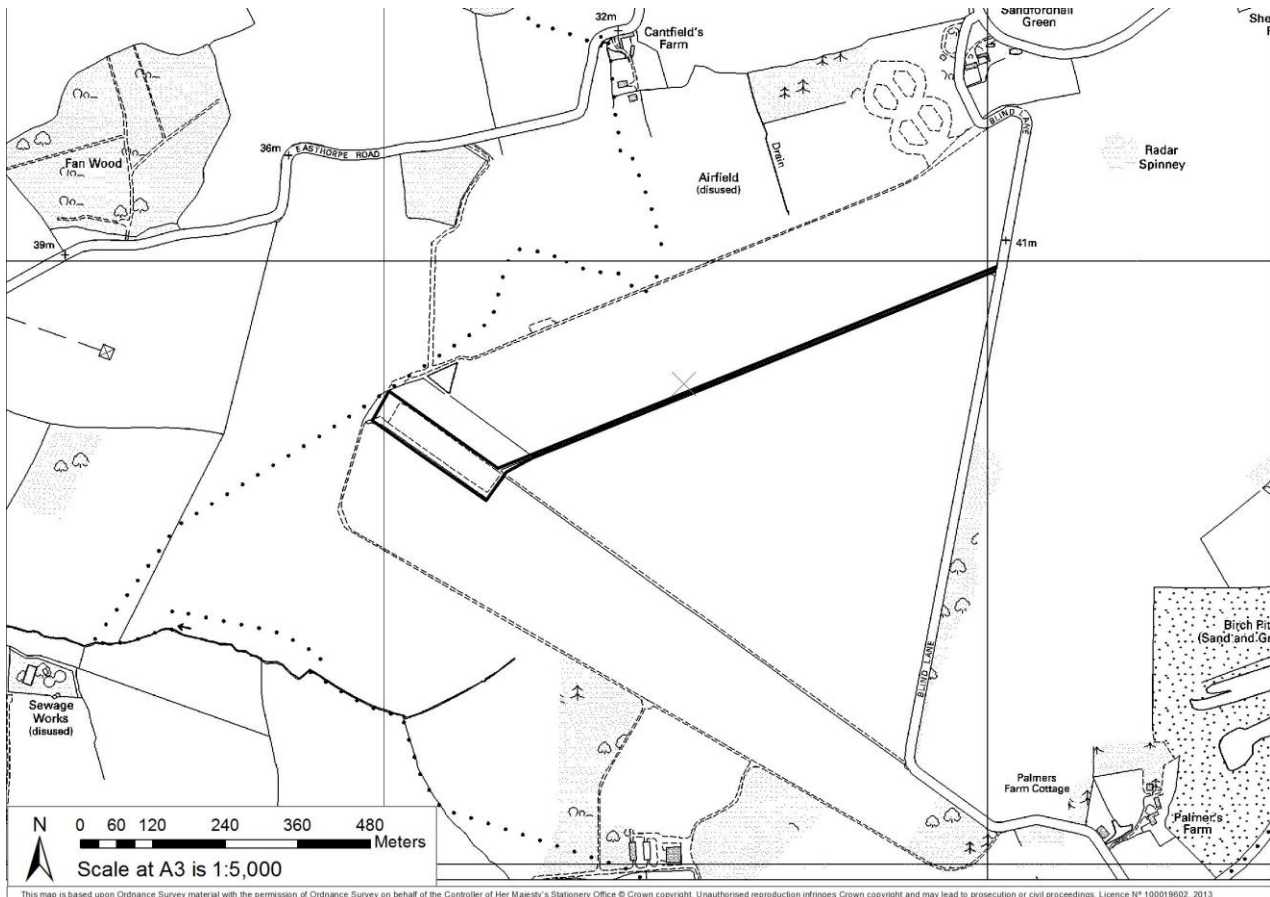
Ref: **ESS/41/13/COL**

Applicant: **Birch Airfield Composting Services Ltd**

Report by Director for Operations, Environment and Economy

Enquiries to: Paul Calder Tel: 01245 437585





## 1. BACKGROUND

The site has historically been in use in for agricultural purposes in line with the surrounding land uses and in June 2004 planning permission (ref: ESS/11/04/COL) was granted for an extension of the existing composting facility to include the formation of 16,000m<sup>2</sup> of hard standing, a lagoon, portacabin and fuel storage area together with the export of up to 20% per annum of composted material and the retention of a weighbridge.

On the 5th June 2007 planning permission ESS/09/07/COL was granted for the continuation of composting facility without compliance with Condition 22 (vehicle movements - 14 a day (7 in/7 out) of ESS/11/04/COL to allow for an increase in vehicle movements to 24 vehicle movements (12 in/12 out) a day.

## 2. SITE

The site is located some 3 kilometres west of the village of Birch. Vehicular access to the site is from Blind Lane, a road off the B1022 Maldon to Colchester Road.

The site is located on the periphery of an area of land known as Birch Airfield - an airstrip created on farmland for use in World War II. At the end of the War the land forming the airfield was returned to arable farm use. Some hard standing used in connection with the airstrip remains intact including a concrete runway some

1000m in length that runs in an east-west direction from Blind Lane. The runway is currently used as a haul road into the existing composting facility onsite.

The site does not have the benefit of any special landscape designations and is situated in a flat area of ground surrounded by an expanse of open agricultural land. There are a number of established trees on the boundary of the site that screens views into the site from the south-west. The nearest dwellings from the application boundaries are: Cantfield's Farm some 720m to the north-east, Palmers Farm and Cottage, approximately 1200m to the south-east, Birch Holt Cottages around 800m to the south and Messing Lodge some 950m to the west.

### 3. PROPOSAL

The application is seeking to vary condition 22 of planning permission ESS/09/07/COL which limits the number of daily vehicular movements entering and leaving the site. Currently the vehicular movements are limited to 24 (12in and 12out) and the applicant is seeking to increase this to 44 (22in and 22out).

The applicant has stated that the overall capacity of the site would not be increased as this is governed by the facilities Environmental Permit issued by the Environment Agency. The proposal would enable the facility to operate efficiently and cope with variations in the amount of materials generated throughout the year.

It should be noted that the proposal does not intend to vary the hours of operation, or the type/amount of waste accepted onsite then that already approved (ref: ESS/09/07/COL).

### 4. POLICIES

The following policies of the Essex and Southend Waste Local Plan 2001 (WLP), Colchester Borough Council Local Development Policies (CBDP), Adopted October 2010, Core Strategy (CBCS), Adopted December 2008 and Colchester Local Plan Focused Review of Core Strategy and Development Policies (FRP) (Submitted October 2013) provide the development framework for this application. The following policies are of relevance to this application:

	CBCS	FRP	CBDP	WLP
Environment	ENV1			
Rural Communities		ENV2		
Sustainable Development Locations		SD1		
Design and Amenity		DP1		
Agricultural Development and Diversification			DP8	
Accessibility and Access			DP17	
Principles of Development				W3A
Highways				W4C
Outdoor Composting				W7B
Alternative Sites				W8C
Planning Conditions and Obligations				W10A

The National Planning Policy Framework (the Framework) was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. The Framework highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that there are three dimensions to sustainable development: economic, social and environmental. The Framework places a presumption in favour of sustainable development. However, Paragraph 11 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

For decision-taking the Framework states that this means; approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

The CBCS and CBDP was adopted post 2004, however the grace period offered to such plans (in applying full weight to policies) in accordance with Paragraph 214 of the Framework passed 12 months after adoption of the Framework. As such it is now considered that the CBCS and CBDP together with the WLP (adopted pre 2004 and/or not under the Planning and Compulsory Purchase Act 2004) fall within the remit of consideration according to Paragraph 215. Paragraph 215 of the Framework states that due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The level of consistency of the policies contained within the WLP is detailed in Appendix 1. The level of consistency of the policies contained within the CBCS and CBDP are considered below.

With regard to updates/replacements or additions to the above, the Waste Development Document: Preferred Approach 2011 (now known as the Replacement Waste Local Plan (RWLP)) should be given little weight having not been 'published' for the purposes of the Framework. The Framework states (Annex 1):

From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given), and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan



to the policies in the Framework, the greater the weight that may be given).

The RWLP has yet to reach 'submission stage' and as such it is too early in the development of the RWLP for it to hold any significant weight in decision making.

Colchester Borough Council (CBC) has been reviewing its adopted policy documents against the requirements of the Framework (paragraph 215) in order to identify any areas of inconsistency. CBC initial assessments have found that the Framework has implications for some of the policies contained within the adopted CBCS and CBDP. CBC accordingly, is carrying out a two stage process to review its Local Plan.

- Stage 1 – Is a focused review of the Core Strategy and Development Policies to revise those policies that can be readily amended to be consistent with the provisions of the Framework, without the need to prepare further extensive evidence in respect of those specific policies, and;
- Stage 2 – is a full review of the Local Plan which will be a plan for the Borough which extends to 2031 and beyond. New site allocations will not be made until this stage.

CBC is currently at Stage 1 and has undertaken a Submission Document consultation which ran from the 5<sup>th</sup> August 2013 to 16 September 2013. Following the consultation CBC collated all the representations received in response to the Submission Consultation which have been considered and summarised. In accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 the summarised comments along with a range of evidence base and supporting documents were sent to the Planning Inspectorate on the 31<sup>st</sup> October 2013 prior to Public Examination. Therefore, significant weight should be applied to the focused review due to its stage in preparation which is in accordance with annex 1 of the Framework.

It should be noted that policies ENV2, SD1 and DP1 of this report are being reviewed as part of the focused review document. The rest of the policies to be used as part of this report are not included within the focused review. In light of this the level of consistency of the reviewed policies with the framework can be found at <http://www.colchester.gov.uk/CHttpHandler.ashx?id=10629&p=0>.

As a note to the above the Framework does not contain specific waste policies, since national waste planning policy will be published as part of the National Waste Management Plan for England. Until such a time the Waste Planning Policy Statement (PPS 10) remains the most up-to-date source of Government guidance for determining waste applications and as such reference to this Statement, in addition to the Framework, will also be provided, as relevant in the body of this report/appraisal.

## **5. CONSULTATIONS**

COLCHESTER BOROUGH COUNCIL – No objection.

ENVIRONMENT AGENCY – No objection.

HIGHWAY AUTHORITY – No objection.

HIGHWAY AUTHORITY (Public Rights of Way) – No objection.

WASTE DISPOSAL AUTHORITY – Comments as follows:

- The joint Municipal Waste Management Strategy (JMWMS) for Essex states an aspiration to achieve 60% recycling of household waste by 2020. The separation and treatment of green garden waste generated by Essex households will contribute significantly to the achievement of this target;
- The availability of local treatment facilities with capacity to accept Local Authority waste which are close to source of the feedstock conforms to the proximity principle; delivering operational and environmental benefits through the reduction of vehicle miles, and;
- For Colchester Borough Council, Braintree District Council and several Essex Recycling Centres for household waste the application site is the closest and therefore, most environmentally viable green waste composting site available to which the Waste Disposal Authority supports.

TIPTREE PARISH COUNCIL – No objection.

BIRCH PARISH COUNCIL – Objects, in summary, for the following reasons;

- The parish has suffered in recent years due to waste movements and quarry expansions both from within and neighbouring Parish of Stanway;
- The increase in volume of HGVs on the B1022 Maldon Road has given cause for concern to local residents regarding their safety and noise levels;
- Traffic statistics show a major increase in accidents in this area during recent years;
- The B1022 Maldon Road is the prime diversion taken by traffic when there are traffic problems on the A12 north bound;
- New relief road around Stanway via Warren Lane which will open at end of the year, would also add to problems at the inadequate junction of Warren Lane/Maldon Road;
- Highway Authority has greatly improved the clear up of rubbish from Birch Roads however, waste originating from passing HGVs blight the area, and;
- Is the proposed traffic increase to allow for the failed change of use?

MESSING CUM INWORTH PARISH COUNCIL – Objects, in summary, for the following reasons;

- Increase in extra HGVs represents a substantial percentage increase on daily movements;
- Information has been provided suggesting that additional HGV movements are already taking place. Braintree District Council do not bulk waste and send smaller loads into the facility and Colchester Borough Council have experienced problems bulking green waste. Thus a breach of planning control has occurred;

- Aware that complaints have been received in relation to odour in the past and continue to impact upon Inworth Village;
- Application would exacerbate traffic on the B1022 and B1023. The B1023 has a history of fatal accidents with the last occurring in 2012;
- Ever increasing traffic in detrimental to the quality of life as noise and air pollution continues to rise and is becoming difficult for certain residents to leave properties at certain times;
- Concerned that Transport Assessments are reviewed in isolation and not with other developments. Two other developments have been approved by Colchester Borough Council adding to traffic;
- Tiptree and Stanway have both expanded rapidly in terms of industrial and housing development with its associated traffic using the B1022 and B1023. These roads were built as B category roads to link two small rural settlements but now support much larger communities and their resultant traffic;
- Concerned that Essex County Council as not assessed the full traffic impact;
- The site is located on a busy country road at a point where many motorists speed and or overtake other roads users. Because of this the proposed HGVs should not be permitted, and;
- Concerned that the application is a mechanism for allowing further larger developments to take place.

LAYER MARNEY PARISH COUNCIL – Objects, in summary, for the following reasons;

- Would wish to see a 40mph speed limit put in place on the B1022 between the Haynes Green Roads and Roundbush junctions as this would 1) to allow HGVs to turn safely in and out of Blind Lane, 2) vehicles exiting and entering the B1022 from Smythe's Green Road could do more safely, 3) vehicles entering the Paintball Facility at Layer Wood could do more safely and 4) vehicles turning in and out of the Grassreasons and Layerwood Poultry Farm could do so more safely;
- Odours from the site operations and from its application on neighbouring fields are very offensive. Assurances sought that any permitted increase in HGVs the applicant would not try to increase onsite capacity, and;
- When the A120 transfer station operational it should be possible for the compacting of green waste therefore, allowing transporting to the application site in road trains as originally planned. Requested that the increase in HGVs is made on a temporary basis.

LOCAL MEMBER – COLCHESTER – Mersea and Tiptree – Any comments received will be reported.

LOCAL MEMBER – COLCHESTER – Stanway and Pyefleet – Any comments received will be reported.

## 6. REPRESENTATIONS

No properties were directly notified of the application. Under Essex County

Council's (ECC) adopted Statement of Community Involvement (SCI) it is noted that the Council will contact properties within a defined radius of a planning application by a direct neighbour notification letter (DNN) as an additional method of involvement (statutory alternative to site notices and press adverts however, ECC does both). DNN for Minerals and Waste applications is that all properties within 250 metres of the site boundary will be sent a letter. No properties are within 250 metres of the application site boundary therefore, DNN were not sent out however, site notices advertising the proposal were placed onsite and within the neighbouring area in addition to a press advert being placed in the Colchester Evening Gazette.

5 letters of representation have been received. These relate to planning issues covering the following matters:

<u>Observation</u>	<u>Comment</u>
<u>Highways</u>	
Concerned that on occasion the access to the site has not been in accordance with the current planning permission which states that ingress and egress should be made from Maldon Road.	The Waste Planning Authority (WPA) is only able to deal with breaches of planning control as and when they happen. No complaints relating to vehicle movements or the use of an inappropriate access have been received.
Displeasure expressed at the unsuitability of the B1022 as the principle road during submission of last application. This road remains unsuitable.	See appraisal.
No other suitable routes exist save routing vehicles through villages.	See appraisal.
Lorries turning from Blind Lane onto Maldon Road are dangerous to road users. Concerned at the time of commencement of the plant about number of HGV's using Maldon Road (B1022).	See appraisal.
Maldon Road is narrow and winding and the turning out of Blind Lane is dangerous.	See appraisal.
Additional HGV movements should not be permitted.	See appraisal.
Condition only restricts HGVs over 7.5	See appraisal.



tonne, vehicular traffic under this weight are not subject to restrictions. It is questionable if existing movement limits are being adhered to.

There should be restriction of vehicles depositing the compost.

Condition 22 attached to planning permission ESS/09/07/COL places a restriction on the amount of HGV's entering and leaving the site.

Increased vehicular movements would have a highway safety impact.

See appraisal.

#### Impact upon Amenity

Odour emanating from the site has increased over the last year. Increased odour has made siting outside in gardens unbearable.

The Environment Agency (EA) has issued an Environmental Permit for the site which controls matters such as noise, dust, odour etc. See appraisal.

Increased vehicular movements will increase odour.

There is no proposed increase in the amount of waste handled on site. See above.

Site emits a noxious and unpleasant smell therefore, should be no increase in the size of the plant.

See appraisal.

#### Other issues

Double the vehicular movements will mean double the material on site.

There is no proposed increase in the amount of waste handled on site.

Application for the proposed in-vessel composting facility (ref: ESS/09/11/COL) was turned down due to noise, odour and impact upon the highway. This is no different from that application.

Planning Application ESS/09/11/COL was withdrawn by the applicant. No decision was issued by the WPA and no application for this proposal has been resubmitted. In addition, each application must be determined on its own merits at the time of its submission. The WPA cannot pre-judge any future proposals that may be made.

Operator is struggling to handle the amount of material onsite.

There have been no reports to the WPA on breaches of planning control and the EA have not confirmed any breaches in

relation to the applicants Environmental Permit/licence.

Existing site is already large enough and concerned that granting planning permission will lead to an even larger, noisier and smellier plant in the future.

Planning applications are required to be judged on their own merits at the time of their submission. The WPA cannot predetermine or prejudge any future applications as these will be assessed and apprised at that time.

## **7. APPRAISAL**

The key issues for consideration are:

- A. Need and Principle of Development;
- B. Impact upon Amenity, and;
- C. Human Rights.

### **A NEED AND PRINCIPLE OF DEVELOPMENT**

As noted earlier the within this report, the Framework does not contain specific waste policies, since national waste planning policy will be published as part of the National Waste Management Plan for England. Until then, PPS10 remains in place. However, local authorities taking decisions on waste applications should have regard to policies in the Framework so far as relevant.

The Framework highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that there are three dimensions to sustainable development: economic, social and environmental.

Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10) states that ' the overall objective of Government policy on waste, as set out in the strategy for sustainable development, is to protect human health and the environment by producing less waste and by using it as a resource wherever possible. By more sustainable waste management, moving the management of waste up the 'waste hierarchy' of prevention, preparing for reuse, recycling, other recovery, and disposing only as a last resort, the Government aims to break the link between economic growth and the environmental impact of waste.'

As noted earlier within this report, planning permission was granted on the 30<sup>th</sup> June 2004 for, in summary, a green waste composting facility (see Appendix 2 for ESS/11/04/COL Committee Report).

The need and principle was found acceptable, in summary, for the following reasons;

- The aim of the European Landfill Directive is to significantly reduce the amount of biodegradable materials that are disposed of in landfill. A

principle waste management option for achieving this statutory requirement is composting which policies W3A and W7B support;

- The development accords with WLP Policy W3A as composting would aid in managing waste further up the hierarchy. In addition the proposal enables green waste arising from the north of Essex to be composted as locally to source thus resulting in lower HGV movements across the County;
- Accords with WLP policy W7B as the proposal would utilise an existing hardstanding, majority of compost would be applied to adjacent farm land as an soil improver, the site does not benefit from any special landscape designations and is a significant distance from the nearest dwellings, and;
- Policy W8C supports alternative sites in rural areas for small scale waste management facilities such as the proposal.

Therefore, the need and principle of the site being used for a waste related development was discussed and found acceptable in relation to the WLP Policies.

With respect to the Planning Permission ESS/11/04/COL and ESS/09/07/COL, the Framework had not been published during the consideration of that proposal therefore, the 3 roles of Sustainable Development as referenced within the Framework had not been directly taken into consideration. However, in relation to the economic role the development would, as noted within ESS/11/04/COL application submission create local employment onsite. The site has also been accredited with the PAS100 quality standard for demonstrating best composting practice for end product quality which means the soil improver is viewed as a product once composted contributing to the economic role of sustainable development.

In addition, the social role of the proposed development would still be achieved by wider benefits to the environment through the diversion of up to 25,000tpa of biodegradable green garden waste destined for landfill or in-vessel composting. This diversion is in compliance with national policy. The benefits of landfill diversion come from the diminishing landfill capacity nationally and within Essex, and also because green waste, decomposes in landfill and produces methane gas which is a greenhouse gas and a contributor to climate change.

It should be noted that the nature and location of the development (site size, annual tonnage, type of waste, hours of operation and number of persons to be employed etc) are not proposed to change with the current submission. The issue for consideration through this application is the acceptability of the proposed increase in vehicular movements to the already permitted scheme.

The justification put forward by the applicant for amending condition 22 of planning permission ESS/09/07/COL is, in summary;

- The increase in vehicle movements does not increase the annual tonnage of biodegradable garden materials processed at the site. The purpose of this application relates to improving year round operational efficiency and helping to provide greater flexibility in meeting the needs of the organisations using the facility for the environmentally friendly disposal of

- biodegradable garden materials;
- Dependency on seasonal variations in biodegradable garden materials arising's means, in practical terms, that the maximum limit on daily vehicle movements will only likely to be utilised during the months of spring, early summer and late autumn;
- During the winter months of November, December, January and February vehicle movements would be less than the existing permitted vehicle movements (i.e. 24 movements [12in/12out] per day);
- From a road safety point of view the maximum level of vehicle movements (44 movements [22 in/22 out] per day) would only be generated during British Summer Time when day light hours are at their maximum. During the winter, when day light hours are at their shortest and there is increased chances of snow ice and fog, vehicle movements would be significantly lower;
- Current operations have shown that the routine arrival times of vehicles at the Birch Airfield Composting facility do not align with the busier commuter traffic peak times. Therefore, the existing or proposed additional traffic loading does not and would not significantly contribute to peak time traffic levels (commuter movements) on the B1022.
- The Birch Airfield Composting facility has been operational for 11 years. There have been no reported accidents involving vehicles visiting the facility in the direct vicinity of the facility i.e. in Blind Lane or on either the B1022 or B1023 since the facility opened, and;
- As part of the original planning consent (ESS/11/04/COL) for the Birch Airfield facility the applicant financed road improvements via a Section 106 agreement to the Blind Lane junction to improve visibility to the B1022.

FRP Policy SD1 (Sustainable Development Locations) highlights that development should be located in accessible and sustainable locations, making efficient use of land undertaking a sequential that gives priority to accessible locations and previously developed land. The policy goes onto emphasise that the character of small towns, villages and the countryside will be sustained.

The environmental role of the proposal will be considered further in the report.

## B IMPACT UPON AMENITY

WLP policy W10E states that, inter-alia, developments will only be permitted where satisfactory provision is made in respect of the amenity of neighbouring occupiers, particularly from noise, smell and dust. Similarly FRP Policy DP1 (Design and Amenity) details that All development must be designed to a high standard, avoid unacceptable impacts on amenity, and demonstrate social, economic and environmental sustainability. Planning permission will not be granted for new development, extensions and changes of use, which would have an unacceptable impact on the surrounding area as a result of noise, smell, dust, health and safety, visual impact, traffic generation, contamination to air, land or water, nature conservation or light pollution.

CBCS Policy ENV1 (Environment) aims to preserve and enhance the natural environment and countryside amongst other things, also safeguard the Borough's

biodiversity.

FRP Policy ENV2 (Rural Communities) favourably considers sustainable rural businesses....minimising negative environmental impacts and harmonise with the local character and surrounding natural environment.

Concerns have been raised that the proposed increase in vehicular movements would have a negative impact upon the amenity of residents through odour, noise and traffic. The following section seeks to assess these potential impacts as part of the Frameworks environmental role of sustainable development.

### Odour

With regard to bioaerosols and odour, the applicant holds an Environmental Permit which requires these aspects to be strictly controlled through the permitting regime. The applicant when seeking to gain a permit provided an Air Quality Assessment to the Environment Agency (EA). The EA is responsible for undertaking monitoring of the site in relation to bioaerosols and odour. As part of this application the EA has raised no objection subject to the re-imposition of conditions attached to planning permission ESS/09/07/COL.

Furthermore, over the last 6 years the facility has been accredited and annually audited for compliance with the composting industries PAS 100 quality standard which is based on the applicant demonstrating best composting practice (operation and facility management) and end product quality standard. Due to the applicant achieving the PAS 100 standard the resultant odour from the compost is as minimal as possible.

### Noise

The applicant as part of their application is not proposing any amendments to the currently permitted workings/operations onsite. Currently the free-field equivalent continuous noise level (L<sub>aeq</sub>, 1h) is L<sub>a90</sub> 55db. The applicant is not proposing to amend the noise conditions attached to the currently permitted site. Therefore, should permission be granted a condition limiting noise emissions from the site would be imposed thus ensuring no impact upon the amenity of residents..

Again it is important to note the CBC Environmental Health Team raised no objection to the proposal on noise grounds.

Therefore, in light of the odour and noise sections above, it is considered, that the proposal would not have any additional impact on the air quality than that previously assessed and found acceptable (ESS/11/04/COL and ESS/07/09/COL). Furthermore, the proposal would not involve any alteration to the volume of waste or the hours of operation, which would all have a greater environmental impact, particularly on the neighbouring residential properties. As such the proposal is considered to comply with WLP policy W10E and CBCS policy ENV1 and FRP policies DP1 and ENV2.

## Traffic Impact

WLP Policy W4C (Highways) requires access to be via a length of existing road to the main highway network via a suitable existing junction, improved if required, to the satisfaction of the Highway Authority. In this instance access to the site would be via the access road currently used for the green waste composting site from Blind Land which connects onto Maldon Road (B1022) 900 metres to the south. It should be noted that the Maldon road forms part of Essex County Council's main Strategic route (PR1).

CBDP policy DP17 (Accessibility and Access) requires access to developments to be created in a manner which maintains the right and safe passage of all highway users. Development will only be allowed where there is physical and environmental capacity to accommodate the type and amount of traffic generated in a safe manner. The access and any traffic generated shall not unreasonably harm the surroundings, including the amenity of neighbouring properties. WLP Policy W10E (Impacts of Development) requires, inter-alia, that the impact of the road traffic generated by the development should be acceptable.

Objections have been raised, in summary, that the proposal would have a negative impact upon the surrounding highway network, the network is unsafe and doesn't have sufficient capacity for the additional movements proposed, the speed limit is too fast for HGVs to ingress and egress from Blind Lane.

In support of their application the applicant has provided a supporting statement outlining the need for the increase in vehicular movements from the site. The applicant has highlighted that the objective in increasing vehicle movements relates to year round operational efficiency and helping to meet the seasonal demands of green garden waste arising's.

The majority of green garden waste processed at the Birch Airfield composting facility originates from domestic gardens located in central and northern Essex. It is generated from residents placing materials out for collection by local authority kerbside services or taken by residents to recycling centres.

The amount of green waste received is determined by the time of the year and the growing conditions a week or two preceding collection. The overall amount of green garden waste requiring composting can vary significantly from week to week and, at peak times of the year, day by day. The result is that neither the site operator nor the local authority is in control of the amount of green garden waste requiring composting.

In a drive for sustainable development local authorities are seeking to minimise transport costs, financial and environmental, by transporting green garden waste in bulk to the nearest available composting facility. Working within the permitted vehicle movement limitation (22in and 22out) at times results in materials having to be transported over greater distances. The applicant has states that the reason for this is that at certain times of the year kerbside collected green garden waste material is sent by local authorities direct to the Birch facility from the collection round. As a consequence vehicles can arrive on site with total material load of

under 3 tonnes which despite the minimal tonnage still counts as 2 vehicle movements (as gross HGV weight over 7.5 tonnes). This practice is currently causing fully loaded bulk delivery vehicles to be diverted further afield than the application site. This is both costly in financial terms to the local authority concerned and increases the amount of vehicle emissions of greenhouse gases into the environment.

Under the existing vehicle movement limitation it is possible for a vehicle to arrive on site only to be turned away as acceptance of the load would contravene the planning condition.

The Highway Authority has raised no objection to the proposal on highway grounds given the location and information submitted in the Planning Statement.

The site provides adequate space for vehicle manoeuvring and queuing without impacting on Blind Lane or the adjoining highway network.

In addition the applicant, in light of the comments received by the Parish Councils and local residents has confirmed that the daily increase in HGV's would only be limited to week days (Monday to Fridays) and is not proposed to vehicular movements on weekends (currently permitted at 7in and 7out).

On the basis of the information provided within the application and the fact that the proposal would use an existing access road and entrance which connects to a strategic link road (Maldon Road) and that the Highway Authority has raised no objection to the proposal on safety capacity grounds, it is considered that there would be no adverse impact upon the existing highway network. As such the proposal complies with WLP Policy W4C, W10E, CDBP policy DP17 and FRP policy DP1.

## **C HUMAN RIGHTS**

Article 8 of the European Convention on Human Rights (as incorporated by Human Rights Act 1998), provides that everyone is entitled to respect for his private and family life, his home and correspondence.

Article 1 of Protocol 1 of the European Convention on Human Rights provides that everyone is entitled to peaceful enjoyment of his possessions.

In light of the proposal only seeking to increase vehicular movement's and the absence of any alterations to the impacts in terms of noise, odour, dust, lighting, traffic or other amenities, it is considered there is no interference with either Article 8 or Article 1 of Protocol 1. Even if there were such interference, It is considered that the interference would be of such a level as to be clearly justified and proportionate in the public interest.

## **8. CONCLUSION**

In conclusion, the principle and need for this development being located at Birch Airfield has been accepted through the grant of planning permission

ESS/11/04/COL and ESS/09/07/COL. Nevertheless, it is still important to assess whether or not the proposed amendment to the vehicular movements would be acceptable.

It is considered that the proposed increase in HGV movements (44 movements in place of 22 movements) would not have a detrimental impact upon the amenity of residents within the surrounding area or highway network. The increase has been sought due to the applicant seeking year round operational efficiency which in turn aids the applicant in meeting the seasonal demands of green garden waste arising's. Furthermore, the Highway Authority, EA and CBC have raised no objection to the proposed changes. It is considered that the proposal complies with WLP policy W10E and CBCS policy ENV1, CBDP policy DP17 and FRP policies SD1, ENV2 and DP1.

The economic, social and environmental strands of the Framework are considered to have been achieved equally and the increase in vehicular movements would be considered to constitute 'sustainable development' in accordance with the Framework.

Furthermore, the WLP and CBCS, CBDP and FRP policies relied upon in this report are considered to be consistent with the Framework and therefore, approval of the application is recommended subject to the imposition of appropriate conditions as permitted by WLP Policy W10A (Planning Conditions and Obligations) and as set out below.

## **9. RECOMMENDED**

That:

i) Planning permission be granted subject to the amended wording of Condition 22 (of permission ESS/07/09/COL) to state:

"The total number of heavy goods vehicles (HGV<sup>1</sup>) movements associated with the development hereby permitted shall not exceed the following limits:

44 movements (22in and 22out) per day (Monday to Friday)  
14 movements (7in and 7out) per day (Saturdays, Sundays and Public Holidays).

and:

ii) All other conditions of planning permission ESS/07/09/COL be re-imposed and updated as appropriate.

---

## **BACKGROUND PAPERS**

Consultation replies  
Representations

---

<sup>1</sup> For the avoidance of doubt a heavy goods vehicle shall have a gross vehicle weight of 7.5 tonnes or more



## **THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010**

The proposed development would not be located within a European site.

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:** The report only concerns the determination of an application for planning permission and takes into account any equalities 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**

In determining this planning application, the County Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the Framework, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.

## **LOCAL MEMBER NOTIFICATION**

COLCHESTER – Mersea and Tiptree

COLCHESTER – Stanway and Pyefleet

## Appendix 1

POLICY	POLICY WORDING	CONFORMITY WITH THE FRAMEWORK
<b>Essex and Southend Waste Local Plan 2001</b>		
W3A	<p>The WPA will:</p> <ol style="list-style-type: none"> <li>1. In determining planning applications and in all consideration of waste management, proposals have regard to the following principles: <ul style="list-style-type: none"> <li>• Consistency with the goals and principles of sustainable development;</li> <li>• Whether the proposal represents the best practicable environmental option for the particular waste stream and at that location;</li> <li>• Whether the proposal would conflict with other options further up the waste hierarchy;</li> <li>• Conformity with the proximity principle.</li> </ul> </li> <li>2. In considering proposals for managing waste and in working with the WDAs, WCAs and industrial and commercial organisations, promote waste reduction, re-use of waste, waste recycling/composting, energy recovery from waste and waste disposal in that order of priority.</li> <li>3. Identify specific locations and areas of search for waste management facilities, planning criteria for the location of additional facilities, and existing and potential landfill sites, which together enable adequate provision to be made for Essex, Southend and regional waste management needs as defined in policies W3B and W3C.</li> </ol>	<p>Paragraph 6 of the Framework sets out that the purpose of the planning system is to contribute to the achievement of sustainable development.</p> <p>PPS 10 supersedes 'BPEO'.</p> <p>PPS 10 advocates the movement of the management of waste up the waste hierarchy in order to break the link between economic growth and the environmental impact of waste.</p> <p>One of the key planning objectives is also to help secure the recovery or disposal of waste without endangering human health and without harming the environment, and enable waste to be disposed of in one of the nearest appropriate installations.</p> <p>See reasoning for Policy W8A.</p> <p>Therefore, Policy W3A is considered to be consistent with the Framework and PPS 10</p>
W3C	<p>Subject to policy W3B, in the case of landfill and to policy W5A in the case of special wastes, significant waste management developments (with a capacity over 25,000 tonnes per annum) will only be permitted when a need for the facility (in accordance with the principles established in policy</p>	<p>Paragraph 3 of PPS 10 highlights the key planning objectives for all waste planning authorities (WPA). WPA's should, to the extent appropriate to their responsibilities, prepare and deliver planning strategies one of which is to help implement the national waste strategy, and</p>

	<p>W3A) has been demonstrated for waste arising in Essex and Southend. In the case of non-landfill proposals with an annual capacity over 50,000 tonnes per annum, restrictions will be imposed, as part of any planning permission granted, to restrict the source of waste to that arising in the Plan area. Exceptions may be made in the following circumstances:</p> <ul style="list-style-type: none"> <li>• Where the proposal would achieve other benefits that would outweigh any harm caused;</li> <li>• Where meeting a cross-boundary need would satisfy the proximity principle and be mutually acceptable to both WPA5;</li> <li>• In the case of landfill, where it is shown to be necessary to achieve satisfactory restoration.</li> </ul>	<p>supporting targets, are consistent with obligations required under European legislation and support and complement other guidance and legal controls such as those set out in the Waste Management Licensing Regulations 1994.</p> <p>The concept of the proximity principle has been superseded by the objective of PPS 10 to enable waste to be disposed of in one of the nearest appropriate installations.</p> <p>Therefore, as Policy W3C is concerned with identifying the amount of waste treated and it's source the policy is considered consistent with the requirements of PPS 10</p>
W4A	<p>Waste management development will only be permitted where:</p> <ul style="list-style-type: none"> <li>• There would not be an unacceptable risk of flooding on site or elsewhere as a result of impediment to the flow or storage of surface water;</li> <li>• There would not be an adverse effect on the water environment as a result of surface water run-off;</li> <li>• Existing and proposed flood defences are protected and there is no interference with the ability of responsible bodies to carry out flood defence works and maintenance.</li> </ul>	<p>Paragraph 99 of the Framework states that 'Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure'. In addition Annex E of PPS 10 highlights at section a. protection of water resources that 'Considerations will include the proximity of vulnerable surface and groundwater. For landfill or land-raising, geological conditions and the behaviour of surface water and groundwater should be assessed both for the site under consideration and the surrounding area. The suitability of locations subject to flooding will also need particular care'.</p>

		Therefore, as policy W4A seeks to only permit development that would not have an adverse impact upon the local environment through flooding and seeks developments to make adequate provision for surface water run-off the policy is in conformity with PPS 10 and the Framework.
W4B	Waste management development will only be permitted where there would not be an unacceptable risk to the quality of surface and groundwaters or of impediment to groundwater flow.	See above.
W4C	<ol style="list-style-type: none"> <li>1. Access for waste management sites will normally be by a short length of existing road to the main highway network consisting of regional routes and county/urban distributors identified in the Structure Plan, via a suitable existing junction, improved if required, to the satisfaction of the highway authority.</li> <li>2. Exceptionally, proposals for new access direct to the main highway network may be accepted where no opportunity exists for using a suitable existing access or junction, and where it can be constructed in accordance with the County Council's highway standards.</li> <li>3. Where access to the main highway network is not feasible, access onto another road before gaining access onto the network may be accepted if, in the opinion of the WPA having regard to the scale of development, the capacity of the road is adequate and there would be no undue impact on road safety or the environment.</li> <li>4. Proposals for rail or water transport of waste will be encouraged, subject to compliance with other policies of this plan.</li> </ol>	<p>Paragraph 21 (i) of PPS 10 highlights that when assessing the suitability of development the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport.</p> <p>Furthermore, Paragraph 34 of the Framework states that 'Decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised'.</p> <p>Policy W4C is in conformity with Paragraph 34 in that it seeks to locate development within areas that can accommodate the level of traffic proposed. In addition the policy seeks to assess the existing road networks therefore, being in accordance with the Framework and PPS 10.</p>
W6A	The WPAs will seek to work with WDAS/WCAS to support and promote public, private and voluntary sector initiatives to reduce, re-use and recycle waste arising's in an environmentally	<p>PPS 10 at Paragraph 3 highlights the key planning objectives for waste management development. Two of the objectives are as follows;</p> <ul style="list-style-type: none"> <li>• Help deliver sustainable</li> </ul>

	<p>acceptable manner in accordance with the policies within this Plan.</p>	<p>development through driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option, but one which must be adequately catered for;</p> <ul style="list-style-type: none"> <li>• Provide a Framework in which communities take more responsibility for their own waste, and enable sufficient and timely provision of waste management facilities to meet the needs of their communities.</li> </ul> <p>Therefore, policy W6A is in conformity with the requirements of PPS 10.</p>
W7E	<p>To facilitate the efficient collection and recovery of materials from the waste stream, in accordance with policy W3A, the WPAs will seek to work with the WDAs/WCAs to facilitate the provision of:</p> <ul style="list-style-type: none"> <li>• Development associated with the source separation of wastes;</li> <li>• Material recovery facilities (MRF's);</li> <li>• Waste recycling centres;</li> <li>• Civic amenity sites;</li> <li>• Bulking-up facilities and waste transfer stations.</li> </ul> <p>Proposals for such development will be supported at the following locations:</p> <ul style="list-style-type: none"> <li>• The waste management locations identified in Schedule 1 (subject to policy W8A);</li> <li>• Other locations (subject to policies W8B and W8C);</li> <li>• In association with other waste management development;</li> <li>• Small scale facilities may be permitted at current landfill sites, provided the development does not unduly prejudice the agreed restoration timescale for the site and the use ceases prior to the permitted completion date of the site (unless an extension of time to retain such facilities is permitted).</li> </ul> <p>Provided the development complies with other relevant policies of this plan.</p>	<p>See explanation notes for Policy W3C, W8A and W8B as these are relevant and demonstrate conformity with the Framework and PPS 10.</p>

W8A	<p>Waste management facilities will be permitted at the locations shown in Schedule 1 provided all of the following criteria, where relevant, are complied with:</p> <ul style="list-style-type: none"> <li>• There is a need for the facility to manage waste arising in Essex and Southend (subject to policy W3C);</li> <li>• The proposal represents the Best Practicable Environmental Option (BPEO) for the particular waste stream, having regard to any alternative options further up the waste hierarchy;</li> <li>• The development complies with other relevant policies of this Plan, including the policy/ies in Chapter 7 for the type(s) of facility proposed;</li> <li>• Adequate road access is provided in accordance with policy W4C. Access by rail or water will be supported if practicable;</li> <li>• Buildings and structures are of a high standard of design, with landscaping and screening provided as necessary; and</li> <li>• Integrated schemes for recycling, composting, materials recovery and energy recovery from waste will be supported, where this is shown to provide benefits in the management of waste which would not otherwise be obtained.</li> </ul>	<p>PPS 10 at Paragraph 17 identifies that 'Waste planning authorities should identify in development plan documents sites and areas suitable for new or enhanced waste management facilities for the waste management needs of their areas. Waste planning authorities should in particular:</p> <ul style="list-style-type: none"> <li>– allocate sites to support the pattern of waste management facilities set out in the RSS</li> </ul> <p>in accordance with the broad locations identified in the RSS; and,</p> <ul style="list-style-type: none"> <li>– allocate sites and areas suitable for new or enhanced waste management facilities to support the apportionment set out in the RSS.</li> </ul> <p>The WPA has identified strategic sites within the Waste Local Plan under policy W8A which seek to support the pattern of waste management and that are suitable for new or enhanced strategic waste management facilities. PPS 10 requires that needs for sustainable waste management are met and those identified by the JMWMS supersede those municipal waste management needs identified in the Waste Local Plan. PPS 10 requires that sites and areas suitable for new or enhanced waste management facilities for the waste management needs of the area is assessed. In this respect more weight should be applied to PPS 10 in respect of meeting waste management needs than Policy W8A.</p> <p>See also W8B.</p>
W8B	<p>Waste management facilities (except landfill to which policies W9A and W9B apply) will be permitted at locations other than those identified in this plan, provided all of the criteria of policy W8A are complied with where relevant, at the following types of location:</p> <ul style="list-style-type: none"> <li>• Existing general industrial areas;</li> <li>• Areas allocated for general industrial use in an adopted local</li> </ul>	<p>Policy W8B is concerned with identifying locations for sites that have not been identified within the Plan as preferred sites of waste related developments. By setting a criteria for non-preferred sites this allows for the protection of the natural environment in conformity with the third strand of the three dimensions of sustainable development. Additionally, in</p>

	<p>plan;</p> <ul style="list-style-type: none"> <li>• Employment areas (existing or allocated) not falling into the above categories, or existing waste management sites, or areas of degraded, contaminated or derelict land where it is shown that the proposed facility would not be detrimental to the amenity of any nearby residential area.</li> </ul> <p>Large-scale waste management development (of the order of 50,000 tonnes per annum capacity or more, combined in the case of an integrated facility) will not be permitted at such non- identified locations unless it is shown that the locations identified in Schedule 1 are less suitable or not available for the particular waste stream(s) which the proposal would serve.</p>	<p>conformity with Paragraph 17 of the Framework, the policy contributes to the conservation and enhancement of the natural environment. The Framework goes on to state that 'Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework'. Nonetheless, Paragraph 17 of the Framework requires objectively assessed needs to be met and whilst the environmental protection approach W8B is consistent with the Framework/PPS 10, the policy also relies solely on the Schedule 1 sites identified in W8A and is therefore out of date in this respect.</p>
W10A	<p>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.</p>	<p>PPS 10 states that 'It should not be necessary to use planning conditions to control the pollution aspects of a waste management facility where the facility requires a permit from the pollution control authority. In some cases, however, it may be appropriate to use planning conditions to control other aspects of the development. For example, planning conditions could be used in respect of transport modes, the hours of operation where these may have an impact on neighbouring land use, landscaping, plant and buildings, the timescale of the operations, and impacts such as noise, vibrations, odour, and dust from certain phases of the development such as demolition and construction'.</p> <p>Furthermore, Paragraph 203 of the Framework states that 'Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable</p>

		<p>impacts through a planning condition'.</p> <p>Policy W10A inter alia only seeks to impose conditions and/or enter into legal agreements when appropriate to ensure that the site is operated in an acceptable manner. Therefore, the policy is in accordance with the requirements of the Framework and PPS 10.</p>
W10E	<p>Waste management development, including landfill, will be permitted where satisfactory provision is made in respect of the following criteria, provided the development complies with other policies of this plan:</p> <ol style="list-style-type: none"> <li>1. The effect of the development on the amenity of neighbouring occupiers, particularly from noise, smell, dust and other potential pollutants (the factors listed in Paragraph 10.12 will be taken into account);</li> <li>2. The effect of the development on the landscape and the countryside, particularly in the AONB, the community forest and areas with special landscape designations;</li> <li>3. The impact of road traffic generated by the development on the highway network (see also policy W4C);</li> <li>4. The availability of different transport modes;</li> <li>5. The loss of land of agricultural grades 1, 2 or 3a;</li> <li>6. The effect of the development on historic and archaeological sites;</li> <li>7. The availability of adequate water supplies and the effect of the development on land drainage;</li> <li>8. The effect of the development on nature conservation, particularly on or near SSSI or land with other ecological or wildlife designations; and</li> <li>9. In the Metropolitan Green Belt, the effect of the development on the purposes of the Green Belt.</li> </ol>	<p>Policy W10E is in conformity with the Framework in that the policy is concerned with the protection of the environment and plays a pivotal role for the County Council in ensuring the protection and enhancement of the natural, built and historic environment. The policy therefore, is linked to the third dimension of sustainable development in the meaning of the Framework.</p>
W10F	Where appropriate the WPA will impose a condition restricting hours of	In addition Paragraph 123 of the Framework states that planning



	<p>operation on waste management facilities having regard to local amenity and the nature of the operation.</p>	<p>decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new developments, including through the use of conditions. Furthermore, Paragraph 203 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.</p> <p>It is considered that as policy W10F is concerned with the protection of amenity and seeks to impose conditions to minimise this policy W10F is in conformity with the requirements of the Framework.</p> <p>Also see above regarding PPS 10 and conditions.</p>
--	---	---

## Appendix 2

**DR/042/04**

committee DEVELOPMENT & REGULATION

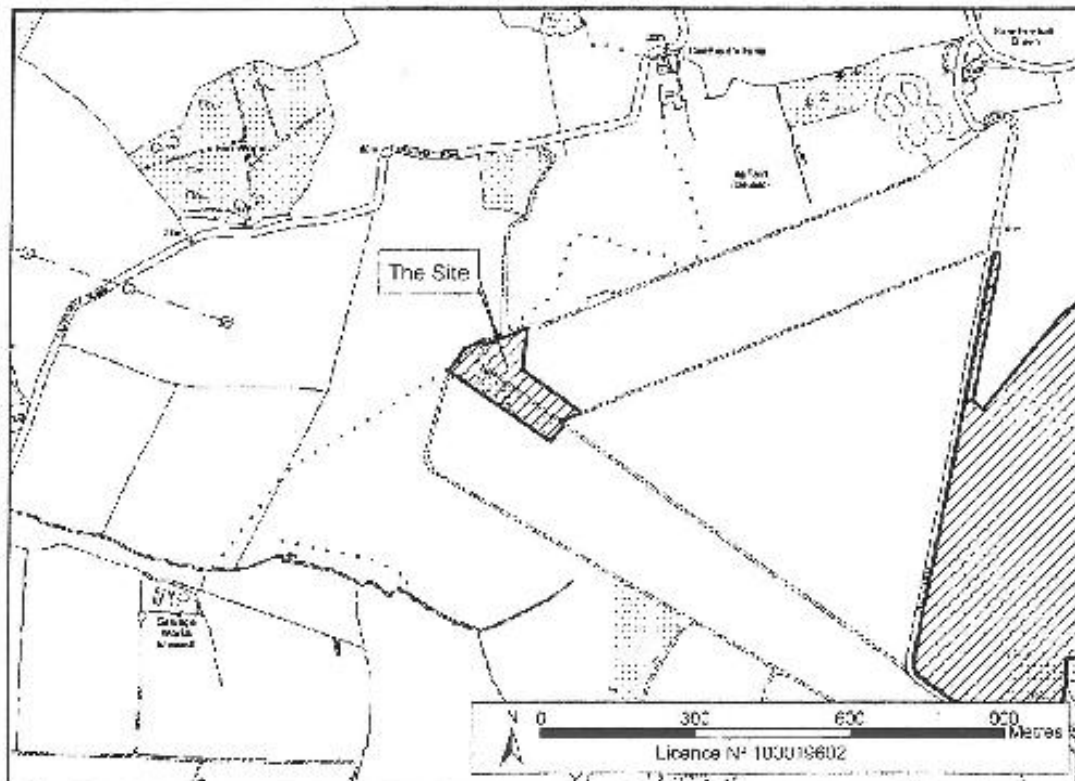
date 25 June 2004

**MINERALS AND WASTE**

**The extension of the existing composting facility to include the formation of 16,000m<sup>2</sup> of hard standing, a lagoon, portacabin and fuel storage area together with the export of up to 20% per annum of composted material and the retention of a weighbridge. Birch Airfield, Blind Lane, Birch, Colchester. JF and CM Strathearn**  
**ESS/11/04/COL**

Report by Development Control Manager

Enquiries to Lesley Stenhouse – Tel: 01245 437695



Reproduced from the Ordnance Survey Map with the permission of the Controller of Her Majesty's Stationary Office, Crown Copyright reserved Essex County Council, Chelmsford Licence LA076616

DR/042/04

1

25/06/04



1. **BACKGROUND**

On-farm composting facilities have formerly been considered ancillary to conventional farm activities and have therefore not required planning permission. This view has now been superseded by guidance from the Planning Officers Society who advises that both new on-farm composting facilities and extensions to existing on-farm composting facilities require planning permission.

Part of the site at Birch Airfield is currently operating as a small-scale composting facility, processing green waste from civic amenity sites, re-cycling centres and kerb side collections from the Colchester area. As operations commenced in June 2002 the development did not require planning permission. Furthermore, due to the current, limited, capacity of the site to process waste the site has been exempt from a Waste Management Licence issued by the Environment Agency. The Applicants now wish to enlarge existing on-site operations and, in view of the recent planning guidance described above, approval is sought for the regularisation and extension of the composting facility. The Applicants have also been in discussion with the Environment Agency regarding the provision of a Waste Management Licence for the proposed site.

2. **SITE**

The site is located some 3 kilometres west of the village of Birch. Vehicular access to the site is from Blind Lane, a road off the B1022 Maldon to Colchester Road.

The site, of approximately 2 hectares in area, is located on the periphery of an area of land known as Birch Airfield - an airstrip created on farmland for use in World War II. At the end of the War the land forming the airfield was returned to arable farm use. Some hard standing used in connection with the airstrip remains intact including a concrete runway some 1000m in length that runs in an east-west direction from Blind Lane. The runway is currently used as the haul road into the existing composting facility.

The site does not have the benefit of any special landscape designations and is situated in a flat area of ground surrounded by an expanse of open agricultural land. There are a number of established trees on the boundary of the site that screens views into the site from the south-west. The nearest dwellings from the application boundaries are: Cantfield's Farm some 720m to the north-east, Palmers Farm and Cottage, approximately 1200m to the south-east, Birch Holt Cottages around 800m to the south and Messing Lodge some 950m to the west.

3. **PROPOSAL**

The proposal is for the regularisation and extension of the existing composting facility including the retention of an existing weighbridge to process 20,000 tonnes of compostable material per annum. The extension of the facility would require: the formation of 16,000m<sup>2</sup> of impermeable hard standing at the north-east of the site; the construction of a lagoon with a surface area of 756m<sup>2</sup> at the north of the site; the erection of a portacabin, incorporating an office a rest-room and toilet

facilities, measuring 18m<sup>2</sup> which would be centrally located within the site and the creation of a fuel storage area measuring 8.75m<sup>2</sup> with associated bunding. A tree planting scheme and additional bunding to provide further screening around the site is also proposed.

From the 20,000 tonnes of material that would be brought onto site annually 12,000 tonnes of compost would be produced. Of this, 80% (9,600 tonnes p/a) would be for use within the farm, the residual 20% (2,400 tonnes p/a) would be exported off the site for sale.

The green waste material would be delivered and deposited on the hardstanding. The material would be checked for contaminants, e.g. polythene, and any heavily contaminated loads would be rejected and reloaded into the delivery vehicle for disposal at a local landfill site. If a load was accepted and subsequently found to be tainted the contaminated material would be removed from the composting process and placed into a hired skip for removal off site. All accepted green waste would be stockpiled and, after deposit of a reasonable volume of material, it would be shredded using on-site plant. The shredded material would be moved to form windrows in a composting area that would be situated on the south-western part of the site. Each windrow would measure approximately 15m in length, 4m in width and 3m in height. The windrows would be turned on a regular basis using on-site plant. Any leachate generated would be contained on site, directed into a lagoon via a drainage system and then pumped onto the windrows as necessary.

After maturation the compost would be screened and any reject woody material would be returned to the composting process. The screened material would be stockpiled in the north-eastern area of the site until ready for use on the farm or for export off the site. Litter picking would be undertaken throughout the duration of the composting process.

The proposed hours of operation for delivery and processing of waste are:

0700 – 1800 Monday – Friday

0800 – 1600 Saturday, Sundays and Public Holidays

The proposed daily heavy goods vehicle movements (in and out) are estimated to be average of 10 and a maximum of 14. In addition it is proposed that a further 30 lorries would enter and leave the site per year to collect compost for off-site sale.

#### **4. POLICIES**

The following policies of the Essex and Southend on Sea Replacement Structure Plan (RSP), adopted 2001, the Essex and Southend Waste Local Plan (WLP), adopted 2001 and the Colchester Local Plan Deposit Draft, (CLPDD) 1999, provide the development plan framework for this application. The following policies are of relevance to this application:

	<u>RSP</u>	<u>WLP</u>	<u>CLPDD</u>
Protecting the Natural and Built Environment	CS2		
Sustainable New Development	CS4		
Rural Areas not in the Green Belt	C5		
New Uses for Former Airfields	RE4		
Sustainable Transport Strategy	T1		
Freight Movement	T13		
Provision for Waste Management Facilities & Best Practicable Environmental Option	WM1	W3A	
Criteria for Development Control	WM3	W10E	
Highways		W4C	
Outdoor Composting		W7B	
Alternative Sites		W8C	
Hours of Operation		W10F	
Countryside			CO1

## 5. CONSULTATIONS

COLCHESTER BOROUGH COUNCIL - Is supportive of the principle of re-cycling and the composting of green waste. The Council is however concerned that the development could have an adverse impact upon the amenity of the area, particularly from vehicular activity and environmental pollution. The Council also objects to use of any roads other than the A12 and the B1022 and would not wish to see the use of any village or rural routes. The Council suggests that these concerns could be addressed through a restriction in the way the site is operated, good management and control measures. If planning approval is granted the following conditions are suggested:-

### a) Pollution Control

- (i) A water supply shall be readily available and applied when necessary to windrows and shredding and screening to ensure no wind whipping occurs.
- (ii) The windrows shall be turned as frequently as is necessary to minimise anaerobic respiration, and, in turn, to minimise odours.
- (iii) Shredders and screeners shall be sited sensitively utilising the absorptive qualities of the windrows to minimise noise.
- (iv) All vehicle movements to and from the site should be limited to 0800 to 1800 hours Monday to Friday, 0800 to 1300 hours Saturday and not at all on Sundays and Public Holidays.

### b) Highway matters

- (i) No further development shall take place until a scheme for the management and control of vehicle generation to and from the site, including details of proposed routes to be taken by heavy goods vehicles,

has been submitted to and agreed with Essex County Council as the appropriate Planning Authority.

c) Landscape

- (i) Before any works commence on site, details of tree and/or shrub planting and an implementation timetable shall be submitted to and approved in writing by the appropriate Planning Authority. This planting shall be maintained for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed or in the opinion of the Planning Authority fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Planning Authority.

d) General

- (i) There shall be no sales of compost on the site to members of the public in the interests of the amenity of the area.

Comment: Agreed in respect of c (i) and d (i). The Application and accompanying Supporting Statement states that the requirements of a (i), a (ii) and a (iii) will be undertaken. These activities can therefore be enforced through a general condition concerning compliance with submitted details. See Appraisal concerning a (iv) and b (i).

ENVIRONMENT AGENCY - Has no objection to the proposed development. The Environment Agency has supplied the Applicants with further guidance and advice, concerning composting operations and the requirements of a Waste Management Licence.

A bowser should be provided to assist in damping down and spraying the haulage roads and compost during dry conditions to prevent dust.

Comment: See Appraisal.

ENGLISH NATURE - The development outlined in the application is not likely to affect a Site of Special Scientific Interest.

The proposal may affect one or more Sites of Importance for Nature Conservation/County Wildlife Sites, therefore it is advised that Essex Wildlife Trust are consulted for more information.

If a protected species is suspected or present on site an Ecological Survey should be undertaken by the Applicants prior to determination.

It is understood that a scheme of planting and landscaping of the site is proposed with the primary purpose of screening the extended composting facility. Opportunities should be taken where possible to improve the area in the long-term for wildlife.



Comment: Noted. Consultation has been undertaken with Essex Wildlife Trust.

ESSEX WILDLIFE TRUST - Any views received will be reported.

COUNTRYSIDE AGENCY - Does not wish to comment on the proposal. The scheme does not constitute an exceptional circumstance whereby the Countryside Agency would wish to consider direct involvement in the development control process.

COUNTY NOISE CONSULTANT - It would be necessary to impose noise limiting conditions which are sufficient to ensure protection of the amenity of local residents should planning permission be granted for this application. The noise from the shredder and trommel is potentially very intrusive, but the shredding is only likely to take place once or twice a week. These operations should be screened and the shredder and the trommel should not operate at the same time. There is no reason why this application should be refused on noise grounds subject to the proposed conditions. Nonetheless noise monitoring may be required as detailed by the Waste Planning Authority (WPA) where it becomes necessary to demonstrate compliance with the limiting noise level.

Comment: Noted. See also Appraisal.

HIGHWAY AUTHORITY - The Highway Authority would not wish to raise an objection to the above application subject to the following:

- 1) The proposed access shall be improved to provide the following:
  - A hardened surface bell-mouth with 2 no. 10.5 metre kerbed radii
  - 120 x 4.5 x 120 metre visibility splay
  - A hardened surface for a minimum distance of 50 metres into the access from the Blind Lane carriageway edge
  - Any gates a minimum distance of 20 metres from the Blind Lane carriageway edge and shall open towards the proposal site only.
- 2) The B1022/Blind Lane junction shall be improved to provide the following:
  - 2 no. 10.5 metre kerbed radii
  - Additional warning signs and road markings. Details to be agreed with the Highway Authority
  - There shall be a maximum of 14 heavy goods vehicle movements per working day (7 in and 7 out) using the proposed access off Blind Lane
  - There shall be a maximum weight restriction placed upon any heavy goods vehicle using the proposed access off Blind Lane. Details to be agreed with the County Planning Authority and Highway Authority
  - All heavy goods vehicles using the proposed access off Blind Lane shall turn left in and right out only. Details to be agreed with the County Planning Authority and Highway Authority
  - Space shall be provided within the proposal site to accommodate the parking, loading, unloading and turning of all vehicles visiting the site, clear of the highway and properly laid out and such space shall be maintained thereafter free of any impediment to its designated use,

further, in order to allow all vehicles to enter and leave the highway in forward gear.

- 3) All the above works would be required under a S278 Agreement.

Comment: See Appraisal.

HEAD OF WASTE, RECYCLING AND ENVIRONMENT - (Archaeology) Proposed soil stripping for the scheme may expose archaeological deposits and it is advised that archaeological monitoring of the groundworks and excavation, where appropriate, should take place. A condition requiring the submission and approval of a scheme of investigation should be attached to any grant of planning consent.

Comment: Agreed.

(Landscape and Ecology) Increasing planting and filling gaps in the existing hedgerows to the north and west of the site should be a priority. More details of the proposed mix around the site and on the soil bund are needed.

Comment: Agreed - could be covered by a suitable condition.

(Waste & Recycling) Fully supports the proposal. The Applicants are existing contractors of Essex County Council. The current facility is a well run composting operation which fulfils or exceeds the rigorous requirements of the contract with Essex County Council.

Comment: Noted.

BIRCH PARISH COUNCIL - Concerned about the suitability of the local highway network. Large vehicles are already using a route through the hamlet of Hardys Green. Also concerned regarding odour emissions from the site

Comment: See Appraisal

LAYER MARNEY PARISH COUNCIL - The Parish Council is concerned about traffic impacts, litter pollution, the selling of compost on site, odour, vermin, noise impacts and the effectiveness of proposed irrigation measures.

Comment: See Appraisal

MESSING CUM INWORTH PARISH COUNCIL - Favours schemes to recycle waste but is concerned that there appears to be a lack of thought and planning with regard to the provision of any infrastructure to support this scheme. The Parish Council is concerned regarding the suitability of the local road network, the suitability of the Blind Lane/B1022 junction, lack of control or effective supervision of the routes that contracted drivers will use and access into the site.

Comment: See Appraisal

Local Member – COLCHESTER – Tiptree - Any views received will be reported



## 6. REPRESENTATIONS

The application was advertised in accordance with statutory guidelines. Five letters of representation have been received comprising of: two letters from members of the public; one letter from a Planning Agent on behalf of a local resident; one letter from the Planning Secretary of a Local Heritage Society and one letter signed by two District Councillors. The following planning issues were raised:-

<u>Representation</u>		<u>Comment</u>
<b>GENERAL</b>		
a)	Agree with proposed green waste composting unit however would like some assurance that that waste will be disposed of in accordance with standards set in British Standard Institute (BSI) PAS 100:2002.	The Applicants have indicated in the Supporting Statement accompanying the planning application that the site will be managed in accordance with BSI PAS 100.
	The scale of operations should be limited to reduce the impact on the locality.	The scale of the operation is restricted to that detailed in the Application. Any future extension of the site would require further approval from the WPA. See also Appraisal regarding impact on amenity.
	Agree that at present the site is run in a most proper manner with minimal disturbance, if any, to local residents.	Noted.
	Question the appropriateness of the location in sustainability terms. The proposal will create numerous and lengthy round trips and will cause more traffic pollution compared to a strategic location close to the source of material and the collection point.	See Appraisal.
	Can the volumes of green waste be treated at source?	The green waste is collected from civic amenity sites, recycling centres and kerb side collections from the Colchester area. These locations tend to be in built-up areas that are unsuitable for outdoor composting facilities in respect of proximity to dwellings.
<b>VEHICLE MOVEMENTS / HIGHWAY IMPACTS</b>		
	Suitable sized vehicles should be used to keep journeys to a minimum.	See Appraisal.



	Vehicles are to be the road train type, high capacity vehicles and wherever possible the loads to be compacted.	See Appraisal.
	It will be difficult to impose enforceable routes to the site or enforce the size of trucks that are used. A full Traffic Impact Assessment should be submitted.	See Appraisal.
	Whilst we have no objection to the scheme we strongly request that approval only be given if the Operators of the site firmly regulate the accessing of traffic to and from the site via the Maldon Road and Blind Lane.	See Appraisal.
	Traffic should be compulsory routed along the A12 to Tollgate, then to the Birch Facility.	See Appraisal.
	All vehicles servicing the site should use agreed road routes i.e. all vehicles from Colchester taking the Colchester-Maldon Road and vehicles from Braintree, Witham etc. taking the A12 road. Vehicles should not be routed through Kelvedon, Feering, Inworth, Messing or Tiptree.	See Appraisal.
<b>ADDITIONAL INFORMATION</b>		
	The proposed scheme should be accompanied by an Environmental Statement.	A Screening Opinion has been undertaken by the WPA who have concluded that an Environmental Statement is not required to this proposal due to its scale and nature.
	The results of an 'Environmental Impact Study' should be made known to local residents, Parish Councils and District Councillors.	See above, also Colchester Borough Council have been informed of the outcome of the Screening Opinion.
<b>VISUAL IMPACT</b>		
	Birch Parish Council and Layer Marney Parish Council should be consulted on any fencing and landscaping details.	Noted. Conditions would be placed on any grant of planning approval requiring the Applicants to submit schemes, for approval by the WPA, relating to fencing and landscaping details. The



		submitted schemes would be sent to the District and Parish Councils for comment.
	The fencing and tree planting are not adequate to provide an effective screen to the development.	See above.
<b>HOURS OF OPERATION</b>		
	No objection to weekday working/hours but strong objection to working on Saturdays, Sundays and Bank Holidays so that residents may have the quiet enjoyment of their homes.	See Appraisal.
<b>DUST / ODOURS / NOISE / LITTER</b>		
	Current levels of activity on the site already cause a noticeable odour which is experienced by many neighbours in the surrounding area. The proposed scale of the enterprise will inevitably increase the incidence of odour problems which will be difficult to mitigate.	See Appraisal
	The scale of the enterprise will create noisy traffic movements. Warning sirens when HGVs reverse will be heard across the countryside and will be detrimental to the quiet enjoyment of the countryside. This is unacceptable with a 365 days a year operation.	Noise consultants are satisfied with the information provided nonetheless appropriate noise limiting conditions would be attached to any grant of planning approval.
	Concerned at odours arising from the disposal and turning of the waste.	In order to prevent anaerobic degradation (the cause of odour) the Applicants have confirmed that regular shredding and turning of the material together with temperature monitoring, as stipulated and regulated by the Environment Agency, would be undertaken.
	We note the Applicants intentions to fence the entire site in 6 ft. to 8 ft. fencing to provide adequate litter screening.	Following comments received during a public meeting the Applicants have confirmed that fencing of the entire site is proposed. Any grant of planning approval would require the





		Applicants to submit to the WPA, for approval, details of proposed fencing.
	We understand there is no access to water and in dry and windy conditions the compost will become extremely friable and dusty. Dust control methods would need to be implemented to avoid pollution.	Water from the lagoon would be used to irrigate the windrows. In addition appropriate landscaping and bunding of the site would control dust nuisance.
	Inadequate information is provided in relation to drainage and surface water run-off, including the functioning of the lagoon.	The construction of the lagoon is a requirement of the Waste Management Licence issued by the Environment Agency. As such the efficiency of the lagoon and associated drainage is a matter for the Environment Agency.
<b>POLICY ISSUES</b>		
	<p>The scheme conflicts with several elements of Policy WM3 'Development Control' in the Essex and Southend-on-Sea Replacement Structure Plan. These are;</p> <ul style="list-style-type: none"> <li>• Amenity of neighbouring occupiers from noise, smell and dust</li> <li>• The impact of road traffic generated by the development on the highway network</li> <li>• The availability of different forms of transport.</li> <li>• The availability of adequate water supplies and the effect of the development on land drainage.</li> </ul>	See Appraisal concerning impact on amenity.

## 7. **APPRAISAL**

The key issues are: principle of development/location; landscape issues; highway issues (lorry routing, vehicle movements to and from the site, the suitability of the local road network to cope with the proposed traffic increase and the need for a Traffic Impact Assessment) and impact on amenity (hours of operation, dust, odour, noise, litter, vermin, effectiveness of irrigation measures and on-site compost sales ).



a. **PRINCIPLE OF DEVELOPMENT & LOCATION**

The main issues concerning the principle of the development and its location are: the need for composting; the sustainability of the proposal and the appropriateness of the proposed location.

In respect of the need for composting:-

An aim of the European Landfill Directive is to significantly reduce the amount of biodegradable materials that are disposed of in landfill sites in the UK. A principle waste management option for achieving this statutory requirement is composting. The principle of outdoor composting is supported in policies W3A and W7B of the WLP and policy WM1 of the RSP.

In respect of the sustainability of the scheme:-

The principle of the proposal accords with policy WM1 of the RSP concerning the provision of waste facilities and policy W3A of the WLP to encourage waste management operations further up the hierarchy in accordance with the Best Practicable Environmental Option (BPEO). In addition concern has been expressed with regard to the sustainability of the proposal in respect of its proximity to source waste material. The proposal would enable the continuation of green waste, generated from the North Essex area, to be composted locally thereby reducing lorry movements across the County. This accords with policies CS4 and T1 of the RSP.

With regard to the appropriateness of the location of the proposal:-

Policy W7B of the WLP states that proposals for outdoor waste composting facilities will be supported at sites within the rural area subject to, amongst other criterion, the site having existing hardstanding. Whilst the proposed development would utilise the existing hardstanding an extension to this area is proposed. The majority of the compost would be applied to adjacent farm land as a soil improver and, in addition, the site does not benefit from any special landscape designations and is a significant distance from the nearest dwellings. The proposal is therefore, on balance, considered to meet the overall principle of policy W7B. In this respect the proposal also accords with policy W8C of the WLP which supports alternative sites in rural areas for small scale waste management facilities where the proposal accords with policy W7B. In addition policy RE4 of the RSP supports the re-use of former airfields for uses related to agriculture.

b. **LANDSCAPE ISSUES**

The site is not within, or adjacent to, an area of land with special landscape designations. In addition the nearest properties are over 500m from the site boundary and the existing on-site vegetation screens views into the site from the south-west. However further landscaping and fencing, secured through appropriate conditions, would ensure that the character of the rural landscape would not be compromised thus meeting the requirements of policies CS2 and C5 of the RSP and policy CO1 of the CLPDD.



c. HIGHWAY ISSUES

The relevant policies with regard to highway matters are W4C of the WLP and T13 and WM3 of the RSP.

Concerns have been raised regarding lorry routeing, vehicle numbers to and from the site, the suitability of the local road network to cope with the proposed traffic increase, and the need for a Traffic Impact Assessment.

*Lorry routeing*

It is proposed that access to the site is from Blind Lane, a road off the B1022 Maldon to Colchester Road. Concern has been raised that lorries would also use minor roads in the vicinity to access the site. Of particular concern is the use of the road network to the north-east of the site leading to nearby villages. Whilst the WPA cannot impose conditions concerning lorry routing on the public highway a condition requiring the Applicant to submit to the WPA, a scheme of measures detailing how the Applicant would ensure appropriate routes would be used by contractors could be attached to any grant of planning permission.

*Vehicle numbers*

A condition imposing a restriction on vehicle numbers entering and leaving the site has been proposed by the Highway Authority in order to satisfy concerns raised regarding an increase in lorry movements in the area. Consequently the Applicant has indicated that 'road-train' vehicles would need to be used to keep journey movements within the permitted numbers. The Highway Authority has confirmed that this would be acceptable. The Highway Authority has also confirmed that due to the numbers of vehicle movements proposed in connection with the development a Traffic Impact Assessment would not be required.

*Local Road Network*

In order to address concerns regarding the suitability of the local road network the Applicants would be required to carry out engineering improvements at the access point into the site and at the junction with Blind Lane and the B1022 to improve the local road infrastructure. The Applicants have confirmed their agreement to carrying out the proposed works.

In view of the proposed routing, access improvements and restriction on the movement of waste material the development would comply with WLP policy W4C and RSP policies T1, T13 and WM3.

d. IMPACT ON AMENITY

The relevant policies are WM3 of the RSP and W7B, W10E and W10F of the WLP. Policy WM3 and W10E relate to general development criteria needed in order to mitigate against unacceptable impacts. Policy W7B (Outdoor composting) states that proposals for outdoor waste composting facilities will be supported at sites within the rural area subject to the site not being detrimental to the amenity of any nearby residential area or harmful to the character of the rural area.



Concerns have been raised regarding hours of operation, dust, odours, noise, litter, vermin, effectiveness of irrigation measures and on-site compost sales.

#### *Hours of operation*

It is proposed that the site would operate at weekends and at public holidays to fulfil the requirements of Essex County Council as the Waste Disposal Authority whereby composting facilities must be open 7 day per week to receive waste from civic amenity sites and recycling centres. (Under Section 51 of the Environmental Protection Act civic amenity sites and recycling centres cannot retain green waste for more than two days). However, in order to protect the amenity of the nearest residential properties the Applicants have agreed to a restriction in the hours of processing. This restriction could be ensured by a standard condition and whilst not as prohibitive as that proposed by Colchester Borough Council it would ensure that the receipt and processing of waste is limited to set hours to meet policy W10F of the WLP.

#### *Dust nuisance*

The bunding and screening proposed around the site would help to minimise any dust nuisance. Furthermore the windrows would be irrigated during dry weather using water from the lagoon. However, in order to meet the requirements of policy WM3 of the RSP and W10E of the WLP and the advice of the Environment Agency a condition requiring the submission of a dust management scheme could be attached to any grant of planning approval.

#### *Odour issues*

Failure to regularly turn the windrows could cause the material to turn anaerobic and result in odour problems. This would be contrary to good practice and would result in poor quality compost. The turning of the windrows would be a matter for the EA in respect of the Waste Management Licence.

#### *Noise nuisance*

Noise consultants are satisfied with the information provided. Nonetheless appropriate noise limiting conditions have been suggested by the consultants and would be attached to any grant of planning approval. This would meet the requirements of policy WM3 of the RSP and W10E of the WLP.

#### *Litter*

Litter has not been previously been identified as a major issue, nevertheless, the Applicants have confirmed that litter picking and monitoring would be undertaken throughout the composting process on a regular basis. Furthermore, additional landscaping and bunding and the erection of a perimeter fence are proposed around the site which would reduce incidences of wind-blown litter. In addition the site would be regular monitored by the Environment Agency in respect of litter.

#### *Vermin*

Pest controls are proposed if vermin become an issue, however these are matters for the Environment Agency to address within the Waste Management Licence.

#### *Irrigation measures*

The construction of the lagoon is a requirement of the Waste Management Licence issued by the Environment Agency. As such the lagoon and associated





drainage must conform to the specific requirements of the Environment Agency. The Environment Agency do not require further details to be submitted as part of the planning application.

#### On-site sales

The Applicant has confirmed that on-site sale of compost does not form part of the proposal. However, in order to ensure that there is minimal disturbance to the amenity of nearby residents and to further control on-site activities is felt that a condition restricting the sale of compost on-site should be attached to any grant of planning permission.

To conclude it is considered that the proposal, subject to appropriate conditions, would not be contrary to policy WM3 of the RSP and WLP policies W10E and W10F.

### **8. CONCLUSION**

The processing of green waste to produce compost is acknowledged as a sustainable approach to waste management further up the waste hierarchy and diverts waste away from landfill. In addition there is a recognised need to provide composting facilities to serve the North Essex area and as a consequence reduce traffic movements over the County.

Due the scale and nature of the proposal and the measures proposed to mitigate against adverse impacts there would be minimal impact on the highway network, the surrounding landscape and on the amenity of the local area.

The site is already operating to a limited extent. Approval to regularise and extend the existing operations would allow the Waste Planning Authority the opportunity to control activities on site.

### **9. RECOMMENDED**

That, subject to the First Secretary of State not calling in the application, planning permission be granted subject to the following conditions:-

#### General

- 1 C1 - Commencement within 5 years
- 2 G1 - Compliance with submitted details
- 3 G2 - Control of development
- 4 No sale of compost on site

#### Composting

- 5 Co1 - Green waste only

- 6 Co3 - No material to be stockpiled, deposited or formed into windrows to a height exceeding 3 metres

Amenity

- 7 A2 - Operations authorised or required by this permission shall only be carried out between the following times:-

0700 hours and 1830 hours Monday to Friday,  
0700 hours and 1300 hours Saturdays,

and at no other time or on Sundays and Public Holidays except for emergency maintenance and monitoring of the composting facility, unless otherwise approved in writing by the Waste Planning Authority. For the avoidance of doubt, all vehicles in excess of 7.5 t gvw and contractors vehicles in excess of 3.5 t gvw associated with the operations shall not be allowed to enter or leave the site outside of these times.

The aforementioned times shall be subject to the following limitation/exceptions :

- a. The operation of plant and machinery for the stripping of soil construction of screen bunds or the extraction of sand and gravel shall not commence before 0800 hours prior to the completion of the screen bunds related to the phase being worked and intended to afford visual and aural protection to nearby residents.
- b. Waste arising under the Environmental Protection Act 1990 Section 51(1)(b) received only, and no processing, between the following times:
- 1300 - 1700 hours Saturdays  
0900 - 1600 hours Sundays and Public Holidays

- 8 A4 - Skip location

- 9 A6 - Lighting

Noise

- 10 N1 - All plant and machinery shall only operate during the permitted hours, except in an emergency, and shall be silenced at all other times in accordance with the manufacturer's recommendations
- 11 The free-field Equivalent Continuous Noise Levels ( $L_{Aeq,1h}$ ) at the noise sensitive premises adjoining the site named Cantfield's Farm, Palmers Farm and Cottage, Birch Holt Cottages and Messing Lodge, due to the permitted operations on the site, shall not exceed the limits set out below:-



55db – where the background noise level ( $L_{Aeq}$ ) without the permitted operations exceeds 45dB;

$L_{Aeq} + 10$  DB – where the background noise level ( $L_{Aeq}$ ) without the permitted operations lies between 35 and 45 dB;

45 dB – where the background noise level ( $L_{Aeq}$ ) without the permitted operations is 35 dB or less.

- 12 The shredder and trommel screen shall not be operated at the same time.
- 13 No audible warning device shall be used on any mobile plant except in accordance with details to be submitted to and approved in writing by the Waste Planning Authority and subsequently implemented in accordance with the approved details.
- 14 N4 - Noise levels to be monitored within the first three months of commencement. Details to be submitted for approval to the WPA.

#### Dust

- 15 D1 - Submission of dust suppression details

#### Landscape

- 16 L1 - Submission of landscaping details
- 17 L2 - Replacement of trees/shrubs in event of failure
- 18 Submission of fencing details

#### Pollution

- 19 P3 - Storage of fuels or chemicals

#### Highway Safety and Amenity

- 20 No operations, works or development shall commence until a S278 Agreement under the Highways Act 1980 has been entered into with the Highway Authority regarding improvements to the access arrangements at the site entrance and the junction of Blind Lane and the B1022 as agreed in principle in the Applicants letter dated 20 May 2004.
- 21 Unless with the prior agreement of the Waste Planning Authority in writing, no more than a total of 14 vehicle movements (7 in and 7 out) in excess of 7.5 tonnes gvw carrying waste shall enter the site on a full working day and a total of 14 such vehicle movements (7 in and 7 out) on Saturdays, Sundays and Public Holidays. The daily number of laden vehicles arriving at the site shall be made know to the Waste Planning Authority within 7 days of a written request for that information.



- 22 No importation of waste shall take place until scheme of measures instructing drivers coming to and departing from the site has been submitted and approved by the Waste Planning Authority and subsequently implemented in accordance with the approved scheme. The scheme shall indicate that all heavy goods vehicles using the proposed access off Blind Lane shall turn left in and right out only.
- 23 H3 - The surfaced section of the access road, from the junction with Blind Lane shall be kept free of mud and detritus by cleaning as often as necessary to ensure that such material is not carried onto the public highway.

#### Archaeology

- 24 Ar1 - No development or preliminary groundworks of any kind shall take place until the Applicants have secured the implementation of a programme of archaeological investigation in accordance with a written scheme of investigation, which has been submitted by the Applicants and approved by the Waste Planning Authority.

#### Soil Handling and Storage

- 25 S12 - Retain soils on site
- 26 S11 - Topsoil and subsoil to be stripped and stored separately. Grass seeded and maintained in a weed free state.
- 27 Soils only handled when dry and friable

---

### **BACKGROUND PAPERS**

Consultation replies

Letters of representation

Ref: P/DC/Claire Franchitti/ESS/11/04/COL

### **LOCAL MEMBER NOTIFICATION**

COLCHESTER - Tiptree





**DR/52/13**

Committee DEVELOPMENT & REGULATION

Date 22 November 2013

### MINERALS AND WASTE DEVELOPMENT

Proposal: **Continuation of waste transfer and recycling operation without compliance with condition 4 (no external handling, deposit, processing or transfer of waste) and condition 5 (external layout plan) attached to planning permission ref: ESS/02/12/CHL to allow the external handling, storage, processing and transfer of waste and the removal of condition 2 (internal layout plan) to allow flexible internal working (Retrospective)**

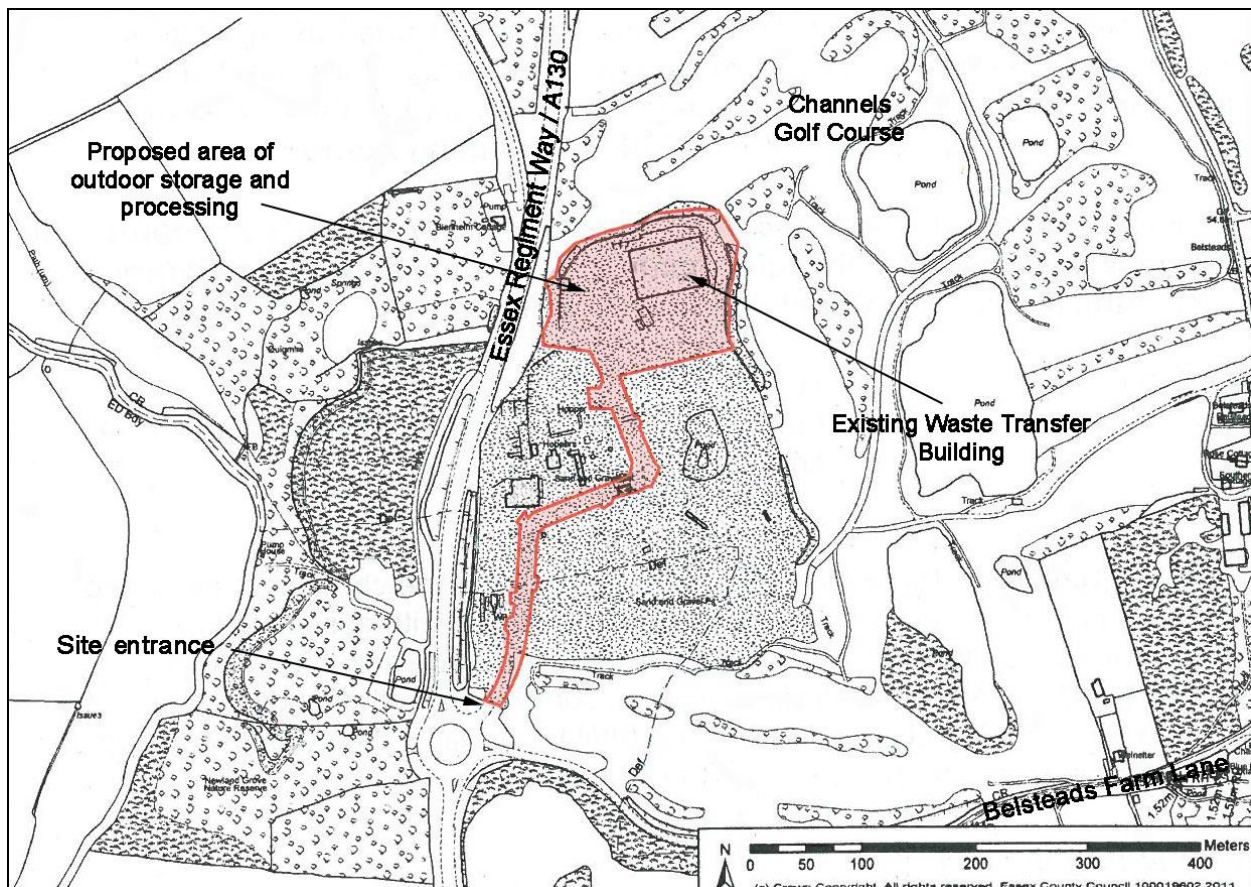
Location: **Mid Essex Gravel Pit. Essex Regiment Way, Little Waltham, Chelmsford, Essex, CM3 3PZ**

Reference: **ESS/42/13/CHL**

Applicant: **Dunmow Skips Ltd.**

Report by Director for Operations, Environment and Economy

Enquiries to: Tom McCarthy Tel: 01245 437507



## **1. SITE & BACKGROUND**

Mid Essex Gravel is located approximately 2km to the north of Chelmsford town centre on Essex Regiment Way (A130) to the east of the valley of the River Chelmer.

The area to which this application relates is situated to the north of the site, as a whole, bound by Essex Regiment Way (A130) to the west and Channels Golf Club to the north and east. The site is accessed off the Belstead Farm Lane roundabout on the A130, from which an internal haul road (running south to north) leads to the site.

This site and area has a long minerals and waste related planning history with planning permission with regard to sand and gravel extraction pre-dating 1947. In 1999 planning permission was granted for the change of use to land to be used for the recovery of reusable materials from waste, the production of recycled aggregates and the shredding of timber including the use of fixed and mobile plant, the existing office, workshop and weighbridge until 01 January 2007 (application reference: ESS/21/99/CHL). Furthermore another temporary planning permission was granted in 2004 (application reference: ESS/21/04/CHL) for the relocation of the neighbouring materials recycling facility and the use of the existing site infrastructure to enable waste materials to be processed, stored and distributed to local commercial users of recycled products. This permission was also limited to 01 January 2007 but in 2007 extensions to both the aforementioned was granted until 01 January 2010 (application references: ESS/54/06/CHL and ESS/55/06/CHL).

The above applications were granted in line with an over-arching Section 106 Agreement, signed in May 1999, with regard to the phased cessation of mineral processing and the restoration of the site. Details pursuant to the S106 were approved in August 2006 (application reference: ESS/06/03/CHL) with a deferment of formal cessation and restoration until 2010 and 2011, respectively, approved in 2006. This has in part been complied with although the non-implementation of a planning permission issued by Chelmsford City Council for the siting of a car auction facility has delayed ultimate restoration and some inert stockpile bunds remain to the south of the site.

In 2008 planning permission was granted for the construction of a warehouse for the purpose of operation as a waste transfer and recycling station together with associated parking, external storage, fuelling point, workshop, two-storey office accommodation, weighbridge, landscaping and fencing. The facility was permitted to handle up to 150,000 tonnes of waste per annum of which 60% would be recycled and reused. Waste permitted to be handled included construction/demolition and commercial waste from within the Essex catchment area.

In respect of the above, agreed through the submission of details pursuant to condition, the development approved is to be constructed in two phases. Phase one of the development, which has been implemented, is the northern half of the

building/warehouse and phase two is the southern half of the building which once constructed would resemble the complete 5600m<sup>2</sup> building/warehouse permitted. As alluded to phase two of the development has not yet been implemented and currently this area, as detailed below, is being used for other purposes.

Since the parent consent for the waste transfer and recycling station was granted there has been a few variations to the details as approved. Including permission to allow the outdoor storage of wood for a temporary period until 28 February 2012, a variation of condition 5 of ESS/03/08/CHL (application reference: ESS/12/11/CHL) and an application to allow minor amendments to the design of the waste transfer station building (application reference: ESS/02/12/CHL). ESS/02/12/CHL is the current consent for the site and is the permission to which this application is seeking to vary.

Further to the above two separate consents have been issued for the site 1) the outside storage of wood on land adjacent to the waste transfer building (the area to which phase two of the development, as approved, relates) until 28 February 2014 (application reference: ESS/20/12/CHL) and 2) the erection and use of two port-a-cabin office buildings (application reference: ESS/17/13/CHL).

The area is allocated as an employment area in the Chelmsford City Council Core Strategy but is located adjacent (to the south) to an area, identified within the North Chelmsford Area Action Plan (NCAAP) adopted 20 July 2011, intended to accommodate new neighbourhoods providing at least 3,200 new homes and 64,000m<sup>2</sup> of floorspace for business to generate substantial employment. Outline planning permission for the erection of a minimum of 650 and a maximum of 750 dwellings; provision of open space and a community hub providing a maximum floor area of 3,500m<sup>2</sup> and comprising uses in Class A1 (retail) and/or A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments), A5 (hot food and takeaways) and D1 (non-residential institutions); and the provision of the northern section of the radial distributor road and junction improvement works to Essex Regiment Way was approved by Chelmsford City Council in October 2012.

## **2. PROPOSAL**

This is a variation and proposed removal of condition application. The application seeks the continuation of waste transfer and recycling operation without compliance with condition 4 (no external handling, deposit, processing or transfer of waste) and condition 5 (external layout plan) attached to planning permission reference: ESS/02/12/CHL to allow the external handling, storage, processing and transfer of waste and the removal of condition 2 (internal layout plan) to allow flexible internal working.

As existing conditions 2, 4 and 5 of ESS/02/12/CHL state:

### Condition 2

The internal layout plan, internal circulation, internal storage and machinery shall be in accordance with letters dated 10 & 17 June 2009 and Drawing Numbers AQA1 SK401 revision P2 (Location of Internal Equipment Phase1) dated June

2009 and AQA1A SK403 revision P1 (Location of Internal Equipment Phase 2) dated June 2009 approved by the Waste Planning Authority on 17 August 2009 under planning permission reference ESS/03/08/CHL. The development hereby permitted shall be implemented in accordance with the approved scheme.

#### Condition 4

The handling, deposit, processing or transfer of waste outside the confines of the buildings approved for this purpose, shall only be permitted until 28 February 2012. After which time no handling, deposit, processing or transfer of waste shall take place on site outside the confines of the buildings approved for this purpose.

#### Condition 5

Machinery to be used and storage bays shall be in accordance with letters dated 10 & 17 June 2009 and Drawing Numbers AQA1A-SK402 Revision P2 (Location of External Equipment Phase 1) dated June 2009 and AQA1A-SK404 Revision P1 (Location of External Equipment Phase 2) dated June 2009 approved by the Waste Planning Authority on 17 August 2009 under planning permission ESS/03/08/CHL. The development hereby permitted shall be implemented in accordance with the approved scheme.

The proposed variations to conditions 4 and 5 have been justified by the applicant on the basis that, as existing, there is a health risk posed to employees by confining the operations within such a limited space; and the current restrictions impose unjust economic constraints on business viability and growth. By allowing the outside handling, storage, processing and transfer of waste it is proposed that a further 3-5 staff would be employed to facilitate the operations and the additional space would facilitate safer and more efficient on-site practices.

The proposed external activities, covered by this proposal, would be located to the north east of the site and would include the storage and processing of waste materials such as metals, inerts, construction hardcore, plastics and cardboard.

The removal of condition 2 has been applied for as it is considered, by the applicant, that the condition serves no regulatory planning function and poses an impediment on the development and the installation of new machinery/changes to working practices to facilitate the sustainable, efficient and effective operations within the building.

No other conditions or details of planning permission ESS/02/12/CHL would be affected by this application.

### **3. POLICY CONSIDERATION**

The following policies of the Essex and Southend Waste Local Plan 2001 (WLP) and Chelmsford City Council Core Strategy and Development Control Policies 2008 (CCS) provide the development framework for this application. The following policies are of relevance to this application:

#### Policy

Sustainable Development, National Waste

#### WLP

W3A

#### CCS

Hierarchy & Proximity Principle	
Need for Waste Development	W3C
Materials Recovery Facilities	W7E
Alternative Sites	W8B
Planning Conditions and Obligations	W10A
Material Considerations: Policy Compliance and Effects of the Development	W10E
Securing Sustainable Development	CP1
The Borough-Wide Spatial Strategy	CP2
Minimising Environmental Impact	CP13
Protecting Existing Amenity	DC4
Amenity and Pollution	DC29
Employment Areas	DC48

The National Planning Policy Framework (Framework) was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. The Framework highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that there are three dimensions to sustainable development: economic, social and environmental. The Framework places a presumption in favour of sustainable development. However, Paragraph 11 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

For decision-taking the Framework states that this means; approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

In respect of the above, Paragraph 215 of the Framework, which it is considered is applicable to the WLP and CCS, states that due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). Consideration of this, as such, will therefore be made throughout the appraisal section of this report.

Paragraph 216 of the Framework nevertheless states that from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework (the closer the policies in the emerging plan to

the policies in the Framework, the greater the weight that may be given).

Whilst it is not considered that the Waste Development Document: Preferred Approach 2011 (now known as the Replacement Waste Local Plan (RWLP)) is at a sufficient stage to be afforded any more than little weight, CCC have produced a focussed review of the CCS seeking to make amendments to a selected number of policies in order to ensure complete compliance with the Framework. Examination Hearings for the Focussed Review Document were held in July 2013, conducted by Ms Claire Sherratt DipURP from the Planning Inspectorate. The Inspector's report has now been published and the report finds that with the recommended main modifications set out in the appendix of the report, the Focussed Review Development Plan Document (FRDPD) meets the criteria for soundness in accordance with Framework. Chelmsford City Council is reporting the finding to their Development Policy Committee on 07 November 2013 and will be seeking approval from Members of the Committee for the FRDPD to be referred to Full Council for adoption.

With regard to waste policy and guidance the Framework does not contain specific waste policies, since national waste planning policy will be published as part of the National Waste Management Plan for England. The Waste Management Plan for England and an update to the national waste planning policy: Planning for sustainable waste management have both been published for consultation by the Department for Environment Food & Rural Affairs and the Department for Communities and Local Government, respectively. The principles of these documents can therefore be considered in determination of this application however, until formal adoption Waste Planning Policy Statement (PPS 10) remains the most up-to-date adopted source of Government guidance for determining waste applications.

#### **4. CONSULTATIONS**

CHELMSFORD CITY COUNCIL (CCC) – Object to the proposal on the basis that the proposal would result in additional external noise. The nearest residential properties to the site are situated on the opposite side of Essex Regiment Way, approximately 60m away. A significant amount of new residential development is planned on land south and east of the site and in the absence of a robust noise survey it has not been demonstrated that the noise levels from the development, taken as a whole, would be acceptable and not harmful to living conditions, contrary to CCS policy DC4.

##### Applicant's comment

In response to the above objection the applicant re-submitted a summary of the most recent noise assessments (submitted in respect of condition 23 of ESS/02/12/CHL). These assessments, it has been suggested by the applicant, provide a robust noise impact study and it is considered the results should alleviate the concerns expressed about additional noise impact. The operations to which this application relates commenced in July 2012 and therefore the noise monitoring submitted since this period, by default, has assessed/included this working. The applicant is furthermore unaware of any objections or complaints received by ECC or CCC with regard to noise nuisance since such operations

began.

CCC (SECOND RESPONSE) – It is considered that it has not been demonstrated that the noise levels from the development, taken as a whole, would be acceptable and not harmful to the living conditions of nearby residents. Therefore, CCC continues to object to the application for non-compliance of conditions 4 and 5 and the removal of condition 2 of planning permission reference: ESS/02/12/CHL.

ENVIRONMENT AGENCY – No objection.

ESSEX FIRE & RESCUE SERVICE – No comments received.

#### THE COUNCIL'S NOISE AND AIR QUALITY CONSULTANT

Noise – Noise emissions from the site are currently controlled through condition 22 and 23 of planning permission reference: ESS/02/12/CHL. In normal circumstances with an application as such the applicant would be required to submit a noise assessment to demonstrate that adverse noise impacts would not arise from the facility. However, as this is a retrospective planning application and the previously noise assessments for the site have shown compliance, with this working, with the aforementioned conditions it is considered that this application would not result in adverse noise impacts. Noise monitoring of the site would furthermore be required by the continued imposition of conditions 22 and 23, or as subsequently re-numbered, should planning permission be granted.

Air Quality – In terms of dust emissions, the main source identified by the operator is the processing and storage of wood; however, other wastes are proposed to now be handled externally and these too have the potential to create dust nuisance. We are advised that there have been issues in the past with dust emissions affecting the nearby golf course and mitigation measures in the form of water suppression has been introduced by the operator. A number of indicative Best Available Techniques (BAT) requirements are specified in both general and waste sector specific Environmental Permitting Guidance notes and although the applicant has been granted an exemption for some activities/processes on site such guidance on dust minimisation and mitigation should be followed.

#### Applicant's comment

The applicant has obtained both ISO 14001 and ISO 18001 which have been deemed best practice within the specified operations and have they fulfilled the requirement of condition 1.1.1 (Environment Management System Requirements and Site Working Plan) of the site's Environment Permit.

PLACE SERVICES (Landscape) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection.

LITTLE WALTHAM PARISH COUNCIL – Totally opposed to this application. This site has a long history of non-compliance with regulations and enforcement, together with retrospective applications following apparent disregard of extant conditions. Furthermore, given the recent history of the site and the two near catastrophic fires, the Parish request that the application go before Committee for

determination.

BROOMFIELD PARISH COUNCIL – No comments received.

LOCAL MEMBER – CHELMSFORD – Broomfield and Writtle – Supports the request made by Little Waltham Parish Council that the application be heard by the Development & Regulation Committee.

## **5. REPRESENTATIONS**

Four addresses were directly notified of the application. The application was also advertised in the local press and on site. No letters of representation have been received.

## **6. APPRAISAL**

The main issues for consideration are:

A - Planning History & Need

B - Proposed Operations

C - Impact on Amenity, Landscape & the NCAAP

### **A PLANNING HISTORY & NEED**

The applicant has stated in support of the application to remove condition 2 that this places an unfair burden on the applicant/operator of the site. This information is considered, by the applicant, to serve no regulatory planning function and poses an impediment on the future development and installation of BATs and new plant.

Planning Policy Statement 10 (PPS 10) (Planning for Sustainable Waste Management) encourages waste to be managed as per the principles set out in the waste hierarchy. The waste hierarchy promotes, in this order; prevention of waste; re-use of waste; recycling of waste and then any other recovery. It states that the disposal of waste is the least desirable solution and only suitable when none of the above is appropriate.

PPS 10 at Paragraph 24, in relation to un-allocated sites, details new or enhanced waste management facilities should be considered favourably when consistent with (inter-alia):

- i. the policies contained with PPS 10; and
- ii. the WPA's core strategy;

WLP policy W3A identifies the need for proposals to have regard to the following principles:

- consistency with the goals and principles of sustainable development;
- whether the proposal represents the best practicable environmental option for the particular waste stream and at that location;
- whether the proposal would conflict with other options further up the waste hierarchy;
- conformity with the proximity principle.



WLP policy W3C in addition requires waste developments with a capacity of over 25,000tpa to demonstrate a need for the development in the context of waste arising in Essex and Southend. Where the proposal has a capacity of over 50,000tpa conditions may be imposed to restrict the source of waste to that arising within the Plan area.

This is a variation of condition and in this respect it is considered the principle of siting a waste facility in this location has already been established. Furthermore it is considered that the WPA is accounting for the permitted throughput at the facility (150,000tpa as controlled by condition on ESS/02/12/CHL) in the production of the emerging RWLP and accompanying evidence base. This application is not proposing a change to the permitted tonnage but is in turn seeking operational practices which were not previously proposed and assessed when permission was granted for the waste transfer building/warehouse in 2008.

The area to which this application relates is designated as employment land within the CCS and when the application was originally appraised (in 2008), although not a preferred site, it was considered the site/proposed facility did meet many of the criteria of WLP policies W8A and W8B including dealing with Essex waste only, having adequate road accesses and ultimately supporting recycling. In respect of the amendment sought (the removal of condition 2) the Framework states at Paragraph 206 in relation to planning conditions and obligations that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

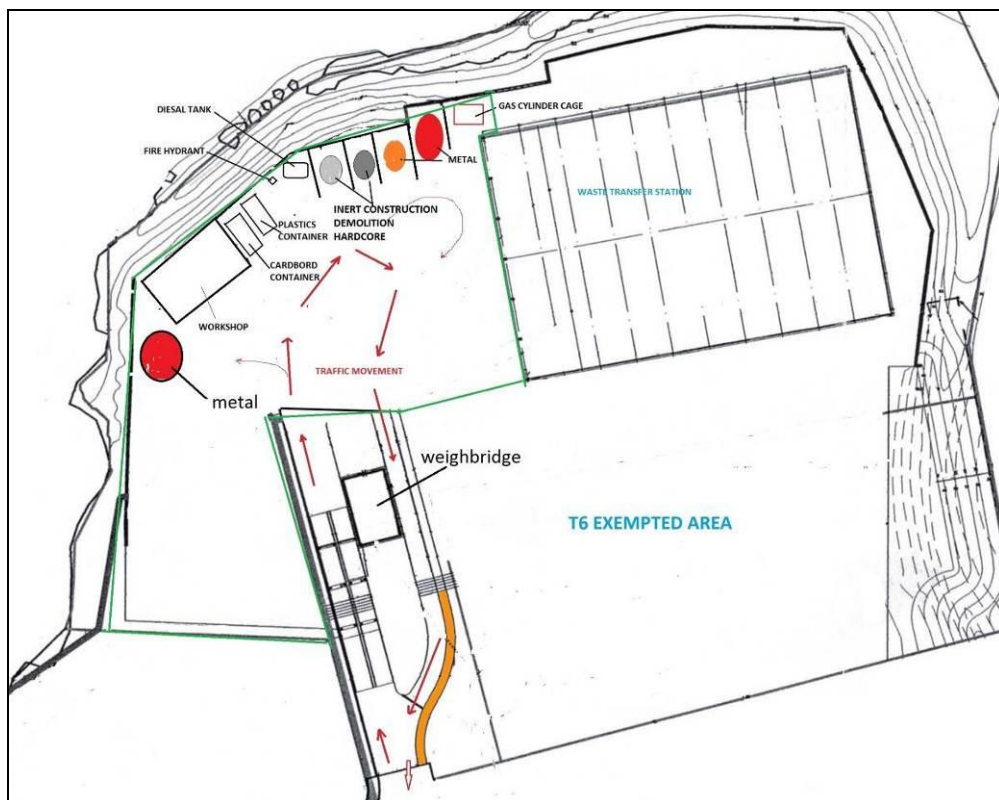
The Town and Country Planning Act 1990 at Section 55 (2) (a) details that the carrying out for the maintenance, improvement or other alteration of any building which (in relation to this application) (i) affects only the interior of the building shall not be taken as to involve development. Using this principle in context of the internal layout and operation of machinery within the confines of the building/warehouse permitted for use as a waste transfer and recycling facility it is considered such changes would not be classified as development and such changes not normally require formal planning consent. As a specific condition to this effect is nevertheless attached to the permission, in this case, such details are controlled/restricted. In consideration of the argument put forth by the applicant it is not considered that the removal of condition would adversely change the decision/conclusion in context of WLP policies W3A, W3C, W7E or W8B. The omission would allow the operator greater freedom which it is considered would allow changes to be implemented on site to maintain best practice and achieve, maintain and strive towards the principles of sustainable development.

With regard to the proposed variation of conditions 4 and 5 the applicant has proposed that handling, deposit, processing and transfer of waste be permitted outside the confines of the buildings approved (condition 4). The applicant has proposed a variation to condition 5 to read in accordance with the site working plan submitted as part of this application (extract on the next page).

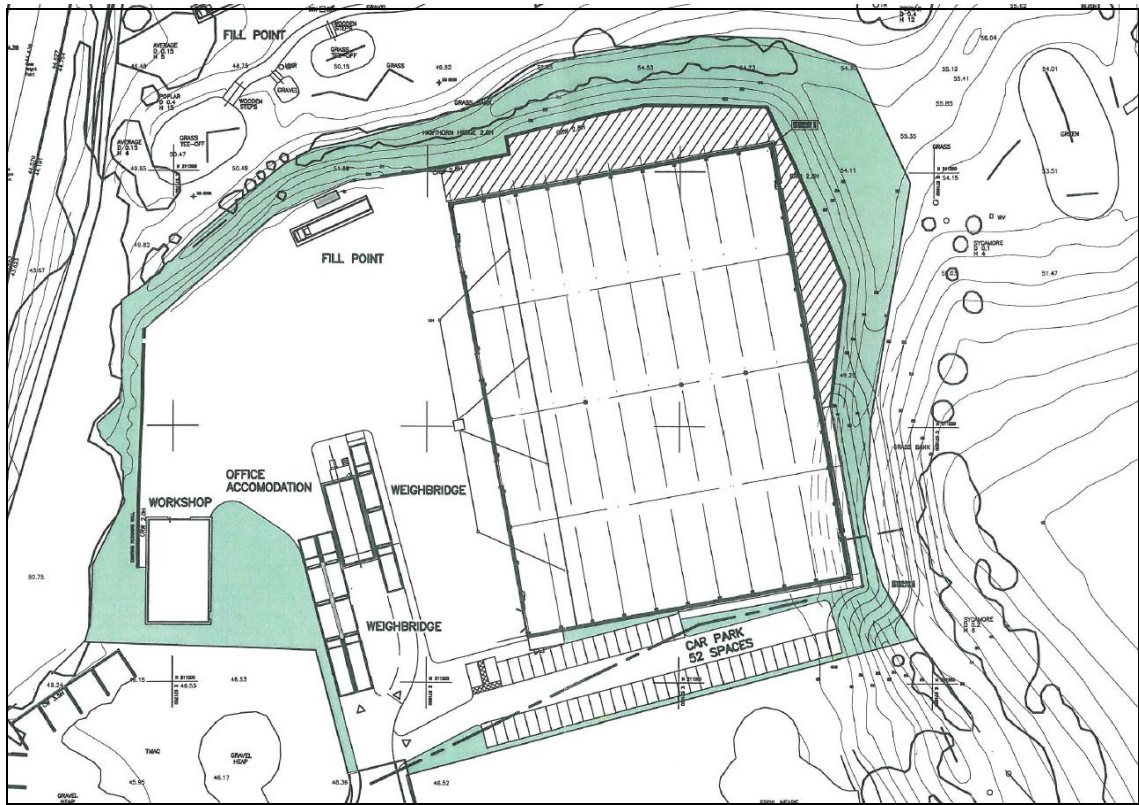
As alluded to the Site & Background section of this report, the submission of details application approved for this development sought this to be a two phase

development. Two plans were therefore approved for each condition, one covering phase one and the other phase two. In respect of the area to the west of the site, the area where external storage and processing of materials is proposed, in both approved drawings this is however proposed to remain largely clear. The workshop as shown on the 'Inert/Recyclables Storage Area' submitted diagram is shown in a similar location, as an existing structure from the former mineral processing use, as is the vehicle fill point/diesel tank. For phase two the workshop moves south-west with the remaining western area being completely clear with the exception of the vehicle fill point/diesel tank.

Extract from submitted diagram – 'Inert/Recyclables Storage Area'



Extract from Drawing No. AQA1A-SK404 (Revision P1) Location of External Equipment – Phase 2 (current approved drawing)



The variation and proposed external handling, deposit and processing of waste suggested, by the applicant, as part of this application would be permanent and cover both phases of the development.

## B PROPOSED OPERATIONS

Focussing primarily on the proposed variation of conditions 4 and 5, in context of the conclusion already formed with regard to condition 2, it has been suggested that the following classifications<sup>1</sup> of waste would be handled:

- Recycling or reclamation of organic substances which are not used as solvents;
- Reclamation of metals;
- Storage of waste consisting of materials intended for submission to any recovery operation; and
- Storage of mixture of waste prior to the waste being submitted to recycling.

The waste licence/exemption for the site details the operations as the keeping and treatment by size reduction (shredding) of waste for the purpose of recycling.

As shown in the diagram included as part of the Planning History & Need section of this report, it is proposed that materials would be stored along the northern and western border of the site. Metal is proposed to be stored to the south of the

<sup>1</sup> Amalgamated from that provided by the applicant, detailed in Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives, the List of Wastes (England) Regulations 2005 and Environment Agency issued guidance on permitting.

workshop, which would be used to process and sort materials, with containers for the storage of cardboard and plastics proposed to the north. Along the northern boundary storage bays for inert construction, demolition and hardcore are proposed with a further store for metal.

In respect of metal scrap the applicant has stated that due to health and safety risks associated with the movement of such material it is necessary to use heavy plant to facilitate safe handling and movement. Due to the large turning and operating area required for such equipment/vehicles, the limited confines of the waste transfer building/warehouse render this within the building/warehouse inappropriate. With regard to hardcore it has been stated that such material accepted requires little treatment apart from initial sorting and segregation. Similar to the above this too requires the use and operation of heavy plant which if contained within the building would severely limit space for other operations. It has been stated that a maximum amount of 1000 tonnes of metal, 1000 tonnes of inert construction, demolition and hardcore type waste and 400m<sup>3</sup> of paper, plastic and cardboard would be stored on site at any one time. The total throughput of the site would nevertheless not change (maximum 150,000 tonnes per annum) with this use being absorbed within the maximum permitted throughput at the site.

Within the application details clarification is furthermore provided on the outside storage of wood on land to the south of the waste transfer building. For the purpose of clarity this operation is not proposed as part of this application. Planning permission was granted for the outside storage of wood on land adjacent to the south of the existing waste transfer building for a temporary period until 28 February 2014 in June 2012 (application reference: ESS/20/12/CHL). This is a separate consent to the waste transfer although a number of the conditions refer to the conditions as expressed on the waste transfer permission. As alluded to in the description of the development this consent, unlike the previous temporary consent issued for the waste wood, this permission solely permits storage, it does not allow for processing. Conditions imposed on this permission restrict the amount of waste wood stored on site to 3000 tonnes at any one time and also limit the stockpile height of this material to no more than 3m. When this permission was granted it was acknowledged, similarly to the justification as put forward for this application, that the main need stemmed from economic constraints and phase two of the site/development not yet coming forward. However it was concluded that there was still a justified need for the waste management operation and permission was granted for a temporary period.

In respect of the site, as existing, and that detailed within the application statement it is noted that contrary to this consent the processing of waste wood is occurring on site. ECC are aware of this and will be in discussions with the site operator to resolve this. Within this application it has been suggested that a maximum of 500 tonnes of wood waste is accepted at the site each week / 24,000 tonnes per annum. Up to 3,000 tonnes of waste is stored on site to enable a 6 week supply of woodchip to the particle board and power industries. It is detailed that the treatment of such waste is by pre-breakers, shredders, screens and magnetic separation.

The area to which the wood waste is stored is the area to where phase two would

be constructed. Whilst the details approved for phase two are not time restricted, the site operator has suggested that the intention is to complete the development. That being said issuing a permanent permission for such operations could be seen as stifling or replacing the need for phase two. The WPA, in context of WLP policies W3A, W7E and W10E, further discussed in the next section, and CCS policies CP1, CP13, DC4, DC28 and DC29, again all discussed further in the next section of this report, would like to see phase two implemented and have reservations about a permanent mixed (indoor and outdoor) waste transfer site in this location in respect of potential impacts. PPS 10 states, at Paragraph 36, that waste management facilities in themselves should be well-designed, so that they contribute positively to the character and quality of the area in which they are located. Poor design is in itself undesirable, undermines community acceptance of waste facilities and should be rejected.

## C IMPACT ON AMENITY, LANDSCAPE AND THE NCAAP

CCS policy CP1, as proposed within the FRDPD, details that the Council will promote and secure sustainable development. It suggests that such developments create well designed places and spaces, promote social inclusion, work with the environment where they are located and contribute to the growth of the local economy. The policy states that a positive approach will be taken to reflect the presumption in favour of sustainable development. CCS policy DC48, as proposed within the FRDPD, states that in employment areas the Council will seek to retain Class B uses as defined by the Use Class Order 1987 (as amended) or other sui generis uses of a similar employment nature.

It is considered support for this application can be demonstrated within the economic and social dimensions of sustainable development, as defined within the Framework. That being said these benefits are considered to relate predominately to the use/operation in general rather than the variations as sought. WLP policy W10E and CCS policies CP13, DC4 and DC29 seek to ensure the protection of existing amenity and limiting environmental impact. The stance as portrayed in these policies is replicated, inter-alia, throughout the Framework. In particular Paragraph 123 of the Framework, with regard to amenity, states that planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

Paragraph 122 of the Framework nevertheless details that local planning

authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes.

With regard to the operations covered by this proposal, it is noted by the applicant the sorting and storage of scrap metal including the delivery, unloading, movement and loading of material has the potential for environmental impacts including noise nuisance and surface water and land contamination. Using general good housekeeping practices it is suggested would ensure that noise nuisance is minimised and no undue environmental impacts (spillages/contamination) result. Storage of material would be in bays on existing hardstanding. Dedicated drainage and interceptor sumps, provisions which are existing on site, would furthermore ensure all surface water is collected and contained. Interceptors are as existing, and would continue to be, emptied on a regular basis with the contents, as appropriate, taken to a permitted treatment facility. Noise levels from the operation it has been suggested would be maintained within that permitted for the site. Bi-annual noise monitoring would continue to be submitted, accounting for all site operations, but the applicant is confident that the operations can be undertaken without due impact and below the +5dB LAeq level.

With regard to the management of inert construction, demolition and hardcore wastes the potential for dust and debris is also noted. In the management of such material dust suppression techniques, as existing exercised with regard to the waste wood, are proposed. Including that all operations would be undertaken on areas of hard surfacing; stockpiles, the service yard and the access road would all be dampened and swept, as appropriate, in dry and windy conditions; site traffic would be subject to a maximum 10mph speed limit; all vehicles delivering or taking materials away from the site would enter and leave the site sheeted; wind speeds and directions would be monitored and a decision taken by the Site Manager as to the appropriateness of undertaking certain operations in certain conditions; and continual management checks on such operations would be undertaken at least three times a day. All employees would receive training on how to minimise the production of dust and where the production of dust cannot be prevented would furthermore be trained on the use and maintenance of dust suppression equipment.

A no objection comment, to this application, has been received from the Environment Agency and the Council's noise and air quality consultant. Objection has however been received from CCC and Little Waltham Parish Council in view of concerns about potential impact to amenity.

This area, as alluded to, forms part of the NCAAP and outline planning permission has been granted for the erection of a minimum of 650 and a maximum of 750 dwellings; provision of open space and a community hub providing a maximum floor area of 3,500m<sup>2</sup> and comprising uses in Class A1 (retail) and/or A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments), A5 (hot food and takeaways) and D1 (non-residential institutions); and the provision of the northern section of the radial distributor road and junction improvement works to Essex Regiment Way.

CCC in consideration of the above consider in the absence of a robust noise survey it is not considered that it has been demonstrated that the noise levels from the development, taken as a whole, would be acceptable and not harmful to living conditions, contrary to CCS policy DC4. Noise monitoring is a requirement of the existing planning consent and is submitted to ECC, as the WPA, bi-annually. This is a retrospective planning application and as such the latest monitoring submissions have by default including such working and the applicant in support of the application has sought to point this out. The noise monitoring dated May 2013 and August 2013 both showed compliance with the requirements of the maximum noise level permitted and it is noted, by the applicant, that in respect of nearest residential property to the site (circa 60m west of the site, on the other side of the A130) the average noise level on the last three assessment reports has been (LAeq,T) 57.2dB, 53.32dB and 52.7dB. The dominate noise in the locality and at monitoring location 5 (at the entrance to the site – relevant to the above NCAAP designation) is suggested as that from the A130, not from the site.

No such concerns with regard to noise impact have been raised by the Council's noise consultant and given the existing parameters/restrictions which are deemed acceptable for noise, which the applicant is happy to accept, it is not considered that further demonstration of likely noise impact is necessary. Noise monitoring is a continuing requirement and should planning permission be granted and the next submitted noise monitoring show an exceedance of the permitted noise level the operator would be required to change their working practices to accord with that permitted.

## **7. CONCLUSION**

CCS policy CP2 details that all proposals for development will be considered in the context of the Borough-wide Spatial Strategy, which sets out the vision for development growth up to 2021. Mention within the policy is made to the forecast growth in North Chelmsford and the NCAAP. In view of CCC's consultation response to this application it is noted that this a strategically important area with a significant portion of CCC's requirement for housing planned in this locality. In context of Paragraphs 21 and 123 of the Framework and allowing suitable flexibility and not being unreasonable because of changes in nearby land uses since existing uses were established it is considered the outright refusal of this application, with regard to the perceived limited harms, would however be unwarranted.

That being said in view of the site history, that external storage and processing was not envisaged when permission was originally granted and that the applicant is maintaining a desire to implement phase two it is considered that a permanent permission for such operations could have more material implications on the character and ultimate appearance of the site/facility.

The WPA in the interests of delivering sustainable development are accepting of the overall benefits from the operations undertaking from this site however in



context of potential impact and WLP policies W3A, W7E, W8B and W10E, CCS policies CP1, CP13, DC4 and DC29 and government issued guidance also have an obligation to ensure suitable consideration of the environment dimension of planning. In this regard the WPA do not consider that the outside storage and processing of waste would be an appropriate permanent provision at this site. Whilst the applicant has suggested that impacts are likely to be minor and the operations can be undertaken in compliance with the existing condition/restrictions it is not considered that such a change is of a material benefit to the character and appearance of the area especially in relation to that planned for this area.

In view of the existing circumstances it is nevertheless suggested that a 12/13 month temporary permission for the outside storage and processing of waste be granted to allow the applicant sufficient time to clear existing stockpiles and plan for phase two of the development. It is considered unfortunate that phase two of the development is open-ended (i.e. the implementation date is not restricted) and as such it is accepted that this does allow for applications similar in nature to this (extensions for outside storage and processing) in the future. However, should planning permission be granted for a temporary period it is considered that this, in context of the above concerns, is compliant with WLP policy W10A. Should the applicant at the end of 2014 not be in a position to progress phase two then a suitable economic rationale and future projection of implementation would be expected to support any such application.

In the above scenario it is proposed that the conditions as proposed to be amended are changed to therefore only account for phase one. After this temporary period, or on implementation of phase two, it would be expected that compliance would be with the existing approved phase two drawings. It is however not considered that there is any undue impact caused from the omission of condition 2 (the internal layout plan) on any future planning permission issued for this site.

## **8. RECOMMENDATION**

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the details of the application (ESS/03/08/CHL) received on 21 January 2008 together with Noise Survey undertaken by Bickerdike Allen Partners dated 8 May 2008, Noise Assessment by AERC Ltd dated June 2006, Safer Places Statement dated 30 April 2008, Flood Risk Assessment received 21 January 2008, Visual Impact Assessment received 21 January 2008, Environmental, Remedial and Geotechnical Options Appraisal received 21 January 2008, Planning Statement received 21 January 2008, Design and Access Statement received 21 January 2008, Transport Statement received 21 January 2008, Emails from Sarah Stevens dated 3 & 17 March 2008 and 13 May 2008, Letter from ETC dated 31 March 2008, Letter from Turley Associates dated 17 January 2008, 11 March 2008 & 3 April 2008, Drawing Numbers 1991-SK-CA-3-Redline Rev D (Site Plan – Red Line) dated 16 January 2008, 1991-SK-CA-0-003 (Existing Site Plan), 1991-SK-CA-003-3 Rev D (Site Plan), 1991-SK-CA-3-000 Rev H (Plan detailed), 1991-SK-CA-



3-002 Rev D (Sections), 1991-SK-CA-3-003 Rev E (Elevations), 1991-SK-CA-3-004 Rev F (Workshop elevations & office buildings plan & elevations), L07/04/02 (indicative landscape & strategy plan), Illustrative Drawings 1991-SK-CA-0-000 Rev C (General Layout 'master plan'), 1991-SK-CA-3-005 (Workshop plan), 1991-SK-CA-3-006 (Plan and elevation of workshop equipment) dated 4 February 2008, details of the application (ESS/49/09/CHL) dated 3 November 2009 together with Drawing Number 98066/PA/01 (Site Location Plan) dated November 2009, Drawing Number 98066/PA/02 (Red Line Application Boundary) dated November 2009, email from John Wilson, AMEC Earth & Environmental dated 13 November 2009, email from Jane Moseley, AMEC Earth & Environmental dated 26 November 2009, details of the application (ESS/12/11/CHL) dated 7 February 2011 together with Drawing Number 7888010081/PA/03 (Red Line Application Boundary) dated February 2011 and Planning Statement (reference: 7888010054), dated 7 February 2011; as amended by the details of application ref ESS/02/12/CHL dated 20 December 2011 together with document titled 'Validation Form 1' received on 29 December 2011, drawing number 1991-SK-CA-3-Redline Rev D received on 29 December 2011 and drawing number AQA1AR-SK408 Rev P1 dated Dec 2011; and the details of application ref ESS/42/13/CHL dated 17 July 2013 together with document titled 'Planning Application for Variation of Conditions' dated July 2013 (excluding all references to the storage and processing of waste), additional statement titled 'Ref: Planning Variation ESS/42/13/CHL' dated 20 October 2013 and diagram titled 'Inert/Recyclables Storage Area' which highlights in green the area for outside working, and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Waste Planning Authority, except as varied by the following conditions:

2. The throughput of waste at the site shall not exceed 150,000 tonnes per annum. The operators shall maintain records of their monthly and annual throughput which shall be made available to the Waste Planning Authority within 14 days of a written request.
3. The handling, deposit, processing or transfer of waste outside the confines of the buildings approved as part of this permission shall only be permitted until 31 December 2014. After which time no handling, deposit, processing or transfer of waste shall take place on site outside the confines of the building approved for this purpose unless otherwise individually permitted.
4. Machinery to be used and storage bays shall be in accordance with diagram titled 'Inert/Recyclables Storage Area', submitted as part of application ref ESS/42/13/CHL and for phase two letters dated 10 & 17 June 2009 and Drawing Number AQA1A-SK404 Revision P1 (Location of External Equipment Phase 2) dated June 2009 approved by the Waste Planning Authority on 17 August 2009 under planning permission ESS/03/08/CHL. The development hereby permitted shall be implemented in accordance with the approved scheme(s).
5. The access and outside areas used in connection with the development hereby permitted shall be sprayed with water during dry weather conditions

to prevent dust nuisance.

6. The outside stockpiles used in connection with the development hereby permitted shall be dampened in dry weather conditions to prevent dust nuisance.
7. No loaded vehicles shall leave the site un-sheeted.
8. No material (including waste) and/or skips shall be stockpiled or deposited to a height exceeding 3 metres from ground level.
9. All plant and machinery shall be silenced at all times in accordance with manufacturer's recommendations.
10. Parking layout and turning tables for vehicle manoeuvring shall be in accordance with letter dated 28 May and Drawing Numbers AQA1A-201 Revision T1 (Tracking in and out on weighbridges) dated March 2009, AQA1A-202 Revision T1 (Tracking in and out from building) dated March 2009, AQA1A0293 Revision T1 (Tracking through weighbridge and reverse into building) dated March 2009, AQA1-106 Revision P1 (Swept path layout) dated August 2008 and AQA1-100 Revision T2 (Site layout) approved by the Waste Planning Authority on 17 August 2009 under planning permission reference ESS/03/08/CHL. The development hereby permitted shall be implemented in accordance with the approved scheme.
11. Boundary fences and walls shall be in accordance with letters dated 28 May and 30 July 2009 and Drawing Number AQA1A-SK405 Revision P1 (Location of boundary fences Phase 1 and 2) dated July 2009 approved by the Waste Planning Authority on 17 August 2009 under planning permission reference ESS/03/08/CHL. The development hereby permitted shall be implemented in accordance with the approved scheme.
12. Landscaping of the site shall be in accordance with the letter dated 17 June 2009 approved by the Waste Planning Authority on 17 August 2009 under planning permission reference ESS/03/08/CHL. The development hereby permitted shall be in accordance with the approved landscaping scheme.
13. Any tree or shrub forming part of the approved landscaping scheme as set out in the letter from Clark Smith Partnership dated 17 June 2009 and approved by the Waste Planning Authority on 17 August 2009 under planning permission reference ESS/03/08/CHL that dies, is damaged, diseased or removed within the period of 5 years after the completion of operations shall be replaced in the next available planting season (October to March inclusive) with a tree or shrub to be agreed in writing with the Waste Planning Authority.
14. Existing and finished site levels, finished floor and ridge levels of the buildings and finished external surface levels shall be in accordance with the letters dated 28 May 2009 and 30 July 2009 and Drawing Number AQA1A-SK406 Revision P1 (Elevation and section of proposed building)

dated July 2009 approved by the Waste Planning Authority on 17 August 2009 under planning permission reference ESS/03/08/CHL. The development hereby permitted shall be implemented in accordance with the approved scheme.

15. External lighting and security measures shall be implemented and maintained in accordance with emails from David Clark received 16/10/2010, 21/10/2010 and 26/04/2010 and email from Faircloth, dated 07/05/2010.
16. Surface water drainage shall be in accordance with the letter dated 28 May 2009 approved by the Waste Planning Authority on 17 August 2009 under planning permission reference ESS/03/08/CHL. The development hereby permitted shall be in accordance with the approved scheme.
17. The development shall be carried out in accordance with the scheme submitted in relation to contamination of the site, received 29/05/2009 titled 'Summary Report on site investigation on Plot 3, Regiment Business Park, Chelmsford, Essex' (Report No: P5206/U11), dated 13<sup>th</sup> February 2009 and prepared by Geotechnical Developments (UK) Ltd. During the construction phase of the development if any contamination not previously identified is found to be present on site then the construction phase of the development shall cease (unless otherwise agreed by the Waste Planning Authority in writing) until the written approval of the Waste Planning Authority has been obtained for a method statement detailing how the suspected contamination shall be dealt with.
18. Provision and implementation of foul water drainage shall be in accordance with letters dated 28 May 2009 and 30 July 2009 and Drawing Number FAR140-103 Revision C6 (Drainage layout) dated 23 May 2009 approved by the Waste Planning Authority on 17 August 2009 under planning permission reference ESS/03/08/CHL. The development hereby permitted shall be implemented in accordance with the approved scheme.
19. Foul water drainage shall be maintained in accordance with the letter dated 28 May 2009 approved by the Waste Planning Authority on 17 August 2009 under planning permission reference ESS/03/08/CHL. The development hereby permitted shall be implemented in accordance with the approved scheme.
20. Facing materials shall be in accordance with the letter dated 28 May 2009 approved by the Waste Planning Authority on 17 August 2009 under planning permission reference ESS/03/08/CHL. The development hereby permitted shall be implemented in accordance with the approved scheme.
21. During operational phases, wherever practicable any doors (including shutters doors) and windows should be kept closed. Noisy activities that occur externally within the site boundary should not occur before 7am. The free-field Equivalent Continuous Noise Level (rating level LAeq,T/LAeq,1 hour as defined in BS 4142) at noise sensitive premises near the site, due

to permitted operations on site, shall not exceed the limit of Background Level (La90) without the permitted operations +5dB.

22. Noise levels shall be monitored by the operating company at six monthly intervals at the above locations. The monitoring survey shall be for a minimum of two separate 15 minute periods at each location used within the Bickerdike Allen Partners Background Noise Survey dated 8 May 2008 during all permitted operations and should avoid meal breaks and periods of plant breakdown. The frequency and duration of such monitoring may be modified at the discretion of the Waste Planning Authority. The monitoring may be required more frequently where it becomes necessary to demonstrate continuing compliance with the limiting noise levels specified above, or less frequently where the need does not arise. Monitoring should only be undertaken in calm weather conditions or at receptors with a component of wind blowing from the site. Monitoring should generally be avoided in conditions of wind speeds greater than 5m/sec average; rain; low temperatures (<3 degrees C). All noise measurements taken shall have regard to the effects of extraneous noise and shall be corrected for any such effects. The monitoring shall include the LAeq, 1 hour dB noise levels both with and without the permitted operations, the prevailing weather conditions, details of the measurement equipment used and its calibration and comments on the sources of noise which control the noise climate. The results shall be kept by the operating company during the life of the permitted operations and a copy shall be supplied to the Waste Planning Authority.

23. The development hereby permitted shall only be carried out during the following times:

06:00 – 18:00	Monday to Friday
06:00 – 13:00	Saturday

And at no other time on Sundays, Bank or Public Holidays unless otherwise agreed in writing with the Waste Planning Authority.

24. The surfaced section of the access road from the junction with Essex Regiment Way (A130) shall be kept free of mud, dust and detritus to ensure that such material is not carried onto the public highway.

25. There shall be no more than 400 heavy goods vehicle<sup>2</sup> movements (200 in and 200 out) at the site in any one working day Monday to Friday and no more than 300 heavy goods vehicle movements (150 in and 150 out) on Saturdays. No vehicle movements shall take place outside the hours of operation authorised in Condition 23 of this permission.

26. Details and elevations of the weighbridge and fuelling point shall be in accordance with the letter dated 28 May 2009 and Drawing Number AQA1-105 Revision T1 (Weighbridge setting out) dated October 2008 and AQA1-107 Revision T1 (Weighbridge foundation arrangement) dated November

---

<sup>2</sup> Heavy Goods Vehicles have a gross vehicle weight of 7.5 tonnes or more

2008 approved by the Waste Planning Authority on 17 August 2009 under planning permission reference ESS/03/08/CHL. The development hereby permitted shall be implemented in accordance with the approved scheme.

27. No development permitted under planning permission ref ESS/02/12/CHL shall take place until details of the management of the potential migration of odours and dust escaping the waste transfer building have been submitted to, and approved in writing by the Waste Planning Authority.

## **INFORMATIVE**

1. Consideration should be given for the provision of a further suitable water supply to be made available closer to the site.

## **BACKGROUND PAPERS:**

ESS/42/13/CHL Application File

## **THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010:**

The proposed development is not located within the vicinity of a Special Area of Conservation (SAC) or Special Protection Area (SPA) and is not directly connected with or necessary to the management of those sites. 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:** The report only concerns the determination of an application for planning permission and takes into account any equalities 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:** In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the National Planning Policy Framework, as set out in the Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012.

## **LOCAL MEMBER NOTIFICATION:**

CHELMSFORD – Broomfield and Writtle



committee DEVELOPMENT & REGULATION

date 22 November 2013

## MINERALS AND WASTE DEVELOPMENT

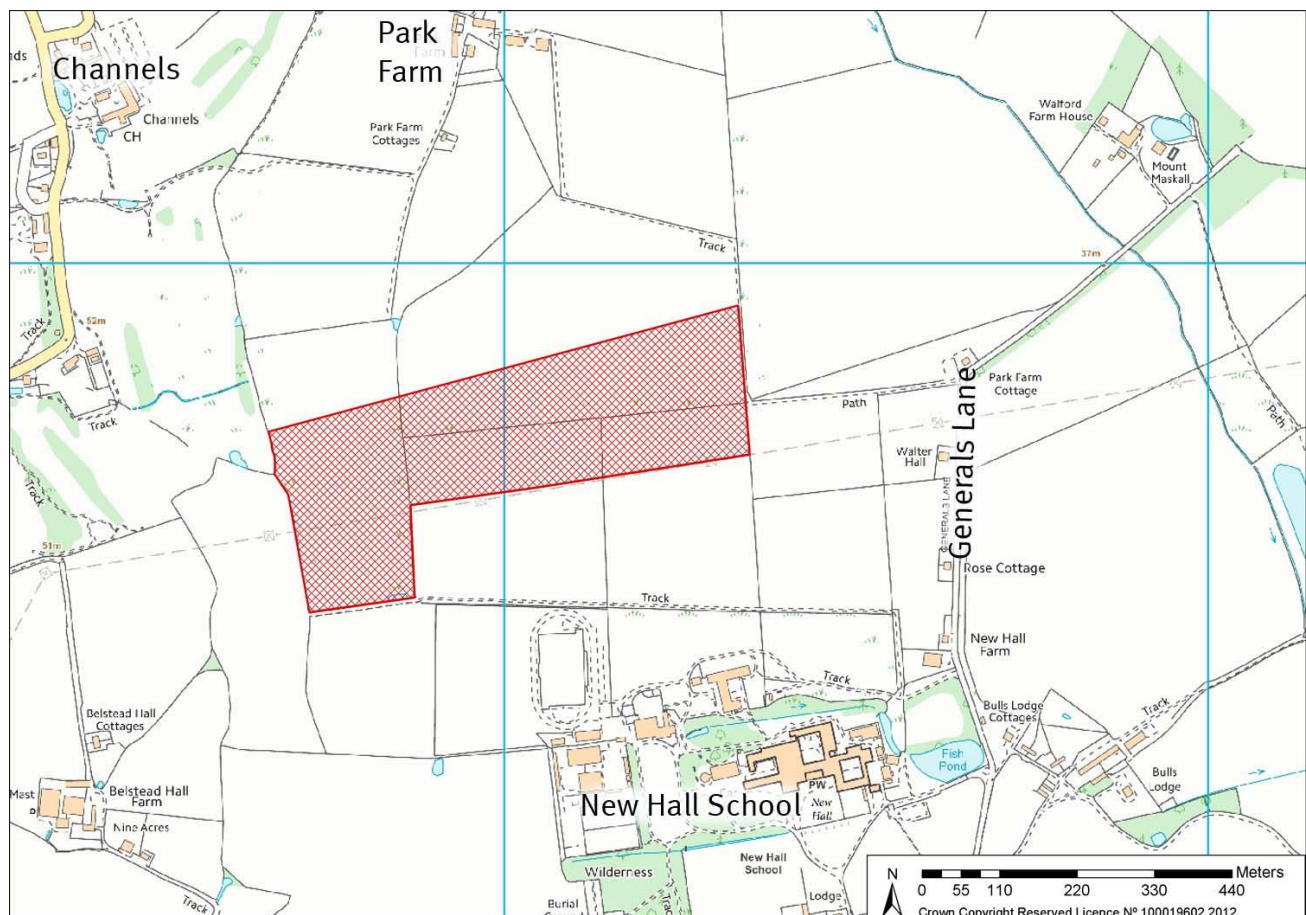
**Proposal: The winning and working of sand and gravel and associated dry screen processing plant, temporary storage of minerals and soils and associated infrastructure. In addition backfilling of the void with soils and overburden arising from the development of mixed uses (Ref. 09/01314/EIA) on land adjacent to the mineral working.**

**Location: Land to the South of Park Farm, Springfield, Chelmsford.**

**Ref: ESS/21/12/CHL**

Report by Director for Operations, Environment and Economy

Enquiries to: Claire Tomalin Tel: 01245 437541



Reproduced from the Ordnance Survey Map with the permission of the Controller of Her Majesty's Stationery Office, Crown Copyright reserved Essex County Council, Chelmsford Licence L000 19602

## **1. BACKGROUND**

On the 23<sup>rd</sup> November 2012 the Committee resolved to grant planning permission for the above development to allow the extraction of minerals and infilling of the resulting void with overburden arising from the mixed use development proposed at Greater Beaulieu Park Development. The Greater Beaulieu Park Development is subject of a separate planning application (CCC Ref. 09/01314/EIA) being dealt with Chelmsford City Council, this application has been resolved to be granted outline planning permission, subject to legal agreements and conditions. CCC is continuing to have positive discussions with the applicant to complete the legal agreements.

The principle of mineral extraction in this area already been established through the grant of planning CHL/1890/87 in June 1990. The mineral reserve was originally to be worked as part of the Bulls Lodge Quarry. The application site is within the Chelmsford Borough Local Development Framework - North Chelmsford Area Action Plan identified for mixed use development. The application was brought forward to ensure the mineral reserve is worked prior to the development of land as part of the mixed use development i.e. the Greater Beaulieu Park (GBP).

To the west of the site planning permission has already been granted by Chelmsford City Council for residential and leisure use on land north and south of Belsteads Farm and Channels Golf Club and work has commenced on the access arrangements from Essex Regiment Way.

The County's resolution to grant planning permission was subject to conditions and all relevant landowners/interested parties entering into necessary legal agreements.

The resolution was updated to include changes set out within the November 2012 Addendum and changes made at committee at that time.

## **2. CURRENT POSITION**

The authority has been progressing the completion legal agreements as required by the resolution.

Drafts of both the legal agreements and conditions have been exchanged and discussions are on going with the applicants to progress this draft. The need for this application for the separate and early extraction of the mineral is only necessitated by the mixed use development, thus the applicant has been focussing their attention on completing the legal agreements with Chelmsford City Council, with respect to the mixed use development, possibly to the detriment of the minerals application.

The applicant has through discussions requested that certain conditions that would normally be worded as details being required prior to commencement of development, that the details are required at an early stage, but not necessarily tied to the commencement date, to allow greater flexibility. Subject to the details



being approved at an appropriate stage to ensure that the details are in place to ensure that there are no adverse impacts from the development, it is considered that this is acceptable and in accordance with principles of the NFFP to facilitate development.

Since the original resolution of the mineral application Chelmsford City Council have reviewed their Core Strategy Policies in light of the NPPF, no policies have been amended that are relevant to the determination of this application.

There are no material considerations affecting the original resolution to grant permission that have arisen since the Committee last considered the proposal.

### **3. RECOMMENDED**

- 1 The Committee re-endorse the previous decision to grant planning permission subject to the head of terms of the legal agreement and planning conditions as set out below, and;
- 2 A further report be submitted to the Committee should negotiations not proceed towards signing the necessary legal agreement by the end of May 2014 to allow Members to review progress.

#### Heads of terms of the legal agreement(s)

The prior completion, within 6 months, of Legal Agreements under the Planning Acts to secure obligations or such alternative forms as may be agreed by the Director for Operations, Environment and Economy 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.
- 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

Planning permission be granted subject to the conditions

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

## APPENDIX A (With Nov 2012 Addendum incorporated)

AGENDA ITEM .....

--

committee                      DEVELOPMENT & REGULATION

date                              23 November 2012

### MINERALS AND WASTE DEVELOPMENT

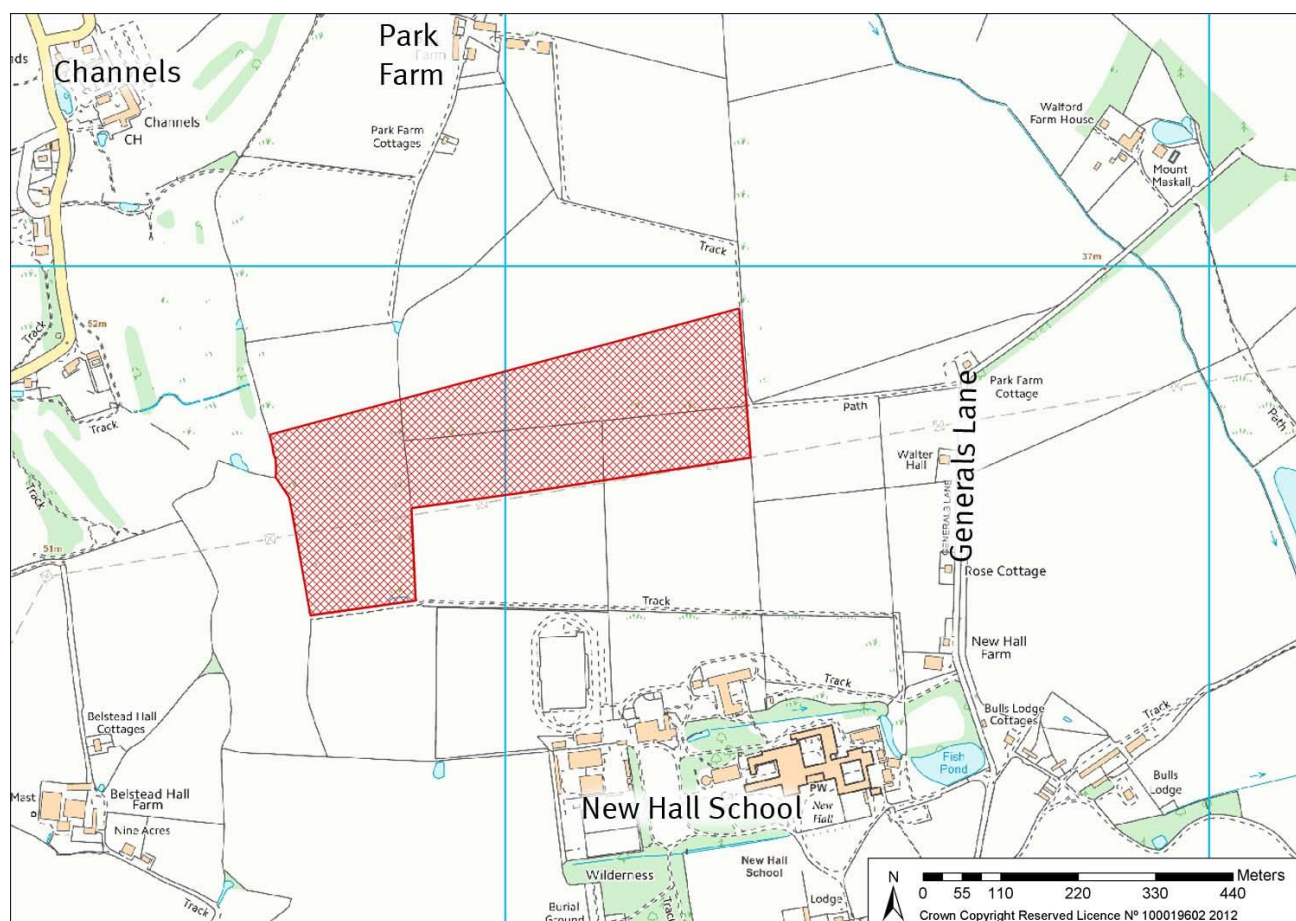
Proposal: **The winning and working of sand and gravel and associated dry screen processing plant, temporary storage of minerals and soils and associated infrastructure. In addition backfilling of the void with soils and overburden arising from the development of mixed uses (Ref. 09/01314/EIA) on land adjacent to the mineral working.**

Location: **Land to the South of Park Farm, Springfield, Chelmsford.**

Ref: **ESS/21/12/CHL**

Report by Head of Environmental Planning

Enquiries to: Claire Tomalin Tel: 01245 437541





## **1. BACKGROUND AND SITE HISTORY**

The principle of mineral extraction has already been established through the grant of planning CHL/1890/87 in June 1990. This mineral reserve is currently permitted to be worked as part of the Bulls Lodge Quarry, but is not phased to be worked for a number of years. The application site is within the Chelmsford Borough Local Development Framework - North Chelmsford Area Action Plan identified for mixed use development. This application has been brought forward to ensure the mineral reserve is worked prior to the development of land as part of the mixed use development i.e. the Greater Beaulieu Park (GBP) development currently subject of an application to Chelmsford City Council (Ref. 09/01314/EIA). To the west of the site planning permission has already been resolved to be granted by Chelmsford City Council for residential and leisure use on land north and south of Belsteads Farm and Channels Golf Club.

The proposals were subject to a request for an EIA Screening Opinion (Ref ESS/61/10/CHL and an EIA Scoping Opinion (ref ESS/48/11/CHL/SPO)

## **2. SITE**

The site is located north east side of Chelmsford, approximately 800m from the urban edge (existing Beaulieu Park) of Chelmsford. The land is currently in agricultural use and is made up of parts of three fields, divided by hedgerows. The nearest properties are New Hall School (Listed Building and Registered park & garden), the school boundary at approx 70m at the closest point, the nearest school building at 300m to the south east, which includes residential properties for staff and accommodation for boarding pupils. In addition there are properties along Generals Lane to east, the closest being Park Farm Cottages at 300m and Walter Hall at 270m and Park Farm at 490m to the north and Belstead Hall Cottages and Belstead Hall Farm 380m and 350m respectively to the south west. Abutting on the north west corner of the site lies Channels Golf Club and 600m to the west north west lies Falcon Bowling and Social Club.

The application site is wholly located within the adopted Chelmsford Borough Local Development Framework - North Chelmsford Area Action Plan area; the majority of the site is within site allocation 11 – Land north of the new road and part within Site Allocation 8 – Land North of New Hall School. To the west of the site lies Site Allocation 6 - Land north and south of Belsteads Farm Lane and Channels Golf Club.

There is public footpath Springfield No. 4 which lies to the south of the site and forms part of the Centenary Circle Trail around Chelmsford. An electricity power lines crosses, the southern part of the site, but no pylons are within the site.

The site lies within Springfield Parish, but lies adjacent to 3 other Parish Councils, Boreham, Broomfield and Little Waltham.

## **3. PROPOSAL**

The proposal is to work 325,000 tonnes (203,000m<sup>3</sup>) of sand and gravel over a 2 -

3 year period. The sand and gravel would be dry screened using a mobile screening plant. The plant would be located below natural ground levels, after the initial excavation of overburdens to make a void.

The sand and gravel would be utilised in the construction of the adjacent GBP development, such that would be no need for sand and gravel to be exported via the public highway. Vehicle movements to and from the public highway would be limited to staff and plant. Access from the site to the GBP development would be in the lower south east corner of the site via a haul road and access for staff and plant to the public highway would be controlled by the planning permission for GBP development (Chelmsford Borough Council Ref. 09/01314/EIA).

The site would be worked in 13 phases working in an east to west direction. The base of the sand and gravel and the thickness of the seam ranges significantly across the site from 4.7m to 16.5m below ground, the thickness ranging from 0.4m to 8.4m. Approximately 30% of the sand and gravel is saturated with water; such the site would require to be dewatered to allow extraction below the water table. The water would be discharged to the west to a settlement pond forming part of the drainage system for the GBP development.

Soils and overburden would be stored on the south side of the site which dual as screening bunds. These bunds rise up to 5 m above natural ground levels.

It is proposed to use soils and overburden generated by the adjacent GBP development to partially infill the mineral void approximately 131,000m<sup>3</sup>, bringing the site levels to existing natural ground levels in the south east of site and then sloping down towards the south, the Radial Distributor Road part of the GBP development to be located 3m below natural ground levels and then dropping to 6m below ground levels, such that it would in the future tie in with the low level restoration of Bulls Lodge Quarry. The applicant anticipates that sufficient material would have been generated by 2016 from the GBP development.

The northern edge of the site would be restored at the time Bulls Lodge Quarry completes its extraction to the north of the application site.

The applicant has proposed that the while it is anticipated that the extraction would take 2 to 3 years and restoration with backfilling complete in the fourth year, due a range of factors that could influence the programme of development of the GBP development (and therefore the rate at which mineral would be used and backfill materials generated) and the uncertainty as to when Bull Lodge Quarry operators extraction and restoration to the north would be completed, a period of 8 years has been proposed to complete the extraction and restoration.

The application is accompanied by an Environmental Statement submitted under the EIA Regulations 2011.

#### **4. POLICIES**

The following policies of the:

- Regional Spatial Strategy for the East of England, adopted May 2008 and



Submission Revised Regional Spatial Strategy (sRSS) for the East of England (sRRS) submitted 2010,

- Essex and Southend on Sea Replacement Structure Plan (RSP), adopted 2001 (saved policies September 2007),
- Minerals Local Plan, adopted 1997 (saved policies September 2007)
- Essex and Southend Waste Local Plan (WLP), adopted 2001 (saved policies September 2007)
- Chelmsford Borough Development Framework 2001-2021 Core Strategy and Development Control Policies (CBDF - CSDC) the adopted Feb 2008
- The North Chelmsford Area Action Plan adopted July 2011

provide the development plan framework for this application. The following policies are of relevance to this application:

5.

	<u>sRSS</u>	<u>RSP</u>	<u>MLP</u>	<u>WLP</u>	<u>CCBD F- CSDC</u>
Achieving Sustainable Development	SS1				CP1
Strategic and Regional Road Networks	T6				
Landscape Conservation	ENV2		MLP13	W10E	
Biodiversity and Earth Heritage	ENV3		MLP13	W10E	
Agriculture, Land and Soils	ENV4				
The Historic Environment	ENV6		MLP13	W10E	
Ground water protection	WAT3		MLP13	W4B	
Flood Risk Management	WAT4				
Regional aggregates supply	M1		MLP1		
Sterilisation & safeguarding of Mineral Sites		MIN4			
Mineral working at preferred sites			MLP2		
Preferred methods of access to highway network			MLP3 MLP13	W4C	DC6
Restoration and aftercare			MLP8		
Feasible & timely restoration scheme			MLP9	W10 C	
Location of processing plant			MLP10		
Environmental Standards			MLP13	W10E	
Sustainable waste management				W3A	
Protection of water environment				W4A	CP10
Protection of groundwater				W4B	
Landfill on non-preferred sites				W9B	
Conditions & legal agreements				W10A	
Hours of operation				W10F	
Protect & enhance Rights of Way				W10 H	
Securing Sustainable Development					CP1
The Borough-Wide Spatial Strategy					CP2
Protection of Historic Environment					CP9

Minimising Environmental Impact					CP13
Environmental Quality and Landscape Character					CP14
Development in the Countryside					DC2
Protection of amenity					DC4
Health Impact Assessments					DC8
Biodiversity					DC13
Listed Buildings					DC18
Registered Parks and Gardens					DC20
Archaeology					DC21
Amenity & pollution					DC29
Traffic Management					DC41

It is noted that the Localism Act includes a Government commitment to revoke Regional Plans. Until the Regional Spatial Strategy for the East of England has been revoked, it remains part of the development plan. However, the Government's intention to revoke the plan is a material consideration in planning decisions.

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.

Paragraph 214 of the National Planning Policy Framework (NPPF) states that for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 (i.e. Development plan documents adopted in accordance with the Planning & Compulsory Purchase Act 2004 or published in the London Plan) even if there is a limited degree of conflict with the Framework.

It is considered that the Chelmsford Borough Development Framework 2001-2021 Core Strategy and Development Control Policies (adopted Feb 2008) and The North Chelmsford Area Action Plan (adopted July 2011) fall within the meaning of paragraph 214 and should be given full weight even if there is a limited degree of conflict with the Framework.

Paragraph 215 of the NPPF states, in summary, that due weight should be given to relevant policies in existing plans and for 12 months following publication of the NPPF, according to their degree of consistency with the Framework. The level of consistency of the policies contained within the Essex & Southend-On-Sea Structure Plan, Minerals Local Plan and the Essex and Southend Waste Local Plan is considered at **Appendix 1**.

## 6. CONSULTATIONS

CHELMSFORD CITY COUNCIL – No objection, subject to planning conditions, requiring mitigation as set out in the Environmental Statement, full details of the restoration programme, including that restoration levels are capable of accommodating the Radial Distributor Road (forming part of the GBP development) and the levels marry with the restoration levels of Bulls Lodge Quarry.

Further that the applicant should be asked to demonstrate that the GBP development, would generate enough surplus material in the infill the void to the proposed restoration levels.

Comment: Additional information was submitted to demonstrate that would be adequate material generated within the GBP development to achieve the proposed restoration levels.

ENVIRONMENT AGENCY: No objection subject to imposition of conditions to address the following matters:

- Groundwater – Due to potential for dewatering to impact upon private groundwater abstraction points, groundwater monitoring is required both prior to dewatering, during operations and post restoration. Preferably monitoring also undertaken at private abstraction points to establish pre-extraction conditions;
- Flood risk – Flood risk mitigation measures described in the Flood Risk Assessment should be secured by condition;
- Scheme for removal of suspended solids from surface water run-off

NATURAL ENGLAND: No objection, subject to conditions to

- ensure proposed mitigation with respect to protected species is in accordance with that proposed in the ES;
- protect the soil resource, in terms of soil handling , storage and afteruse.

ESSEX WILDLIFE TRUST: No comments received.

ENGLISH HERITAGE: No objection, subject to the application being considered in the context of the mixed use development 09/01314/EIA due to the setting of New Hall grade 1 Listed Building.

NATIONAL GRID: No comments received.

NATIONAL PLANNING CASEWORK UNIT: No comments.

CPRE: No comments received.

CHELMSFORD BOROUGH RAMBLERS ASSOCIATION: No comments received

HIGHWAY AUTHORITY – No objection, subject to conditions to:

- 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;
- 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.

HIGHWAY AUTHORITY (Public Rights of Way) – No objection, as the route of the public right of way is not directly affected. Protection and future enhancement

would be delivered through the GBP development.

COUNTY COUNCIL'S NOISE CONSULTANT – No objection, consider that the proposed development is unlikely to result in adverse impact, due largely to the separation distances. Consider it would be appropriate to impose maximum noise limits for nearby properties and require monitoring as necessary to demonstrate compliance.

PLACE SERVICES (Ecology) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection. Comments that the ES relies upon ecological mitigation provided within the ES of the GBP development ES, the mitigation should have been presented within the ES for this development, in particular with respect loss of 50m hedge protection of veteran trees. Essential mitigation proposed within the GBP development is secured as part of these proposals. Welcomes the potential for Biodiversity off-setting.

PLACE SERVICES (Landscape) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – Raises concern that the landscape and visual assessment does not appear to have assessed the impact of the workings on all the adjacent properties. Screening is not provided on all the boundaries of New Hall School, particularly that adjacent to the playing fields.

PLACE SERVICES (Archaeology) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection. The ES has identified a number of archaeological sites will require excavation and recording secured through appropriate conditions.

PLACE SERVICES (Historic Buildings) ENVIRONMENT, SUSTAINABILITY AND HIGHWAYS – No objection. Mineral extraction and the wider development are undesirable in the context of a Tudor palace at New Hall and its former parkland, the ES and mitigation are appropriate response in the circumstances.

SPRINGFIELD PARISH COUNCIL – No comments received.

LITTLE WALTHAM PARISH COUNCIL (adjacent) – No comments received.

BOREHAM PARISH COUNCIL (adjacent) – No objection.

BROOMFIELD PARISH COUNCIL (adjacent) – No comments received.

LOCAL MEMBER – CHELMSFORD – Springfield: No objection.

LOCAL MEMBER – CHELMSFORD – Broomfield & Writtle (adjacent): Any comments received will be reported.

LOCAL MEMBER – CHELMSFORD – Chelmer (adjacent): Any comments received will be reported.

## **7. REPRESENTATIONS**

No properties lie within 250m of the boundary and therefore no properties were directly notified of the application. No letters of representation have been received as a result of site or press notices.

## 8. APPRAISAL

The key issues for consideration are:

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

### A NEED & PRINCIPLE OF THE DEVELOPMENT

The application site already has an extant planning permission for sand and gravel extraction (Ref: CHL/1890/87). At that time the site was a preferred site in the Minerals Subject Plan (Adopted 1991) and the reserves within the site form part of the Landbank of sand and gravel for Essex. Therefore the principle of mineral extraction is already accepted and established and therefore the proposals are in accordance with M1 and MLP2.

The application site also lies within Site Allocations 8 and 11 of the adopted North Chelmsford Area Action Plan (NCAAP)(which allocates the land for mixed use development). At the preparation stage for this document it was highlighted that it was essential that the mineral within the site should be worked prior to the mixed use development to prevent its sterilisation. This was accepted by all parties, landowner, mineral owner, District and County Council, to ensure it's conformity with MIN4 of the Replacement Structure Plan and protect the permitted mineral reserves of Essex. Under the existing mineral permission CHL/1890/87 the mineral is not phased to be worked for a number of years, beyond the timescale for the mixed use development. A Statement of Common Ground was submitted to the Examination In Public with respect to NCAAP, with agreement that an application to work this area for minerals prior to the mixed use development would be made; hence the current application has been submitted. The application meets the requirements of the North Chelmsford Area Action Plan which requires prior extraction and is in accordance with MLP policy MIN4.

The current application also proposes the partial infilling of the void created by mineral extraction to enable the levels to be blended with the adjacent unworked land to the south and ensure the Radial Distributor Road forming part of the mixed use development was not required to have unnecessary slopes. The inert waste to infill the void would utilise overburdens and soils generated by the excavations required as a result of the adjacent mixed use development. The site would be restored to pre-existing ground levels in the southern half of the site, the northern half would be restored at 3m below natural ground levels and utilised to locate the

Radial Distributor Road for the GBP development and remainder dropping to 6m below existing ground levels, such that in the future it would tie with the low level restoration of Bulls Lodge Quarry.

WLP policy W9B seeks to minimise landfilling and landraising for its own sake, the amount of landfilling permitted only being that necessary and essential to achieve satisfactory restoration. It is considered that while low-level restoration had been proposed under the original restoration scheme permitted under CHL/1890/87, this was appropriate with respect to agricultural restoration, but due to its proposed afteruse for mixed development, including the radial distributor road the proposed partial reinstatement of levels is necessary. It is therefore considered the proposals accord with W9B. In addition by utilising waste overburdens and subsoils from the adjacent site, it avoids the need for this material to be disposed of elsewhere and the associated HGV movements. It is therefore considered that the development is considered to be sustainable development as set out in NPPF meeting the economic role, by assisting in providing infrastructure, while ensuring extraction of a valuable mineral resource, the social role helping to deliver housing and environmental role finding a sustainable use for waste materials arising from the development.

The sand and gravel would be processed through a mobile dry screen plant to be located within the void; this is conformity with MLP policy MLP10 which seeks to locate primary processing plant within the mineral extraction site. Mineral at Bulls Lodge Quarry is currently processed through a wet screen process, while this ensures the best use of the quality of the material, there is nothing to prevent sand and gravel being exported direct from the Bulls Lodge Quarry without processing, such that while the current proposals would not result in the most beneficial processing and maximising of value of the mineral resource than if it had been processed through the Bulls Lodge Quarry Plant, it has to be recognised that this could have happened even if worked as a phase of Bulls Lodge Quarry rather than separately. In addition because this section of reserve is being worked in isolation of the bigger reserve in Park Farm, it is economically unviable to establish either a haul road or conveyor to Bulls Lodge Quarry processing plant and transportation by road would have increased road miles. On site wet processing would require disposal of silt which could potentially lead to instability in the restored land which would be subject to built development, therefore dry screening is considered acceptable in the circumstances.

The dry screened minerals are proposed to be used in the construction of the mixed use development, reducing the amount of mineral requiring to be imported to the GBP development and reducing the number of vehicle movements associated with both export of the processed mineral.

It is therefore considered that the use of dry screening accords with MLP policy MLP10 and is sustainable in that it meets the NPPF economic role by co-ordinating development requirements and the environmental role by using natural resources prudently.

While the principle of the development is accepted it is necessary to consider whether there would be any significant adverse environmental effects or other

material considerations that would prevent the grant of planning permission.

## **B RELATIONSHIP WITH MIXED USE DEVELOPMENT AND LEGAL AGREEMENTS**

As explained above, the need for this application and early working of this mineral is a direct result of the requirement to ensure the mineral is worked prior to its redevelopment for mixed use development. The mineral application area is only a small part of the application area of the GBP development. In addressing the impacts for the mineral/waste development the ES has it relied upon mitigation proposed as part of the ES for the GBP development. In order to ensure this mitigation is deliverable it is essential that the mineral development can only be commenced when the GBP development has commenced.

In addition as the mineral is to be wholly used within the GBP development, with no proposed export of minerals from outside the GBP development, it is essential to ensure that the GBP development is commenced prior to mineral extraction to ensure there is a use for the mineral.

To address these two matters it is necessary for the developer to provide a legal obligation through a legal agreement not to commence the mineral development until the GBP development has lawfully commenced (the developer is the same for both developments), both CCC and ECC would be a party to the legal agreement. The developer is willing to enter into such an agreement, subject to planning permission being granted.

There is an existing legal agreement (Section 52) signed in 1990 associated with the Bulls Lodge Quarry permissions to which the application land is subject, which involved various parties including all landowners, the mineral company and both Chelmsford Borough Council and Essex County Council. This existing legal agreement covered a number of matters, including protection of the North East Chelmsford By-Pass route (at that time), restoration obligations and all the conditions of the two Bulls Lodge Quarry permissions. Subject to planning permission being granted, there would need to be a legal agreement to address the existing agreement and carrying forward and update any relevant clauses of the s52 agreement to the application site, as to whether this is a separate legal agreement or part of S106 is a matter being resolved by the applicant and County's legal team.

Also through this report other matters requiring legal obligations as a result of the mineral/waste development have also been identified.

The need for such an agreement meets the key dimensions of sustainable development set out within the NPPF by achieving the economic role supporting growth through co-ordinating development and the environmental role contributing to protecting and enhancing the environment.

## **C LANDSCAPE AND VISUAL IMPACT**

The landscape is characterised by medium fields with hedgerows, with small

copses and concentrated isolated farmsteads. The surrounding land consists mainly of urban fringe (existing Beaulieu Park housing development); land in rural use and of note is the Grade 1 Listed New Hall Buildings and associated registered park and garden which contribute to the value placed on this landscape. However, the Boreham airfield and past and current mineral workings to the north east and west have eroded the landscape quality through loss of hedgerows. The site itself is not subject to any National or local landscape designations. The ES concluded the impact would be low adverse.

Policies MLP13, W10E, ENV2, CP9, CP13, DC18 and DC20 seek to protect and enhance the landscape, countryside and historic landscape character, including Listed Buildings and Historic Parks and Gardens.

The elements of the proposal most likely to impact on the landscape character are the storage bunds, plant and equipment. Storage bunds have been located on the southside of the development to screen views of the mineral extraction and the processing plant is to be located below natural grounds levels to reduce its impact.

Concern has been expressed by the County's landscape officer that the ES could have more thoroughly considered the landscape and visual impact particularly with respect to New Hall School and nearest residential properties. The applicant was requested to provide additional bunding to supplement that proposed but is unable due to the need to retain stand offs from existing vegetation and ponds. The applicant states that no advanced planting has been proposed as part of the development, due to the short-timescale of the development. Landscaping on the boundary of New Hall School is proposed as part of the GBP development and in order to ensure this is planted at an early stage a commitment for such could be required through a legal obligation, should planning permission be granted.

The proposed storage bunds in themselves would introduce features into the landscape and in order to soften their impact it is considered that where the storage mounds face south and east their slopes should be slackened from 1:1 to 1:3 and topsoiled to ensure successful grass seeding to soften their impact, this could be secured by condition.

With respect to the visual impact the ES included a visual impact assessment. The ES concluded that the development would result in a slight significant impact, with the main impact being on users of the PROW, from most residential properties in most cases it was concluded within the ES that the development would not be visible.

Policies MLP13, W10E, CP13 and DC4 seek to protect local and residential amenity from adverse effects of visual intrusion.

The nearest residential properties are within the New Hall School grounds to the south, along Generals Lane to the east and at Belsteads Farm to the south west. In addition footpath Springfield 4 runs outside the site but along the southern boundary. The ground in the vicinity of the site is relatively flat, but does fall to the south towards New Hall School. Views are interrupted by hedgerows and hedgerow trees. All hedgerows, apart from a 50m section which does not provide



screening to nearby residents, would be retained and protected on site. Proposed bunding would further prevent views of the extraction areas from residential properties. Views from the public right of way would in part be obscured by the existing hedgerow and copse to its north and an overburden bund is proposed in the south west of the site screening views of the majority of the south west area of the mineral extraction and processing area, apart from views of the haul road and entrance to mineral void (which lies between the screening bunds). However the hedge and copse in the south east of this part of the site would screen views to a certain extent.

It is considered subject to the slackening of outwards faces of the bunds and grass seeding of the bunds and early planting of vegetation as part of the GBP development, as described above, the development would not result in an adverse landscape or visual impact. It is therefore considered the proposals would be in accordance with policies MLP13, W10E, ENV2, CP9, CP13, DC4, DC18 and DC20. It is considered subject to the suggested conditions and obligations there would be no significant adverse landscape and visual impact and the proposals comply with NPPF objectives with respect to its social and environmental role, supporting healthy communities and protecting the natural and historical environment.

#### **D IMPACT ON RESIDENTIAL & LOCAL AMENITY – AIR QUALITY, DUST AND NOISE**

The ES included a noise impact assessment of the proposals and impact upon air quality assessment which addressed dust only. The matter of vehicle emissions was not considered as the urban fringe location was likely to have low pollutant levels such that increase caused by the development would be unlikely to exceed national air quality levels.

Policies MLP13, W10E, CP13, DC8, and DC29 seek to protect residential and local amenity from the adverse impacts of noise and dust.

##### **Dust**

The nearest residential properties are at Belsteads Farm (240m), New Hall School (270m) and properties on Generals Lane (approximately 300m). In addition the playing fields of New Hall School are located within 100m of the extraction area. The Channels Golf Course lies within approximately 70m of the extraction, although this area is now in principle resolved to be redeveloped for housing, in order to protect the residential amenity of the occupants of these new houses (from both dust and noise disturbance) the nearest areas to the mineral working are either areas of public open space or occupation of residential properties within 100m of the mineral working are to be controlled by condition, through the housing permission, to be only occupied after completion of permitted mineral extraction.

It was concluded within the ES that with respect to residential amenity due to the distances of greater than 100m and prevailing winds from the south-west, subject to utilisation of standard dust suppression measures (which could be secured by condition) the ES concluded there would be negligible adverse effects.

In order to protect the residential amenity of the occupants of properties to be built as part of the GBP development a condition would be imposed by CCC on the GBP planning permission preventing occupation of any new houses within 100m of the proposed mineral extraction.

It is therefore considered subject to appropriate conditions with respect to dust suppression the proposal are in accordance with policies MLP13, W10E, CP13, DC8, DC29 and proposals comply with NPPF objectives with respect to its environmental role, by minimising pollution.

#### Noise

The nearest noise sensitive residential properties are as those described above with respect to dust, in addition within the grounds of New Hall School the closest residential property is 300m from the mineral working. The noise assessment calculated likely noise levels during the proposed operations in relation to the surrounding properties.

Policies MLP13, W10E and DC29 seek to protect residential and local amenity from adverse noise impact.

The noise assessment demonstrated that the mineral and infilling operations could be carried out such that the recommended increase in noise levels above background would not be exceeded, except for temporary operations, such as soil stripping and bund formation which are permitted for a limited period each year at a high noise levels. The noise would in part be minimised by the construction of the proposed overburden/soil storage mounds between the mineral/landfill workings and the residential properties.

The County Council's Noise consultant has raised no objection to the application, subject to appropriate conditions setting the maximum noise limits for the nearest noise sensitive properties, setting the maximum temporary noise level limit and requiring noise monitoring as necessary to show compliance with the permitted levels. It was noted that the noise assessment was made against guidance within MPS2 which has now been superseded by the NPPF, but it is considered that the noise assessment is still appropriate and meets the noise requirements of the NPPF.

With respect to both noise and dust it would be appropriate to impose hours of operation conditions to protect residential amenity from disturbance outside normal operating hours.

It is therefore considered subject to securing the conditions with respect to the proposed bunding and noise limits, noise monitoring and hours of operation; the proposals would accord with policies MLP13, W10E and DC29. Also that the proposals deliver sustainable development meeting the environmental role of the NPPF by minimising pollution

#### **E GROUND & SURFACE WATER**

The ES includes a hydrogeological assessment, surface water assessment and

Flood Risk Assessment. The proposal would require dewatering of the mineral void to enable full extraction of the reserve.

Policies WAT1, WAT3, WAT4, MLP13, W10E, W4A, W4B, CP13 and DC29 seek to protect groundwater, prevent increased flood risk and ensure sustainable drainage systems.

The hydrogeological assessment identified that there appeared to be differing zones of saturation with partial saturation in the north and full saturation of the sand and gravels in the south. In addition that there appears a hydraulic barrier in a general south west and north east direction. There are 5 licensed abstractions: 3 are located in New Hall School and the others at New Hall Farm and Walter Hall Farm on Generals lane, and these are understood to be for domestic or agricultural uses. It is unclear the general flow of the groundwater, a number of different investigations having concluded different directions. The effect of dewatering and the potential draw down impact has been assessed and there is potential for impact upon the licensed abstraction points. The applicants have proposed mitigation would be to connect the users to mains water supply should serious degradation be caused. The applicant has been reluctant to investigate these private abstractors to ascertain existing conditions, due to the fact that it is unlikely there would be an adverse impact. Investigations by the MPA indicate that the abstractors are already connected to mains water, but it is considered appropriate to require groundwater monitoring in and outside the site, to assess the extent of any impact and through a legal obligation to provide connection to the mains, should this prove necessary, should planning permission be granted.

There are seven ponds within the vicinity of the site (considered important due to the potential for Great Crested Newts) including that within Channels LWS. These were assessed not to be in hydraulic connectivity with the groundwater and therefore would be unaffected by the dewatering. It was assessed that groundwater was likely to have connectivity to springs in the south west and Boreham Brook in the northwest, but the distance to these features was such that the impact was not significant.

Water from the dewatering of the site is proposed to be discharged into the surface water system drainage system proposed as part of the GBP development, which would go via a settlement pond within the Neighbourhood development before being discharged to River Chelmer. Groundwater quality in the site was assessed to be good such that it would have no adverse impacts when discharged to the River Chelmer. The settlement pond would ensure that suspended solids would have settled before being discharged to the River Chelmer.

The site in terms of surface water straddles a watershed boundary, whereby water to the south and west drains to the River Chelmer, while water to the northeast drains to the Boreham Brook and then to the River Chelmer. As water from dewatering would be discharged to the River Chelmer while there might be some reduction due to evaporation, there was unlikely to be an adverse impact on flows within the River Chelmer.

With respect to Flood Risk Assessment the site is located within Flood Zone 1 with

the River Chelmer 1.2km to the west, such that no flood risk issues would arise as a result of the development.

The EA have raised no objection to the proposals, subject to appropriate condition/obligations to control the impact of the development with respect to dewatering controlling the rate of discharge, ground water monitoring to assess the impact on groundwater levels and drawn down effects. The EA has advised the applicant should contact current holders of abstraction licence in the area to establish current conditions of the abstraction, such should there be degradation it can be established whether this is associated with the mineral working or not.

It is considered subject to appropriate conditions as required by the EA (as described above) and with respect to good site practice, the quality of ground and surface water could be protected. It would be necessary to secure mitigation with respect to ground water abstraction users through a legal agreement, as well as for the management of surface water which is proposed to be discharged off site within the GBP development. Subject to such controls it is considered the proposals are in accordance with Policies WAT1, WAT3, WAT4, MLP13, W10E, W4A, W4B, CP13 and DC29 and meet the environmental objectives of the NPPF.

## F ECOLOGY

The ES included an ecological assessment. The only locally designated nature conservation site is LWS Channels Golf course, abutting the site on the north west boundary. Notable habitats and species within the site were assessed to be ponds that could support GCN populations species rich hedgerow, with mature trees, that could support bats and breeding birds

Policies ENV3, MLP13, W10E, and DC13 seek in combination to maintain and enhance sites of biodiversity and geological value.

The ponds identified as potential GCN habitat are considered not to be in hydraulic connectivity with the groundwater and would therefore be unaffected by the dewatering operations. However, if upon implementation this was found not to be the case, topping up of the ponds could be controlled through condition/obligation utilising water within the GBP development. A 10m standoff is proposed from field margins to protect hedgerows and hedgerow trees to be retained and newly planted trees belts which contain slow worms and lizards. A section of "important hedgerow" to be lost contains no veteran trees and subject to avoiding bird nesting season and bio-diversity mitigation proposed within the GBP development, there would be no significant adverse impact from the loss of this potential habitat corridor.

The cumulative effects of the mineral development, Belsteads Farm Development (Channels Golf Club land) and the GBP development have been considered, few habitats of high conservation value would be directly affected, however loss of linear features such as hedges and stream channels would result in fragmented habitats and corridors, which could result in significant impact. Mitigation is proposed through the master plan process for the developments, which includes retention of the majority of ponds, key wildlife corridors and utilising water drainage

to feed ponds and recharge groundwater. An ecological Management Plan is required as part of the GBP development. In order to ensure this is in place, a legal obligation could be required as it relates to development not in the control of the Mineral Planning Authority.

Natural England has raised no objection to the application, subject to the interconnection of the mitigation proposed within the two application minerals and mixed use development being appropriately secured. The County's ecologist has also raised no objection, although did comment that while it's appreciated that mitigation is to be provided via the GBP development, the ES should have specifically set out the mitigation necessary for the minerals development within the minerals development ES.

It is considered, subject to conditions and a legal obligation to ensure proposed mitigation is secured, it is considered there would not significant adverse impact on bio-diversity and the proposals are in accordance with policies ENV3, MLP13, W10E, and DC13 and meets the NPPF requirements with respect to achieving an environmental role, protecting and enhancing our natural environment.

## G HISTORIC ENVIRONMENT

The application was supported by an historic environment assessment including archaeological assessment, historic built heritage and historic landscapes. The archaeological assessment identified some archaeological remains of Iron Age and Roman British rural settlement and mitigation is proposed through preservation by recording. No Listed Buildings are within the site and eleven Listed Buildings were noted, in particular New Hall Grade 1 Listed Building and New Hall Grade II registered park and garden. It was noted that New Hall Tudor palace has been substantially altered by truncation and addition, but does retain considerable architectural and historical value. The outlook to the north towards the mineral site is considered not to contribute to the asset as there are modern school developments. Other Listed Buildings are at such a distance with intervening vegetation that there was considered to be no adverse impact on their setting.

Policies ENV6, MLP13, W10E, CP9, DC13, DC20 and DC 21 seek to protect, enhance and preserve the historic environment, including archaeological remains and the setting of Listed Buildings, Registered Parks & Gardens.

The county's historic environment team have raised no objection, subject to an appropriate archaeological assessment. It was commented by the County's Historic building officer that the impact of mineral extraction was undesirable on the New Hall Tudor Palace, but in the context of the GBP development the assessment and mitigation proposed was an appropriate response.

It is considered subject to appropriate conditions to ensure archaeological assessment and an obligation for early planting on the northern boundary of New Hall School proposed as part of the GBP development the proposals would not have a significant adverse impact on the archaeological remains or setting of the surrounding listed buildings provided the site is operated as proposed. It is therefore considered the proposals are in accordance with ENV6, MLP13, W10E,

CP9, DC13, DC20 and DC 21 and is in compliance with the NPPF in that the proposals achieve the social role supporting the cultural well-being and protecting and the environmental role enhancing the built and historic environment.

## H TRAFFIC AND HIGHWAYS

The application would generate only limited traffic movements. Mineral extracted from the site is proposed to be utilised in the construction of the GBP development, while fill material to restore the void is to also be sourced from the construction works from excavations, such that there would be no need for HGV's exporting mineral outside the confines of the GBP development scheme for which there are internal haul roads proposed.

Policies T6, MLP3, MLP13, W4C and DC6 seek to ensure that suitable safe access is provided onto the public highway and that sustainable forms of transportation are utilised.

The only traffic to be generated would be the initial bringing on site of necessary plant and machinery and daily movements associated with staff. Access to the public highway would be controlled through the traffic and access arrangements for the GBP development. Appropriate conditions could be imposed to ensure access from the site is only from the proposed internal haul roads and through an obligation in a legal agreement that access to the public highway only via those routes/access points approved under the GBP development.

It is considered that there would be no adverse impact on the highway network and that the utilisation of minerals and disposal of materials in association with GBP development ensures a sustainable use of mineral resources and a sustainable means of disposing of excavation waste minimising the need for HGV movements to the public highway. It is considered that the proposals are in accordance with policies T6, MLP3, MLP13, W4C and DC6 and meet the NPPF aim for planning to sustainable development through co-ordinating development requirements, its economic role, and reducing carbon emissions from vehicles achieving its environmental role.

## I AGRICULTURE AND SOILS

The proposal would result in the loss of agricultural land; however, the principle of this loss of agricultural land has already been established and accepted through the adoption of the Chelmsford North Area Action Plan.

Policies MLP8 and MLP9 seek to ensure restoration to a beneficial afteruse and where appropriate return best and most versatile land to agricultural. Policies MLP8 and W10E seek to protect best and most versatile agricultural land. Since preparation of the MLP and WLP the emphasis on restoration to agriculture has been amended through both the sRSS policy ENV6 and the NPPF (paragraph ), such that while agricultural land should be protected more importantly it is the soil resource that should be protected, such that should it be required for agriculture it is still available. The NPPF refers to the protection of soils.

Natural England in their consultation response has highlighted the need for protection of soils and their sustainable afteruse.

The soils stripped from the mineral working are proposed to be stripped according to best practice and stockpiled on site and conditions to secure such could be controlled through conditions. Topsoil is valuable resource that should be protected, it is considered appropriate to impose a condition requiring the applicant to demonstrate that topsoil would be utilised in a sustainable manner in the GBP development such that they are protected for future use, should planning permission be granted.

It is considered subject to the above suggested conditions that there would not be a significant adverse effect on agricultural soils and the proposals would be in accordance with policies MLP13, W10E, ENV6 and the NPPF supporting sustainable development achieving the environment role through protecting rural resources.

## J PUBLIC RIGHTS OF WAY

Footpath Springfield 4 (part of the Chelmsford Centenary Circle trail) runs along the southern boundary outside of the application site, such that it would only impact on users of the footpath rather than its actual route.

The ES considered the visual impact of users of the footpath is was acknowledged that there would be some adverse impact, but that existing hedges and a copse on the southern boundary when combined with proposed soil and overburden storage bunds would screen the majority of the operations from users of the path. It also has to be acknowledged that the impact of the mineral working is relative in the context of the development of the GBP development. The footpath is proposed to be incorporated into the GBP development within areas of public open space.

Policies MLP13, W10E, W10G and DC41 seek to protect and enhance public rights of way. It is considered that with the proposed screening bunds that would not be a significant adverse impact on users of the public right of way and would not be contrary to the planning policies.

## K PHASING, REINSTATEMENT/RESTORATION & TIMESCALE

The site is proposed to be worked in a phased manner establishing the processing plant at low level in the east of the site, the initial stripped material to be used to form soil storage and overburden bunds. The site would then be worked in 14 phases working in a west to east direction across the site with infilling following extraction. It is anticipated that sufficient material would have been generated by the GBP development in 2016 complete the restoration. The application site is phased to be the last area for development as part of the GBP development anticipated to be developed in 2020. As there is likely to be a potential delay between completion of infilling and redevelopment for mixed use it would be appropriate to require an interim restoration scheme that would require phased interim restoration scheme for the site, such that the land is restored to rough grassland in order to minimise its impact upon the countryside and subject to such

conditions would be in accordance with MLP9 and W10C.

On the northern boundary, the site abuts the land still in the control of Bull Lodge Quarry operator which will be worked under the existing permission, but not planned currently to be worked for a number of years. This land is also within of the Chelmsford North Area Action Plan, and it is understood Bull Lodge Quarry operator do intend to come forward with an application to work this land at an earlier stage than currently planned. It would be necessary to leave a face/slope on the northern boundary of the current application site such that the operators of Bulls Lodge Quarry can work through this face when working mineral to the north. The restoration scheme for the land to the north is permitted to be restored at low level; the levels within the current application and within the Bull Lodge Quarry operator would have to be reconciled in the future to provide an acceptable landform which enables mixed use development. As the restoration levels to merge the two sites are not known at this time it is considered that the final restoration levels along this northern boundary could by condition to be submitted prior to completion of mineral extraction in the control of Bulls Lodge Quarry's operator. Subject to such conditions the proposals would be in accordance with policies MLP8 and W10C and ensure the landform is suitable for built development as part of the NCAAP.

The application anticipates a timescale of 4 years for mineral extraction and restoration, but requests that the planning permission be granted for 8 years to allow greater flexibility as progress of the extraction and infilling is dependent on the rate of progress within the GBP development. The ES has been based on the proposals being implemented over a 4 year period many of the impacts would remain the same but occur over a longer period, however there is potential of adverse impact with respect to ecology and hydrogeology if the extraction/infilling were to be undertaken for a longer period. Therefore if extraction and or infilling is not completed within 4 years of commencement it is considered appropriate to require review of the impact of the proposals on the ecology and water environment and require any necessary mitigation prior to further working, this could be achieved by condition.

It is acknowledged that reinstatement/restoration on the northern boundary is dependent on Bull Lodge Quarry operators completing their extraction, over which the applicant has no control and therefore it is considered reasonable that details with respect to restoration of this area could be required over a longer period.

All of the above factors meet the NPPF objectives for planning achieving the economic role supporting growth through co-ordinating development including infrastructure, social role facilitating delivery of housing and environmental role ensuring prudent use of resources in this case minerals.

## **9. CONCLUSION**

The principle of mineral extraction had already been established through the grant of planning for Bulls Lodge Quarry in 1990 and therefore in conformity with policy MLP1. The need for its early extraction ensures the mineral is not sterilised by the GBP development and therefore meets the requirements of both policy MIN4, while



enabling the implementation of the North Chelmsford Area Action Plan.

With respect to environmental and other considerations, subject to legal obligations and conditions to control the environmental impacts and other materials matters it is considered there would be no adverse impact, in particular:

- restructuring or alteration of obligations within the existing s52 that relate to the application land;
- conditions to control screening of the development and protection of existing vegetation to minimise visual and landscape impact, in particular New Hall Tudor Palace, in accordance with policies MLP13, W10E, DC18, DC20;
- conditions to control noise and dust impact to minimise impact on residential and local amenity in accordance with policies MLP13, W10E, W10G, DC8, DC29 and DC41;
- conditions and legal obligations are required to minimise the impact of the development on the water environment, in particular with respect to monitoring of groundwater and mitigation if adverse impact results on existing water abstraction licence holders or ecologically sensitive areas and an obligation to ensure the off site water management mitigation provided within the GBP development is secured in accordance with policies WAT1, WAT3, WAT4, MLP13, W10E, W4A, W4B, CP13 and DC29;
- obligations to ensure delivery of ecological mitigation provided for through the GBP development and conditions to ensure protection of habitats and species including stand offs to hedgerows, timing of operations and removal of the hedgerow, in accordance with policies ENV3, MLP13, W10E, DC13;
- conditions to ensure recording of archaeological remains and an obligation for early planting north of New Hall School the proposals would be in accordance with policies ENV6, MLP13, W10E, CP9, DC13, DC20 and DC 21;
- conditions to ensure protection soils and an obligation to utilise topsoils sustainably within the GBP development, the proposals would be in accordance with policies MLP13, W10E, ENV6; and
- conditions to ensure logical phasing and timely working and restoration within 4 to 8 years, the re view of impacts on ecology and water environment in year 4 and a longer period for restoration of the northern boundary which will dependant of the adjacent area being worked by Bulls Lodge Quarry operators.

By requiring the above conditions and obligations it is considered the development could be properly controlled and would achieve the social and environmental roles as set out in the NPPF by protecting the health, social and cultural well-being, protecting and enhancing the natural, built and historic environment, enabling growth and co-ordinating developments, the economic role.

It is considered in conclusion the proposals including the mitigation proposed which could be secured through conditions and obligations would achieve sustainable development in accordance with the NPPF.

## **10. RECOMMENDED**

That planning permission be **granted** subject to

i) The prior completion, within 12 months, of Legal Agreements under the Planning Acts to secure obligations covering 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.
- 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

---

## **BACKGROUND PAPERS**

Consultation replies

Ref: P/DC/Claire Tomalin/ESS/21/12/CHL

**EQUALITIES IMPACT ASSESSMENT:** The report only concerns the determination of an application for planning permission and takes into account any equalities 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.

## **THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010**

The proposed development would not be located within the screening distance for SACs/SPAs and the nature of the development is such that it would not adversely affect the integrity of such sites, 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.

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

Essex County Council has worked with Chelmsford City Council, the applicant and other interested parties, during the preparation and adoption of the Chelmsford North Area Action Plan, to ensure that permitted minerals resources were protected from sterilisation by facilitating its early extraction so as to assist in the delivery of the development of this area for mixed uses. Subsequent to this ECC has been engaged in pre-application discussions with the applicant, including the issue of EIA Screening and Scoping Opinions to ensure all issues were appropriately addressed within the application and Environmental Statement to minimise delays in its determination.

During determination of the application ECC forwarded on all statutory consultation responses received in a timely manner to the applicant. This provided the applicant with the opportunity to see and comment on any and all issues which were raised and provided additional information where necessary. ECC has continued to liaise with CCC with respect to the interrelationship between the mineral application and the GBP application.

## **LOCAL MEMBER NOTIFICATION**

CHELMSFORD Broomfield & Writtle  
CHELMSFORD – Boreham  
CHELMSFORD - Springfield

**Consideration of Consistency of Policies**

<b>Essex &amp; Southend-On-Sea Replacement Structure Plan adopted April 2001</b>		
Ref:	Policy	Consistency with NPPF and PPS10
MIN4	Wherever possible, potentially workable mineral deposits will be safeguarded from surface development that would sterilise the minerals or prejudice their working. If, in the opinion of the Mineral Planning Authority, surface development should be permitted, consideration will be given to the prior extraction of the minerals to the extent that such extraction would not be likely to render the site unsuitable for the development proposed, and that the deposit is, or may become, economically significant.	<p>Paragraph 142 of the NPPF requires MPAs to set out policies to encourage the prior extraction of minerals, where practicable and environmentally feasible, if it is necessary for non-mineral development to take place.</p> <p>Paragraph 142 of the NPPF places an obligation on MPAs to define Minerals Safeguarding Areas to prevent needless sterilisation of known locations of specific mineral resources.</p> <p>In addition Paragraph 144 of the NPPF requires MPAs in determining applications to not normally permit non-mineral development where this would constrain future working of the minerals.</p> <p>Policy MIN4 is therefore considered to be in conformity with the NPPF.</p>
<b>Minerals Local Plan Adopted January 1997</b>		
Ref:	Policy	Consistency with NPPF
MLP1	The Mineral Planning Authority will endeavour to ensure that reserves of land won sand and gravel are always available, with planning permission, sufficient for at least seven years' extraction or such other period agreed as National Policy based on the production level that may be periodically agreed by them as part of the Regional apportionment exercise.	<p>Paragraph 145 of the NPPF places an obligation on the MPA to plan for a steady and adequate supply of aggregates using landbanks as an indicator of the security of aggregates supply and making provision for maintenance of at 7 years for sand and gravel.</p> <p>Policy MLP1 is therefore considered to be in conformity with the NPPF</p>
MLP2	Mineral working will be permitted only where there is an identified national, regional or local need for the mineral	Paragraph 145 of the NPPF places an obligation on MPAs to take account of National and Sub

	<p>concerned.</p> <p>In the case of preferred sites the principle of extraction has been accepted and the need for the release of the mineral proven. Applications would be allowed unless the proposal fails to meet a pre-condition or requirement in Schedule 1 or there are unforeseen unacceptable environmental or other problems.</p>	<p>National guidelines when planning for the future demand for and supply of aggregates.</p> <p>Landbanks are stated as being “principally an indicator of the security of supply” in paragraph 145 of the Framework, whereas policy MLP2 treats it as the only indicator.</p> <p>At paragraph 11 &amp; 12 the NPPF states that “the development plan as the starting point for decision making...unless other material considerations indicate otherwise.</p> <p>The NPPF leaves the MPA to identify sites.</p> <p>It is considered that MLP2 is in conformity with the NPPF</p>
MLP3	<ol style="list-style-type: none"> <li>1. Access from a mineral working will preferably be by a short length of existing road to the main highway network, defined in Structure Plan policy T2, via a suitable existing junction, improved if required, in accordance with Structure Plan policies T4 and T14.</li> <li>2. Proposals for new access direct to the main highway network may exceptionally be accepted where no opportunity exists for using a suitable existing access or junction, and where it can be constructed in accordance with the County Council’s Highway standards. There is a presumption against new access onto motorways or strategic trunk roads.</li> <li>3. Where access to the main highway network is not feasible, access onto a secondary road before gaining access onto the network may exceptionally be accepted if in the opinion of MPA the capacity of the road is adequate and there will be no undue impact on</li> </ol>	<p>Paragraph 32 of the NPPF requires LPAs decisions to take account inter alia that “...safe and suitable access to the site can be achieved for all people...” and in Paragraph 35 developments should be located and designed where practical to...” inter alia “...create safe and secure layouts”</p> <p>It is therefore considered that MLP3 is in conformity with NPPF has it seeks to provide safe and suitable accesses.</p>
MLP8	<p>Planning permission will not normally be given for the working of minerals unless the land concerned is capable of being</p>	<p>Paragraph 144 of the NPPF requires LPAs when determining planning application inter alia</p>

	<p>restored within a reasonable time to a condition such as to make possible an appropriate and beneficial afteruse. Where planning permission for mineral working is given on Grade 1, 2 and 3A of the Ministry of Agriculture's Land Classification, the land will be required to be restored within a reasonable time and as nearly as possible to its former agricultural quality. Where filling material is necessary, permission will not be given until it is shown that suitable material will be available and that the compatibility of the landfill gas and leachate monitoring and control structures and processes with the afteruse is demonstrated. Wherever possible land permitted for mineral working will be restored to agricultural use, but due regard will also be had to the need for areas for nature conservation, water based recreation, afforestation and leisure activities. Where permission is given, conditions will be imposed to secure:</p> <ul style="list-style-type: none"> <li>i) progressive working and restoration; and</li> <li>ii) aftercare and maintenance of the restored land for not less than 5 years, and</li> <li>iii) a beneficial afteruse of the restored land including the use of areas that remain waterfilled.</li> </ul>	<p>"provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards.</p> <p>Paragraph 109 of the NPPF requires protection of soils.</p> <p>The NPPF does not place such weight as the MLP on the need for restoration to agriculture for land that is best and most versatile, however it is recognised in paragraph 112 that the economic and other benefits of the best and most versatile land should be taken account of. In addition at Paragraph 109 it does require protection of soils. MLP8 recognises and does not preclude restoration to alternative afteruses.</p> <p>It is therefore considered that MLP8 is largely in conformity with the NPPF</p>
MLP9	<p>In considering planning applications for mineral working or related development, the Mineral Planning Authority will permit only those proposals where the provisions for working and reclamation contained in the application are satisfactory and the implementation of the proposals is feasible.</p>	<p>The NPPF at Paragraph 144 requires when LPAs are determining planning applications to "...provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards...". To ensure such restoration can be achieved applications need to demonstrate any restoration scheme is feasible.</p> <p>It is therefore considered that MLP9 is conformity with the NPPF</p>
MLP10	<p>The primary processing plant will normally be expected to be located within the limits of any mineral working at either a low</p>	<p>The NPPF at Paragraph 144 requires when LPAs are determining applications to ensure</p>



	<p>level or with the step being taken to mitigate its visual and aural impact. Sites with their own processing plant will be preferred to minimise movement of material on public roads and, by conditions imposed on permission, plant will not normally be available for material imported on to the site.</p>	<p>applications does cause inter alia "...unacceptable adverse impacts on the natural and historic environment, human health..." In addition Paragraph 4 requires "...decisions should ensure developments that generate significant movement are located where the need to travel will be minimised..."</p> <p>MLP10 seeks to reduce the environmental impact of mineral processing plant, by locating it at low level.</p> <p>MLP10 also seeks to co-locate mineral extraction with the primary processing plant, reducing unnecessary traffic movements.</p> <p>It is therefore considered that MLP10 is in conformity with the NPPF</p>
MLP13	<p>Planning applications for mineral extraction and related development will be refused where there would be an unacceptable effect on any of the following:</p> <p>The visual and aural environment; Local residents' (or others') amenity; Landscape and the countryside; The highway network; Water resources; Nature conservation.</p>	<p>The NPPF at Paragraph 144 requires when LPAs are determining applications to ensure applications does cause inter alia "...unacceptable adverse impacts on the natural and historic environment, human health..." and</p> <p>In addition in paragraph 144 "...that any unavoidable noise, dust and particle emissions and blasting vibrations are controlled...and establish appropriate noise limits..."</p> <p>The NPPF supports sustainable transport including requiring development to have safe and suitable access (Paragraph 32) and locating development to "...accommodate the efficient delivery of good and supplies..." (Paragraph 35)</p>
<p><b>Essex &amp; Southend Waste Local Plan adopted 2001</b></p>		

Ref:	Policy	Consistency with NPPF and PPS10
W3A	<p>The WPAs will:</p> <p>In determining planning applications and in all consideration of waste management, proposals have regard to the following principles:</p> <ul style="list-style-type: none"> <li>• Consistency with the goals and principles of sustainable development;</li> <li>• Whether the proposal represents the best practicable environmental option for the particular waste stream and at that location;</li> <li>• Whether the proposal would conflict with other options further up the waste hierarchy;</li> <li>• Conformity with the proximity principle.</li> </ul> <p>In considering proposals for managing waste and in working with the WDAs, WCAs and industrial and commercial organisations, promote waste reduction, re-use of waste, waste recycling/composting, energy recovery from waste and waste disposal in that order of priority.</p> <p>Identify specific locations and areas of search for waste management facilities, planning criteria for the location of additional facilities, and existing and potential landfill sites, which together enable adequate provision to be made for Essex, Southend and regional waste management needs as defined in policies W3B and W3C.</p>	<p>Paragraph 6 of the NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development.</p> <p>PPS10 supersedes 'BPEO'.</p> <p>PPS10 advocates the movement of the management of waste up the waste hierarchy in order to break the link between economic growth and the environmental impact of waste.</p> <p>One of the key planning objectives is also to help secure the recovery or disposal of waste without endangering human health and without harming the environment, and enable waste to be disposed of in one of the nearest appropriate installations.</p> <p>See reasoning for Policy W8A.</p> <p>Therefore, Policy W3A is considered to be consistent with the NPPF and PPS10.</p>
W3C	<p>Subject to policy W3B, in the case of landfill and to policy W5A in the case of special wastes, significant waste management developments (with a capacity over 25,000 tonnes per annum) will only be permitted when a need for the facility (in accordance with the principles established in policy W3A) has been</p>	<p>Paragraph 3 of PPS 10 highlights the key planning objectives for all waste planning authorities (WPA). WPA's should, to the extent appropriate to their responsibilities, prepare and deliver planning strategies one of which is to help implement the</p>

	<p>demonstrated for waste arising in Essex and Southend. In the case of non-landfill proposal with an annual capacity over 50,000 tonnes per annum, restrictions will be imposed, as part of any planning permission granted, to restrict the source of waste to that arising in the Plan area. Exceptions may be made in the following circumstances:</p> <ul style="list-style-type: none"> <li>• Where the proposal would achieve other benefits that would outweigh any harm caused;</li> <li>• Where meeting a cross-boundary need would satisfy the proximity principle and be mutually acceptable to both WPA5;</li> <li>• In the case of landfill, where it is shown to be necessary to achieve satisfactory restoration.</li> </ul>	<p>national waste strategy, and supporting targets, are consistent with obligations required under European legislation and support and complement other guidance and legal controls such as those set out in the Waste Management Licensing Regulations 1994.</p> <p>The concept of the proximity principle has been superseded by the objective of PPS10 to enable waste to be disposed of in one of the nearest appropriate installations.</p> <p>Therefore, as Policy W3C is concerned with identifying the amount of waste treated and its source the policy is considered consistent with the requirements of PPS10.</p>
W4A	<p>Waste management development will only be permitted where:</p> <ul style="list-style-type: none"> <li>• There would not be an unacceptable risk of flooding on site or elsewhere as a result of impediment to the flow or storage of surface water;</li> <li>• There would not be an adverse effect on the water environment as a result of surface water run-off;</li> <li>• Existing and proposed flood defences are protected and there is no interference with the ability of responsible bodies to carry out flood defence works and maintenance.</li> </ul>	<p>Paragraph 99 of the NPPF states that 'Local Plans should take account of climate change over the longer term, including factors such as flood risk, coastal change, water supply and changes to biodiversity and landscape. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure'. In addition Annex E of PPS10 highlights at section <i>a. protection of water resources</i> that 'Considerations will include the proximity of vulnerable surface and groundwater. For landfill or land-raising, geological conditions and the behaviour of surface water and groundwater should be assessed both for the</p>

		<p>site under consideration and the surrounding area. The suitability of locations subject to flooding will also need particular care’.</p> <p>Therefore, as policy W4A seeks to only permit development that would not have an adverse impact upon the local environment through flooding and seeks developments to make adequate provision for surface water run-off the policy is in conformity with PPS10 and the NPPF.</p>
W4B	Waste management development will only be permitted where there would not be an unacceptable risk to the quality of surface and groundwaters or of impediment to groundwater flow.	See above.
W4C	<ol style="list-style-type: none"> <li>1. Access for waste management sites will normally be by a short length of existing road to the main highway network consisting of regional routes and county/urban distributors identified in the Structure Plan, via a suitable existing junction, improved if required, to the satisfaction of the highway authority.</li> <li>2. Exceptionally, proposals for new access direct to the main highway network may be accepted where no opportunity exists for using a suitable existing access or junction, and where it can be constructed in accordance with the County Council’s highway standards.</li> <li>3. Where access to the main highway network is not feasible, access onto another road before gaining access onto the network may be accepted if, in the opinion of the WPA having regard to the scale of development, the capacity of the road is adequate and there would be no undue impact on road safety or the environment.</li> <li>4. Proposals for rail or water transport of waste will be encouraged, subject to compliance with other policies of this</li> </ol>	<p>Paragraph 21 (i) of PPS10 highlights that when assessing the suitability of development the capacity of existing and potential transport infrastructure to support the sustainable movement of waste, and products arising from resource recovery, seeking when practicable and beneficial to use modes other than road transport.</p> <p>Furthermore, Paragraph 34 of the NPPF states that ‘Decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised’.</p> <p>Policy W4C is in conformity with paragraph 34 in that it seeks to locate development within areas that can accommodate the level of traffic proposed. In addition the policy seeks to assess the existing road networks therefore, being in accordance with the NPPF and PPS10.</p>

	plan.	
W9B	<p>Landfill, or landraising, for its own sake, without being necessary for restoration, will not be permitted. Landfill outside the boundaries of the preferred sites will not be permitted unless it can be demonstrated that satisfactory restoration cannot otherwise be achieved. Landfill will not be permitted when at a scale beyond that which is essential for restoration of the site.</p>	<p>PPS10 sets out the key objectives to achieve sustainable waste management including Paragraph 3 "...driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option, but one which must be catered for..."</p> <p>Policy W9B seeks to minimise landfill and landraising to that essential to achieve restoration, thereby minimising the amount of waste going to landfilling pushing waste management up the waste hierarchy.</p> <p>This is supported by Paragraph 144 of the NPPF which states that when determining planning applications, LPAs should amongst other consideration "... Provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards..." By minimising the amount of landfill, the delivery or restoration would not be unnecessarily delayed.</p>
W10A	<p>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.</p>	<p>PPS10 states that 'It should not be necessary to use planning conditions to control the pollution aspects of a waste management facility where the facility requires a permit from the pollution control authority. In some cases, however, it may be appropriate to use planning conditions to control other aspects of the development. For example, planning conditions could be used in respect of transport modes, the hours of operation where these may have an impact on neighbouring land use, landscaping, plant and buildings, the timescale of the</p>

		<p>operations, and impacts such as noise, vibrations, odour, and dust from certain phases of the development such as demolition and construction’.</p> <p>Furthermore, paragraph 203 of the NPPF states that ‘Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition’.</p> <p>Policy W10A inter alia only seeks to impose conditions and/or enter into legal agreements when appropriate to ensure that the site is operated in an acceptable manner. Therefore, the policy is in accordance with the requirements of the NPPF and PPS10.</p>
W10E	<p>Waste management development, including landfill, will be permitted where satisfactory provision is made in respect of the following criteria, provided the development complies with other policies of this plan:</p> <ol style="list-style-type: none"> <li>1. The effect of the development on the amenity of neighbouring occupiers, particularly from noise, smell, dust and other potential pollutants (the factors listed in paragraph 10.12 will be taken into account);</li> <li>2. The effect of the development on the landscape and the countryside, particularly in the AONB, the community forest and areas with special landscape designations;</li> <li>3. The impact of road traffic generated by the development on the highway network (see also</li> </ol>	<p>Policy W10E is in conformity with the NPPF in that the policy is concerned with the protection of the environment and plays a pivotal role for the County Council in ensuring the protection and enhancement of the natural, built and historic environment.</p> <p>However, with respect to loss of agricultural land it should be noted that the NPPF places both a requirement to protected soils paragraph 109 as well taking account of the economic and other benefits of the best and most versatile agricultural land paragraph 112 when considering non agricultural land uses.</p> <p>The policy overall therefore is linked to the third dimension of</p>

	<p>policy W4C);</p> <ol style="list-style-type: none"> <li>4. The availability of different transport modes;</li> <li>5. The loss of land of agricultural grades 1, 2 or 3a;</li> <li>6. The effect of the development on historic and archaeological sites;</li> <li>7. The availability of adequate water supplies and the effect of the development on land drainage;</li> <li>8. The effect of the development on nature conservation, particularly on or near SSSI or land with other ecological or wildlife designations; and</li> <li>9. In the Metropolitan Green Belt, the effect of the development on the purposes of the Green Belt.</li> </ol>	<p>sustainable development in the meaning of the NPPF.</p>
W10F	<p>Where appropriate the WPA will impose a condition restricting hours of operation on waste management facilities having regard to local amenity and the nature of the operation.</p>	<p>In addition Paragraph 123 of the NPPF states that planning decisions should aim to mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new developments, including through the use of conditions. Furthermore, paragraph 203 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.</p> <p>It is considered that as policy W10F is concerned with the protection of amenity and seeks to impose conditions to minimise this policy W10F is in conformity with the requirements of the NPPF.</p> <p>Also see above regarding PPS10 and conditions.</p>

## **APPRAISAL OF ENVIRONMENTAL IMPACT ASSESSMENT (EIA) 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 (Ref. 09/01314/EIA) on land adjacent to the mineral working.**

**At Land to the South of Park Farm ESS/21/12/CHL**

An Environmental Statement (ES) dated February 2012 has been submitted with the application.

The nine key subject areas identified in the ES are:

- Landscape and Visual effects
- Biodiversity (ecology)
- Noise and Vibration
- Historic Environment
- Air Quality (Dust)
- Groundwater
- Surface Water
- Other Issues
- Cumulative Impacts

The Environmental impacts of the proposed scheme have been considered by reference to baseline conditions at the time of the preparation of the ES (2011) based on the requirements of the current planning consents for the site.

The severity or magnitude of environmental impacts are categorised in the ES as “Major/High/Substantial/Severe”, “Moderate/Medium”, “Minor/Low/Slight” or “Negligible”, dependent upon criteria set out in the individual topic chapters. The significance of the potential effect of an environmental impact has then been assessed on the basis of the magnitude of the impact and the sensitivity, importance or value of a resource, receptor or group of receptors. Where impacts have been identified which may give rise to significant effects, mitigation measures are presented as a means of avoiding or reducing or compensating any adverse effects on the environment.

The key environmental issues identified throughout the ES have been presented. This includes those impacts of the proposed scheme that may give rise to significant direct and indirect environmental effects, and identifies whether any residual effects are anticipated once mitigation measures have been taken into account

The residual effects have been presented as well as consideration of whether those effects are direct or indirect; national, regional or local; short or long term; temporary or permanent. Mitigation measures have also been proposed where applicable.

## **Appraisal of EIA**



The following seeks to consider whether the EIA process has adequately addressed all the relevant environmental impacts, particularly those identified in the Scoping Opinion issued by ECC on the 20 Sept 2011, whether the degree of environmental impacts has been appropriately assessed and the proposed mitigation considered adequate.

## **Landscape & Visual Effects**

### **Landscape Effects**

The ES appropriately assess the baseline landscape character in the context of any relevant landscape designations and National and Local landscape character assessments. There are no national or local landscape designations affecting the site. The site lies within the National Character Area (Natural England) of NCA 86 "South Suffolk and North Essex Claylands" and the application area demonstrates some of the key characteristics. The site lies within the Central Essex Farmlands (B1) of the Glacial Till Plateau character area as set out in the Essex Landscape Character Assessment (2002), this highlights historical features such as New Hall and Boreham Airfield and sand and gravel pits. It notes that these mineral workings have resulted in an erosion of the character of the area due to loss of hedgerows and as a result landscape quality/condition is described as moderate. The site lies within the Boreham Farmland Plateau as described in the "Brentwood, Chelmsford, Maldon, Uttlesford Landscape Character Assessment" 2006. The application site was considered to exhibit the key characteristics of this character area, including medium fields with hedgerows, small copses and concentration of isolated farmsteads.

A site specific landscape character assessment was also undertaken and looked at the key landscape characteristics of the site, the landscape quality, and the sensitivity and capacity to absorb change or development. It is noted that the surrounding land consists mainly of urban fringe and rural land use and the grade 1 listed New Hall and associated registered park and garden also contribute to the value placed on the relatively undisturbed arable fields and are considered to be a local landmark. It was considered that previous sand and gravel operations and construction of the airfield had had a detrimental impact on the overall quality of the landscape, through the removal of characteristic elements and introduction of new land uses. The landscape quality of the development site was assessed as being of medium quality and value.

The application site was assessed as being of low sensitivity to the proposed development and included the following reasons, landscape has accommodate large similar operations, part of a pre-existing planning permission, vegetation loss would be kept to a minimum, development would not be visible due to existing hedgerows.

The site was assessed as having high capacity to accommodate the proposed development within the landscape, due the fact the landscape has historically accommodated similar larger operations and therefore would not introduce an uncharacteristic land use in the area and would only result in the loss of a few characteristics and elements such as hedgerows and therefore was assessed as having high capacity to accommodate the proposed development.

The site was assessed to have medium Tranquillity, the site is in a largely rural landscape but noise from the A130 impacts on the tranquillity.

The potential landscape impacts were assessed based on the storage bunds, plant and equipment required to extract the mineral over a 3 to 4 year period.

The assessment considered both direct (bunds, new permanent landform) and indirect (dust and water) impacts

The proposal includes mitigation to minimise views from the PROW to the south and from New Hall Grade 1 Listed building and registered park and garden. The proposals also include phased working and restoration to limit the extent of working at any one time. The proposals do not include any on or off site planting, justified by the applicant due to the short-timescale of the proposals.

Residual landscape effects the proposals would not result in any landscape elements of value or that cannot be replaced. Overall the impacts of the proposed development during extraction are considered to be low adverse and upon completion very low, due to the short-term nature, that the development does not introduce a new land use. The residual landscape impacts are assessed as being negligible to adverse effect on the baseline landscape character.

#### Appraisal of Landscape Assessment

The assessment of the baseline landscape character was considered to be sound and the assessment of the landscape quality, landscape sensitivity of the site and landscape capacity to accommodate the proposed development to be fair.

In considering the potential effects, the elements of the proposed development were considered appropriate accept the assessment was based on 4 years as apposed to the proposed potential of 8 years and the timescale for working would ultimately dependent on the progress of the adjacent mixed use development.

#### Visual Effects

Visual impact was firstly assessed from a desk top study to identify potential viewpoints and the potential theoretical zone of visibility. Photos were taken from publicly accessible view points.

Views were assessed from north south, east and west.

The Zone Of Theoretical Visibility of the proposed development was assessed by a 3D modelling package, but takes no account of existing intervening vegetation.

The combination of the above assessments identified that there were only very localised views into the site.

The nature and sensitivity of the viewpoints was assessed on the functions receptor, degree of exposure to view and period of exposure, the magnitude of the visual impact was assessed based on value of existing view, degree of change, availability and amenity of the alternative views and distance.

11 view points were assessed intended to be representative of likely views from properties, although it was acknowledge that views from the north, Park Farm & Park

Farm Cottages and Belstead Farms were unobtainable from publicly accessible locations.

Views from the PROW were considered to be the most significant, particularly Springfield FP4 (Centenary Circle National Trail). Assessment of views of the site from public roads Belstead Farm Lane, Domsey Lane, Cranham Road, Boreham Road or Main Road were not possible due to intervening existing vegetation. Some views were possible from the A130 and Mill Lane.

Existing screening is identified as established field boundaries along the western & southern boundaries, which provide screening of the site. To the north views are identified as screened by hedgerows and small plots of woodland around Park Farm & Boreham airfield. Views from east & west, apart from those close to the locality are noted as partially or fully obstructed by a combination of landform and vegetation. As a result the development site is assessed as not being well defined in the landscape.

The southern east edge of the site does not benefit from existing vegetation and mitigation is proposed in the form of storage mounds to screen views from the PROW and New Hall.

Overall it was assessed the site was identifiable in the landscape by the pylon features located in the vicinity of the development site. Distant views from west, east & south fringe of the area, such as Broomfield & Springfield were not possible. However, a combination of landform and existing vegetation largely screen contributed to providing screening the site from most directions. Views of the development were noted in close proximity to a very few residences and the PROW.

The potential factors that were likely to give rise to visual effects were, change in view, increased visibility of arable fields particularly from the south, impact of temporary use of plant, upon restoration arising from change in topography, particularly for close receptors.

Mitigation is proposed for views from the east in terms of grassed soil storage bunds. Planting is not proposed.

#### Appraisal of Visual Impact Assessment

Potential viewpoints were established via a desk top study and the photos taken from publicly accessible view points. It is considered that while this gave a broad indication of the visual impact from visual receptors, attempt should have been made to assess impacts from private property, particularly within the grounds of New Hall School, which was particularly identified within the Scoping Opinion. While screening mounds are located along most of the southern edge there are sections from the south west where there would not be bunding and the visual impact of the 5m high bunding itself has not be considered.

#### Overall Appraisal of Landscape & Visual Assessment

While screening bunds have been proposed on the eastern area of the development, no screening mounds have been proposed around parts the western half of the site despite this being highlighted in the Scoping Opinion.

It is considered that overall the landscape and visual assessment were adequate.

### **Biodiversity (ecology)**

An ecological Impact Assessment was carried out and formed part of the ES. The assessment included a desk study and consultation and an extended Phase 1 habitat survey was undertaken in 2011, this updated surveys that have been previously undertaken in relation to the Neighbourhood Scheme development which have been undertaken since 2006. Additional surveys were undertaken in 2011 for Great Crested Newts (GCN) and reptiles.

The assessment describes the potential ecological receptors. There are no statutory designations for nature conservation, there is a non-statutory Local Wildlife Site (LWS) adjacent to the western boundary Ch83 (channels Golf Course and 2 other LWS within 2km radius

It was identified that there were the following protected and notable habitats hedgerows and standing water, with potential for protected and notable species as follows: bats, breeding birds, GCN, reptiles and badgers.

The site survey identified that the site consisted of arable fields surrounded by small 1-2m of semi-improved grassland margins and hedgerows. Mature trees were recorded within the hedgerows. Two ponds were recorded, in the site and one approximately 100m north of the northern boundary. Within the site there are areas of newly planted tress (3 to 5 years old).

Protected and notable habitat and species were identified on site as follows: ponds could support GCN; and species rich hedgerows with hedgerow trees with a number of mature and semi mature broadleaf standard trees which could support bats and breeding bird. With respect to bats due to numerous hedges and ponds in the Channels LWS commuting and foraging bats on site was likely. Birds were assessed as being garden, hedgerow and woodland edge with potential for white throat and grey pigeon. The ponds on and off site were found populated with GCN. The fenced off area around new planting had potential for foraging reptiles such as common lizard, slow worm and grass snake, one juvenile grass snake was found during the survey. A known badger sett was identified to be active, while another sett was no longer in use, no other setts were found.

Temporary impacts during extraction, significance & proposed mitigation were assessed as follows

Receptor & effects	Significance	Mitigation proposed
<b><u>Temporary disturbance/damage</u></b>		
Disturbance to arable field margins	Certain effect significant at Site level	Working corridors demarcated to prevent disturbance
Compaction of soils adjacent to trees and hedgerows	Probable effect could be significant at district level	Fencing to protect tree and hedge roots for all retained
Light disturbance to bats at dusk impacting upon	uncertain effect of significance at site level	No night-time working and where lighting required for

commuting and foraging		H & S shall be directional
Breeding birds – 3 to 4 breeding seasons disturbed	Probable effect of significance at site level	As above, and no soil stripping hedgerow removal between Mar & Aug unless supervised by ecologist
GCN – disturbance to foraging and commuting	Likely effect unlikely significance above local level	AS above
<u>Direct &amp; Indirect Mortality</u>		
Bats – no trees to be removed	No significant impact predicted	
Badgers – sett not to be directly impacted & no machinery within 30m. Potential for badgers to move into soil mounds. Badgers falling into excavation	No impact  Likely significant effect  Unlikely, but would be infringement of WCA 1981	Fencing described above would deter badgers, mammal ramps out of excavation, badger fencing if necessary site monitoring required prior to & during development for badger activity
GCN – no ponds to be lost, but potential mortality during hedgerow removal and if hibernate in soils mounds which are subsequently removed	Probable impact significant at site level	Fencing to protect terrestrial habitat required, removal of hedgerow to be undertaken under Method Statement. Also enhancements to existing GCN/reptile habitat through management plan. Translocation programme not anticipated, but would be undertaken in necessary,
Reptiles – most habitat to be maintained, but some potential during hedgerow removal and as a result of plant movement	Probable impact significant at site level	See above
<u>Hydrological Impacts (Siltation &amp; dewatering)</u>		
Channels LWS	No likely impact	
Ponds & ditches – potential for surface water runoff to bring silt from disturbed ground, also loss of water to due to dewatering affecting groundwater levels	Probable impacts of significance at local level	Works compound away from water courses, soil storage covered to prevent runoff. Replaced soil grassed prior to Neighbourhood scheme.
GCN – siltation could effect breeding habitat on and off site	Probable impact significant at local level	See above

The residual temporary effects of the development were considered with respect to temporary effects as relating mainly to be breeding birds, with disturbance insignificant due to habituation to shrub nesting birds, but may be significant for ground nesting birds.

The residual permanent effects related to the loss of 50m of hedge causing loss of commuting routes for bats, loss of nesting sites for birds and commuting and sheltering habitats for GCN/reptiles, but this would be compensated for as part of the proposals within the neighbourhood scheme.

#### Cumulative effects

The cumulative effects were also assessed as potentially the proposed development would be happening at the same time as the Neighbourhood scheme, both at the Channels Golf Club and GBP development. The developments would mainly affect areas of open arable field, improved grassland and golf course, few habitats of high conservation value would be directly affected. However, loss of sections of linear features such as hedges and stream channels and as such losses to and fragmentation of habitats and corridors is likely assessed as potentially significant at district level and if all developments take place at once significant at county level.

Mitigation is proposed through the master plan process for the developments, which retains intact the majority of ponds, key wildlife corridors within broad areas of open space, to be managed for public amenity and nature conservation. It also includes utilising surface water drainage schemes to feed existing ponds and recharge groundwater. An ecological Management Plan is to be required as part of the neighbourhood scheme.

#### Appraisal of ecological impact assessment

The assessment has appropriately assessed the potential notable and protected habitats and species and proposed mitigation. It is noted that the assessment was based on 4 years of disruption while in fact the application is seeking 8 years. ECC ecologist did find the presentation of the assessment fragmented. The assessment also relies on mitigation to be provided through the Neighbourhood scheme for residual permanent and cumulative effects, which cannot be controlled by condition through this planning application. The assessment was considered adequate.

#### Noise and Vibration

A noise assessment was carried out for the development. Due to the distance between the site and residential receptors a vibration assessment it was considered highly unlikely that increased vibration would be experienced and was scoped out.

The noise assessment established receptor locations in consultation with CBC and surveys undertaken to establish background noise levels at

Park Farm – north of site	LA90 dB - 41
Blue Post Cottages – north west of site	LA90 db – 41
Nine Acres/Belstead Hall Farm – south west of site	LA90 dB - 43
Walter Hall, Generals Lane – east of site.	LA90 dB - 38
New Hall School – south east of site (shorter period of monitoring)	LA90 dB - 46

Noise modelling software was then used to predict noise from mineral extraction activities and maximum noise limits set for temporary activities and non-temporary activities based on MPS2. While MPS2 has been superseded by the NPPF since preparation of the noise assessment, the acceptable limits have not changed.

The predicted noise levels were modelled for 4 locations within the site, SW corner, NW corner, NE corner mid N area and far E area of the site, both for temporary activities (soil stripping bund formation) and extraction operations (including haulage and operation of processing plant and for simultaneous operations (i.e. temporary operations with extraction operations).

Mitigation measures include the creation of soil storage bunds which were taken account of in the noise modelling. In addition best practice measures would be employed including quieter reserving alarm, maintaining plant and haul roads and minimising drop of materials.

Modelling demonstrated that temporary operations and simultaneous operations were predicted not to exceed 70 dB LAeq, 1h at all noise sensitive receptors and not exceed the maximum noise limits set at the noise sensitive receptors.

Noise impact of proposed operations was concluded to be negligible.

#### Appraisal of Noise & Vibration Assessment

It is considered acceptable that due to distances involved no vibration assessment was required. It is disappointing that only limited background noise assessment was undertaken and not at the closest location of school buildings to the development, particularly as the background plus 10dB would exceed the maximum noise limit of 55dB, however, the applicant is willing to except a 55 maximum and predictions have shown this limit would not be exceeded.

#### **Historic Environment**

The historic assessment included archaeological assessment and assessment of built and landscape heritage. The assessment sought to

- Identify known archaeological remains, built heritage receptors and historic landscape character
- Assess likely survival significance of archaeological deposits within the site
- Assess the potential impact of the development upon archaeological deposits, cultural heritage assets and their setting
- Propose mitigation

#### Archaeology

Baseline conditions were established with reference to appropriate national and local data and an updated walkover. Also reference was made to previous studies both intrusive and non-intrusive archaeological surveys undertaken for Neighbourhood scheme. An archaeological trench survey was undertaken in 2011.

The data sets were evaluated utilising a GIS system to enable the character, extent, date and significance of any heritage assets and their settings established and the archaeological potential of the site determined.

The significance of Heritage assets was assessed in line with PPS5, now superseded by the NPPF, but has not changed the overall approach, and the following factors were considered: significance of the heritage asset, magnitude of impact and significance of effect.

No assets of Very High or High or Unknown significance have been identified within the site. Iron Age and Romano–British rural settlement site have been assessed as being of Medium significance and extent defined by the 2011 trial trenching.

Five archaeological assets identified within the site were assessed as being of Low significance, including

- the pond located in the southeast corner possible a feature of the early post-medieval deer park or agricultural feature for watering deer or livestock
- hedge bank forming a surviving section of the later 18<sup>th</sup> century parks pales
- dense and well established hedgerow with several mature oaks thought to be post-medieval park pales dating from 17<sup>th</sup> century
- broad, shallow curvilinear crop mark representing course of the former park pale
- two narrow linear features containing bricks (16<sup>th</sup> to 18<sup>th</sup> century) and large infilled hollow.

Five archaeological assets were identified as being of negligible significance having no research potential.

The excavation of soils, overburden and sand and gravel would result in direct impacts with total loss or disturbance of known archaeological remains. Mitigation is proposed comprising preservation by record.

The impact upon archaeological of medium significance is assessed with mitigation as Moderate adverse effect. The impact on archaeological assets of low significance would result in slight adverse effects. The impact on archaeological assets of negligible significance would result in slight adverse impact. Overall the proposed development would have a moderate adverse impact.

### Built Heritage

There are no designated or undesignated built heritage assets in the site. Within the Study area 11 designated and 8 non-designated heritage assets were identified.

#### Very High Significance

- New Hall Grade I Listed building
- New Hall Grade II registered park and garden

#### High Significance -

- Belsteads Farmhouse Grade II Listed building
- Channels Farmhouse Grade II Listed Building
- Mount Maskells Grade II Listed Building
- Old Farm Lodge a collection of Grade II Listed buildings



Four undesignated assets of medium, significance were identified and 3 non-designated assets of low significance

The assessment of impact was restricted to their settings only.

New Hall, Tudor in origin has been substantially altered by truncation and addition, but does retain considerable architectural and historical values. The registered park includes the gardens areas which surround the buildings particularly significant is the avenue that extends south. The landscape beyond the registered park is assessed of little significance and is considered to contribute little historical value to the asses. The outlook to the north is considered not contribute to the asset as there are modern school developments. The mature trees on the north aspect provide a screen to views from the listed building north to the application site. The proposed screening bunds would assist in further screening the development. It is assessed the development would have a minor to negligible impact on the asset.

With respect to all other built heritage assets the impact on setting is assessed as being minor to neutral, mainly due the screening/filtering effect of vegetation.

#### Historic Landscape Character-

One HLC is defined as 18<sup>th</sup> century rectilinear enclosure (the field pattern survives with a degree of time depth with relict features from New Hall's historic parkland landscape incorporated into the late 18<sup>th</sup> century agricultural landscape) assessed as being of low significance.

The developed is assessed to have a number of direct but short-term impacts on the historic landscape namely soil removal, storage of soils/overburden, extraction and processing of minerals, water management and movement and operation of plant. These would temporarily change the historic land-use pattern and introduce noise & visual disturbance.

The HLC has a moderate sensitivity and capacity to absorb change. The development would preserve the extant relic elements of the historic landscape largely unaltered.

No specific mitigation is proposed but the proposed screening bunds would assist to screen the temporary effects of the development. The magnitude of impact was assessed as being moderate negative resulting in a slight adverse effect following mitigation.

Overall the Heritage Assessment concluded that the highest significance of impact was on New Hall and New Hall Registered Park & Garden with moderate to minor impact, while all other assets were assessed as the impact would be minor to neutral.

#### Appraisal of Historic Assessment

The appraisal was considered adequate.

#### **Air Quality**

The air quality assessment considered dust and vehicle emissions.

### Emissions

The need to assess vehicle emissions was not undertaken on the basis that levels of nitrogen dioxide are currently low as the site is edge of urban fringe and additional plant traffic would be unlikely to exceed national air quality levels.

### Dust

The dust assessment included consideration of those uses/properties closest to the site, namely Belsteads Farm 240m, New Hall School (270m) and Channels golf course (10m at its closest). The assessment looked at the nature of the activities likely to be undertaken at the, namely soils stripping, mineral extraction and processing movement of plant and vehicles and qualitative estimates based on dust emissions from large construction projects and road building schemes was used. Potentially significant effects from large projects are considered likely in terms of soiling at 100m and impact on vegetation 25m.

The aim of any scheme with mitigation was considered to be to ensure the impacts would give rise to negligible or minor effects.

Metrological data from Luton airport showed prevailing winds are from the west, and southwest and south sector and occasionally from the north.

Mineral operations at any one time would be 100m from residential properties. It was concluded that if standard dust suppressions measures were employed under normal meteorological conditions would be low giving a negligible effect. Subject to best practice control measures being undertaken even during periods of adverse metrological conditions it is unlikely there would be significant impacts from dust.

Mineral operations are likely to be in close proximity to vegetation; although a 10m unworked margin would be retained around all boundaries

### Appraisal of dust and noise

The dust assessment was carried out prior to publication of the NPPF; however, the principles of assessment are very similar in the Technical appendix to NPPF as that set out in MPG2. The assessment utilises metrological data from Luton airport, which while not considered unrepresentative is less representative than Stansted Airport for which there is also metrological data and only 22km away. The assessment did not acknowledge that sometime winds are from the north (7%) of the time. New Hall School is categorised as school buildings, but in fact does include residential both staff and boarding pupils, however the closest residential property is 240 away while residential buildings within the school are 300m away. The mitigation relies on best practice measures being undertaken, the proposed method of working does not include screening bunds around all the working areas, such that dust generated could impact upon the playing fields, athletics track and all weather pitch located from within 100m from the extraction site.

### Groundwater

The EIA includes a Hydrological Impact Appraisal in accordance with EA guidance and also seeks to address specific issues raised by the EA at Scoping Opinion Stage.

The assessment methodology used a tiered approach as recommended by the EA and based on certain factors namely, aquifer characteristics, water-dependent conservation sites, water-resource availability status and dewatering quantity, a level 2 tier (intermediate) of assessment was undertaken. A tier 2 assessment includes fieldworks to confirm the aquifer conditions via groundwater level monitoring and pump testing, production of cross-sections and hydrogeological conceptual model and modelling.

The hydrogeology of the area was summarised as the sand and gravel within the site are partially saturated along the northern parts and fully saturated in the central and southern sections. In addition there is a hydraulic barrier (groundwater shed boundary) that appears to cross the site in a general south west to north east direction.

The site is not situated within any Source Protection Zones. There are five licensed abstractions the closest located 570m from the site, three are located within New Hall School, one at New Hall Farm and one at Walter Hall Farm, these are understood to be for domestic or agricultural uses.

The groundwater level was found to be lie at approximately 45.5mAOD. The groundwater flow direction was found to be unclear, with investigations over the years indicating slightly different directions. Flows have been described as to the north/north west, while other investigations would indicate the flow is south east. It has been concluded that there is no overriding regional flow pattern and that local factors play a large part in determining the groundwater flow regime in the sand and gravels.

Surface water features have been investigated. The site has been concluded to straddle a watershed boundary, with surface water to the south and west draining to the south west towards the River Chelmer and the remainder of the site draining to the northeast towards Boreham Brook (Park Farm Brook) which in turn feeds into the Chelmer. Ponds are located on the southern edge of the site and to the north-east within Channels Golf Course. Due to the thickness of the overlying Boulder Clay it was concluded the ponds within the golf course were unlikely to have hydraulic connection with groundwater. Based on the groundwater elevation the southern pond may be a source of recharge to the sand and gravel aquifer.

The closest water that was concluded to hydraulic connection to the sand and gravel is the tributary of Boreham Brook 500m from the site. To the SW (850m) there are a series of drains and springs.

Other water features in the vicinity of the site are a fishing pond in New Hall School, feed from surface water drains from New Hall School and the Neighbourhood Scheme area and ponds around Bulls Lodge Quarry although these are beyond the Boreham Brook and unlikely to have hydraulic connectivity to the site.

#### Impact on Surface Water Features

Two surface water features are susceptible to flow impacts the tributary of the Boreham Brook (500m NE) and the drain/springs to the SW. Water dewatered from the site would be discharged to the new improved surface water management system. The flow out from surface water management would be slightly less than the abstraction rate due to evaporation and leakage into ground water from the settlement pond and surface water drains, but this is not considered to be significant. But in general the surface

water flow would be greater than the contribution from groundwater flow as it would not only include the base flow but the water extracted from the aquifer. However, the base flow would be reduced upon completion as the base flow recharges the aquifer.

#### Impact on groundwater

The drawn down effects have been assessed based on natural and man features. Outcrops of clay are noted on the north-east, east and south of the site. To the north-west sand and gravel has been extracted and the land infilled. The licensed groundwater and domestic abstractions are identified as being potentially impacted upon. The impact of draw down effects was assessed using modelling and potentially indicated there could be a draw down effect on the water table of up to 0.5m.

The proposed mitigation should serious detrimental effect on the local abstractions occur would be to provide an alternative water supply.

#### Subsidence & Desiccation

Due to the nature of the overlying Boulder Clay it is not considered that dewatering would result in desiccation and therefore subsidence.

#### Ground water quality

Groundwater analysis indicates the existing groundwater quality across the site is relatively good and therefore no adverse effects are anticipated from discharging the groundwater to surface water courses. Dewatered water is proposed to be discharged to a settlement pond before discharge to surface water, to reduce suspended solids entering the water courses. To minimise risk from spills during operations a minimum of 1m is proposed to be maintained above the groundwater in any quarry operations areas.

#### Monitoring programme

A programme of monitoring is proposed, including operational monitoring (recording abstraction rates, water quality and monitoring groundwater levels within the site) and impact monitoring (monitoring of groundwater levels and quality at specified locations outside the mineral extraction site boundary.)

#### Appraisal of Groundwater

The assessment is adequate but relies upon management of water from dewatering to be managed outside the application site.

### **Surface Water (& Flooding)**

The ES assessed the impact upon surface water features. The main features being the Boreham Brook east of the site. The River Chelmer is 1.2km to the west and as it flows into the Blackwater which is classified as Special Area of Conservation the river is considered of high importance. The site is located within Flood Zone 1. There are seven ponds in the vicinity of the site considered to be of high importance due to potential to support Great Crested Newts. There are a network of drainage ditches in the vicinity of the site that are also considered to be of high importance due to their potential to support GCN.

The potential impacts during the development were considered to be suspended solids from dewatering operation; agricultural chemicals mobilised through discharge of water from dewatering into surface waters, discharge from dewatering operation contamination from plant and suspended solids in water runoff.

Mitigation proposed includes a settlement pond to prevent suspended solids entering the water courses. Previous assessments of agricultural chemicals level has shown low levels such that this impact is considered to be negligible

## **Other Issues**

### **Traffic**

No significant traffic generation onto the public highway would result from the proposals and the majority of movements being on internal haul roads within the Neighbourhood Scheme and have been assessed as part of that proposal

### **Socio-Economic**

Socio-economic affects including, impact on residential amenity caused by noise, air quality and visual and landscape impacts have been assessed under the appropriate sections.

### **Ground contamination**

Assessment of contaminants within the soils and overburden on the site showed no evidence of contaminants at levels that would pose a risk when deposited in the void.

### **Lighting**

No working is proposed which would require illumination. If lighting were required details would be submitted for approval.

## **Cumulative Impacts**

Cumulative impacts were considered with respect to the combination of the following development occurring at the same time.

Greater Beaulieu Park Neighbourhood & Railway Station Scheme

Bulls Lodge Quarry – extraction of sand and gravel

Mid Essex Gravels/Channels Area – expansion of existing uses, employment uses, possible indoor recreation uses and extension of existing Channels Golf course

Land at Belsteads Farm Lane – residential lead development as set out in NCAAP site allocation no. 6 and outline application

Boreham Airfield – continued promotion by owners of the site as a strategic location, inter alia residential development.

The cumulative assessment looked at the impact on residential amenity of existing properties, PROW, Landscape Character, setting of New Hall, archaeology, protected species, water resources and quality.

It was concluded that the main sensitive receptors were those affecting habitats, those affecting landscape character particularly setting of New Hall, those affecting PROW and archaeological remains. A Construction Environmental Management Plan, programme of archaeological mitigation and other impacts are addressed through the ES for the GBP development.

### Appraisal of Cumulative Impacts

Adequate but relies on mitigation within the ES of the GBP development, rather than set out within the ES in relation to this application. However as the mineral development would not commence without the GBP development this is considered acceptable.

**DR/54/13**

committee DEVELOPMENT & REGULATION

date 22 November 2013

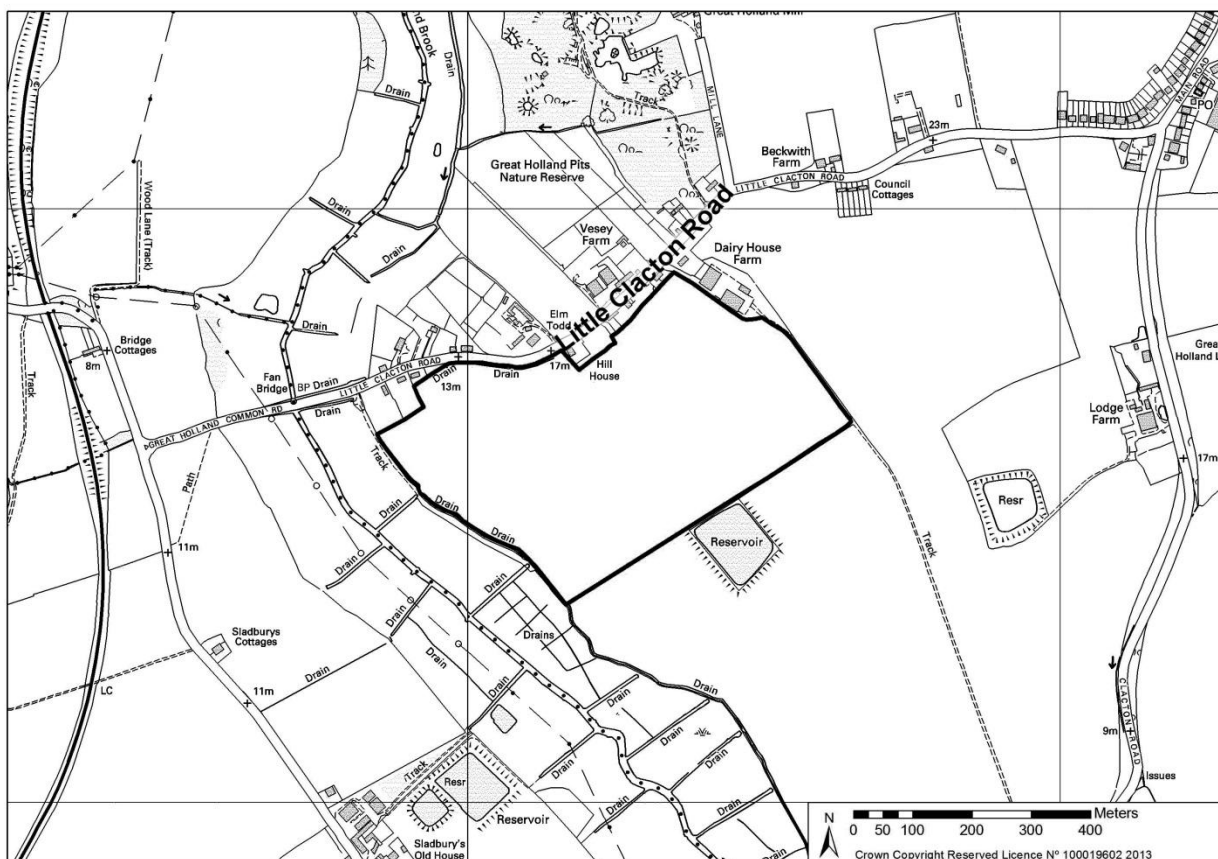
## MINERALS AND WASTE DEVELOPMENT INFORMATION ITEM - ENFORCEMENT OF PLANNING CONTROL

The unauthorised extraction and exportation of sand and gravel from the land and the importation and deposition of waste materials and consequential raising of the land levels (the unauthorised development).

Location: Land at Dairy House Farm, Little Clacton Road, Great Holland. CO13 0EX

Report by Director for Operations, Environment and Economy

Enquiries to: Suzanne Armstrong 01245437556



Reproduced from the Ordnance Survey Map with the permission of the Controller of Her Majesty's Stationery Office, Crown Copyright reserved Essex County Council, Chelmsford Licence L000 19602

## **1. BACKGROUND AND SITE**

A report was presented to the Committee on the 25 October 2013 providing an update on enforcement matters relating to the above site. At that meeting the committee resolved:

- 1) Subject to no further extraction and exportation of mineral taking place and that the land is restored, no further action is taken.
- 2) A further update shall be provided at the November meeting.

On the 31 July 2013 the Waste Planning Authority (WPA) became aware of alleged unauthorised mineral extraction taking place on the land.

On the 7 August 2013 the WPA issued a Temporary Stop Notice alleging that there had been a breach of planning control relating to the unauthorised extraction and exportation of sand and gravel from the land and the importation and deposition of waste materials, and consequential raising the land levels (the unauthorised development)

The landowner was required to cease all activities.

The notice took effect on the 7<sup>th</sup> August 2013 and remained in force for 28 days.

The land owner immediately ceased all activities on the land

Dairy House farm is located near the village of Great Holland, approximately 3 miles North East of Clacton-On-Sea. The site is located within the Countryside. Dairy House Farm consists of an agricultural property with a group of farm buildings.

The landowner's primary business is agriculture.

The extraction of sand and gravel with associated infilling with waste materials is considered an additional operation outside permitted agricultural use.

On witnessing the extraction of sand and gravel with associated infilling it was considered that unauthorised mineral working can cause serious harm including damage to the amenity and harm to the landscape character of an area which can be caused and become irreparable very quickly.

## **2. CURRENT POSITION**

Since serving the Temporary Stop Notice the landowner has ceased the unauthorised activities on the land. The Temporary Stop Notice expired on the 5 September 2013.

No further mineral extraction or exportation has taken place. Remedial works have been completed. The land owner has restored the land to its former agricultural



use and the field has been returned to an acceptable condition.

## **LOCAL MEMBER NOTIFICATION**

TENDRING – Frinton and Walton



**DR/55/13**

committee DEVELOPMENT & REGULATION

date 22 November 2013

## MINERALS AND WASTE DEVELOPMENT ENFORCEMENT OF PLANNING CONTROL

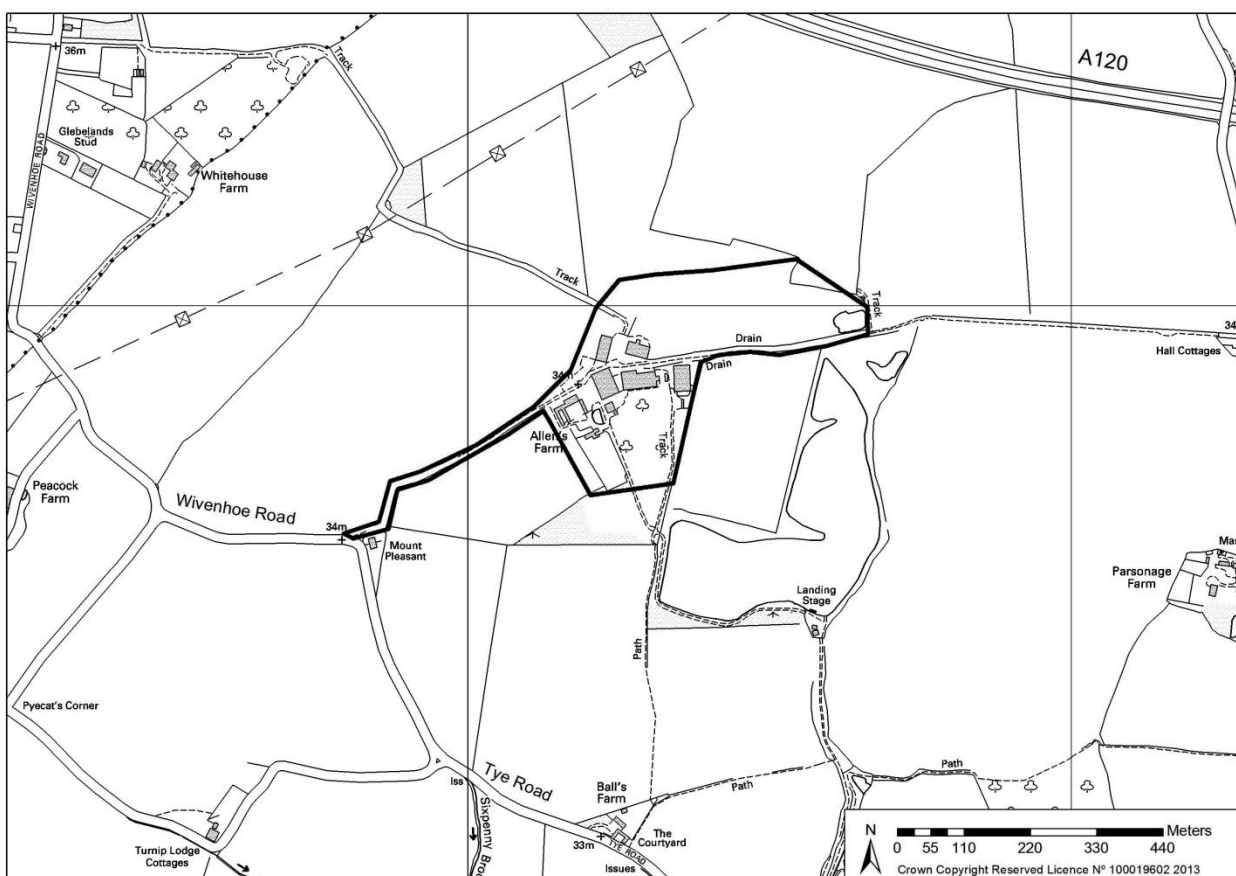
The unauthorised extraction and exportation of sand and gravel from the land and the importation and deposition of waste materials on to the land for refilling

Location: Land at Allens Farm, Tye Road, Elmstead, Colchester, Essex. CO7 7BB

Ref: ENF/SA

Report by Director for Operations, Environment and Economy

Enquiries to: Suzanne Armstrong 01245437556



Reproduced from the Ordnance Survey Map with the permission of the Controller of Her Majesty's Stationery Office, Crown Copyright reserved Essex County Council, Chelmsford Licence L000 19602

## **1. BACKGROUND AND SITE**

On 24 September 2013 the Waste Planning Authority became aware of alleged unauthorised mineral extraction, exportation and importation and deposition of waste materials for landfilling.

On 2nd October 2013 the Waste Planning Authority issued a Temporary Stop Notice (TSN) alleging that there had been a breach of planning control relating to the unauthorised extraction and exportation of sand and gravel from the land and the importation and deposition of waste materials, (the unauthorised development).

The notice took effect on the 2nd October 2013 and remained in force for 28 days.

The land owner immediately ceased all activities on the land.

Allens Farm is located set back from Tye Road, Elmstead Colchester. The agricultural holding is approximately 480 hectares of grade 1 and grade 2 agricultural land in arable operation with average field sizes of around 16 hectares. Current farming activities consist mainly of growing wheat, barley, onions, potatoes and maize.

The land owner is currently implementing a planning application approved Tendring District Council for the erection of a combined heat and power bio-gas plant situated at the Farm. The anaerobic digester site is 0.36 hectares in area and lies to the east and north of existing large agricultural buildings

The land owner's primary business is that of agriculture. The extraction of sand and gravel with associated infilling with waste materials is considered an additional operation outside the permitted agricultural use.

On witnessing the extraction of sand and gravel with associated infilling it was considered that unauthorised mineral working can cause serious harm including damage to the amenity and harm to the landscape character of an area which can be caused and become irreparable very quickly.

## **CURRENT POSITION**

Since serving the Temporary Stop Notice the landowner has ceased the unauthorised activities on the land.

A Planning Contravention Notice (PCN) was issued by the Minerals Planning Authority on the 2 October 2013 requiring the land owner/operator to provide further information relating to the unlawful activities on the land. .

The council's approach to enforcement is set out in the Local Enforcement and Monitoring Plan. Enforcement action is discretionary and the Mineral Planning Authority should act proportionately.

The land owner/operator has made contact with the Minerals Planning Authority (WPA) and negotiations are on-going in order to restore the land to its former

agricultural use and the land returned to an acceptable condition. The land owner is seeking to make a planning application to rectify the position in an agreed timescale. Should an application not be forthcoming the MPA may consider a more formal enforcement approach, if considered proportionate and in the public interest.

## **RECOMMENDED**

That:

Subject to no further extraction and exportation of mineral taking place, no further action is taken, provided the land is restored to an acceptable standard.

## **LOCAL MEMBER NOTIFICATION**

Tendring Rural West



**DR/56/13**

committee DEVELOPMENT & REGULATION

date 22 November 2013

---

**ENFORCEMENT OF PLANNING CONTROL**

**Restoration of mineral workings and non-compliance with planning conditions**

Location: at Dannatts Quarry, Hatfield Peverel, Essex

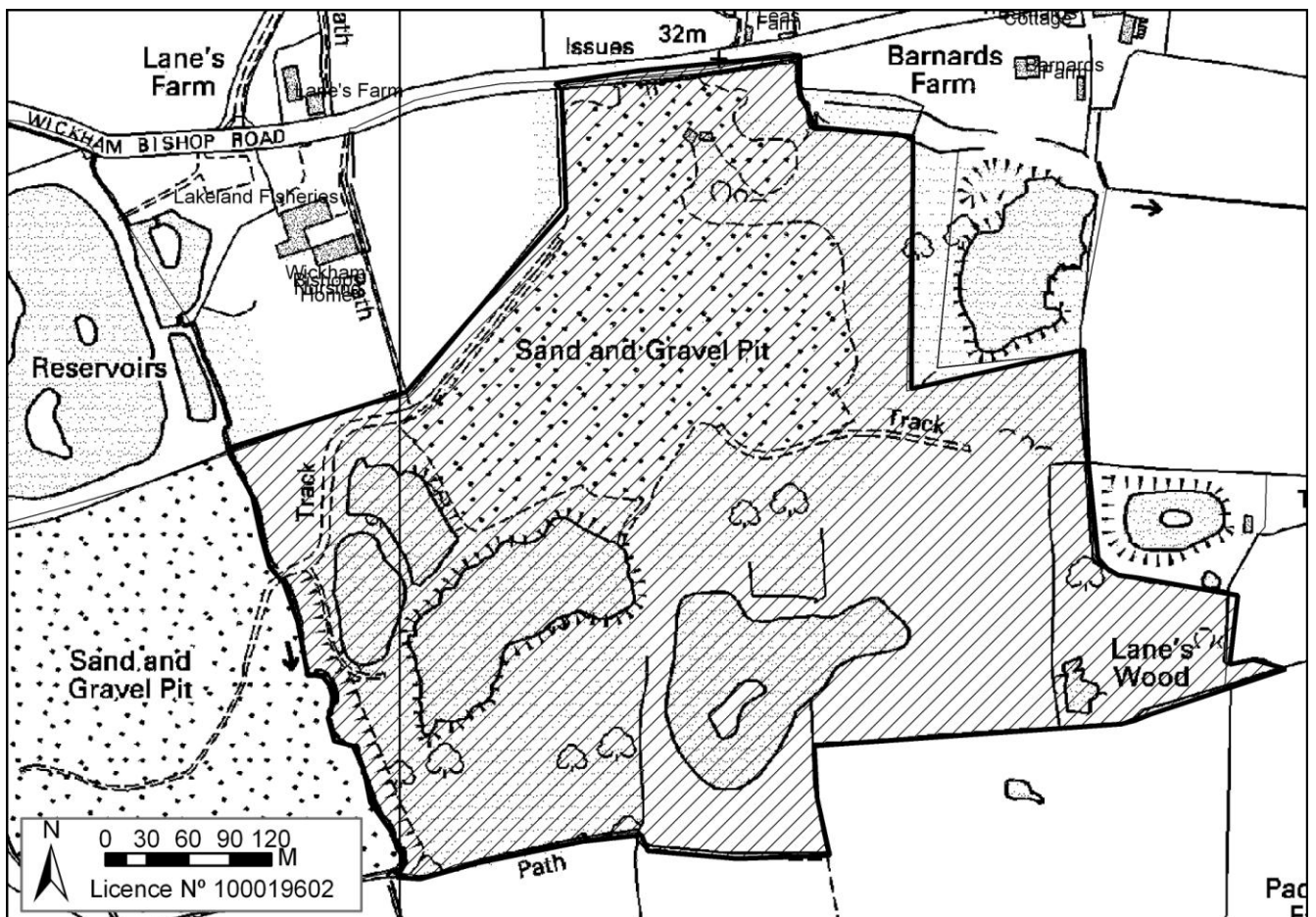
Ref: Ref. 70/421/33/114

---

Report by Director of Operations, Environment and Economy

Enquiries to: Richard Greaves Tel: 01245 437508

---



## **1. BACKGROUND AND SITE**

The purpose of the report is to provide the Committee with an update of on-going planning and ownership matters relating to land known as Dannatts Quarry, Hatfield Peverel.

The case concerns a former sand and gravel quarry that remains to be fully restored under the conditions imposed by the planning permission and passed into the ownership of ECC in accordance with a planning legal agreement.

Since June 2006, Members have received updates on the delay in restoration and associated enforcement position at the Dannatts Quarry site with particular reference to the restoration of the Barnards Farm part of the site (the 'Country Park land'). There are two constituent parts of the site are the Trevear land, which is now understood to be in the ownership of a company 'Artois International S A ' (incorporated in the British Virgin Islands) and the Country Park land, which is now understood to be owned by 'Berri Panama Inc' (previously owned by B Dannatt Ltd) but is required upon completion of restoration to be transferred to the ownership of the County Council under the terms of the Section 52 Agreement, signed in 1990.

The last update was provided to the Committee in November 2011.

The Barnards Farm site has not been completely restored, nor has the land been transferred to ECC for use as a country park under the terms of the agreement. Negotiation with the landowner has failed.

A background to the site is set out at Appendix 1.

Enforcement action has been taken to seek compliance with restoration requirements and, although some works were completed, the eastern land remains to be completed in accordance with the approved restoration drawings. This remains the position even after instigating a successful prosecution against the landowner. Dialogue with the landowner and operator has effectively ceased since April 2009. There is an on-going breach of an Enforcement Notice (issued in July 09) as the site has not been fully restored.

The mineral planning authority's objectives (in securing successful restoration of this minerals site to a site capable of being used as a country park and in public ownership) have not been achieved.

In October 2009 the Committee resolved that, subject to the agreement of the relevant Cabinet Member:

1. a land contamination report is commissioned to identify whether any land contamination exists at the site, and;
2. subject to the report revealing that the land does not pose a risk from contamination, formal action is commenced seeking the transfer of the land to the ownership of the County Council in accordance with the terms of the Section 52 Agreement dated 16 January 1990.



Since that date the ECC commissioned an intrusive ground investigation and subsequent monitoring with a final report being presented to the authority in 2013.

The results of land contamination investigations reveal that soil contamination is minimal and that there is limited risk associated with surface and groundwater contamination should the land be made available for use as a country park.

## **2. CURRENT POSITION**

Further legal advice is currently being sought on taking formal action in the courts to enforce the transfer obligation in the section 52 legal agreement with an onward transfer to the parish council and the likely success of any such action.

Consideration is also being given to the evidence ECC would need to produce in court.

It is anticipated that following the receipt of legal advice that a fuller report will be presented to the Committee setting out any recommendation for pursuing further action or otherwise.

## **3. RECOMMENDED**

That a further report be presented at the January 2014 meeting.

### **LOCAL MEMBER NOTIFICATION**

BRAINTREE - Witham Southern.

### Background

The area of land to the east of Hatfield Peverel, between the B1019 Maldon Road and Spring Lane has been the site of extensive sand and gravel extraction during the last 60 years. That part of the area to the south of Wickham Bishops Road, generally known as 'Barnards Farm' or 'Dannatts Quarry', has been the site of extraction since 1948 on the basis of a number of Interim Development Order consents and planning permissions.

More recently permission was granted in 1990 which brought together a number of older permissions and land areas to regularise ongoing extraction. Two of the conditions required extraction complete within 10 years of commencement and restoration to be completed within 11 years. Operations were deemed to have commenced in January 1991.

A section 52 Legal Agreement<sup>1</sup> was also completed requiring, amongst other matters that an area identified as a country park in the approved restoration scheme to be transferred to the County Council for a nominal sum.

Extraction and processing of sand and gravel took place broadly in accordance with the schedule necessary to meet the completion date of 16 January 2001, but the importation of inert waste fill fell seriously behind schedule.

Consequently a further planning permission was granted in July 2001 and the completion dates were extended to 16 January 2004 and 16 January 2005 respectively.

By January 2004 it had become apparent that the importation of sufficient inert waste fill to complete the restoration of the site had still not been achieved and in February 2004 a planning application was submitted to extend the time limits to 31 July 2005 for the importation of material and 31 December 2005 for the completion of restoration. This application was submitted by Danbury Haulage Ltd.

On 29 July 2005 and despite strong opposition from the local community, the County Council's Development & Regulation Committee resolved to grant permission subject to the applicant and landowners entering into an Agreement under Section 106 of the Town & Country Planning Act 1990. This Agreement would have updated the obligations imposed by the earlier Section 52 Agreement. The applicant and landowners declined to enter a new Agreement and planning permission was subsequently not granted. Inert waste continued to be imported until January 2006 when the site was closed.

In May 2006 the D&R Committee authorised enforcement action and in this respect 3 enforcement notices were served, primarily requiring the site to be fully

---

<sup>1</sup> Section 52 of the 1971 Town and Country Planning Act (now S106 of the 1990 Act) allowed a local planning authority to enter into a legally-binding agreement or planning obligation with a landowner in association with the granting of planning permission.

restored in accordance with the approved restoration plan.

The former quarry is effectively split into 2 parts, the Travear Land to the west (currently owned by Artois Ltd) and the Barnards Farm Land (the County Park Land, highlighted above, and still owned by B Dannatt Ltd.). The water area on site is apparently in use by a fishing club at present.

Over around a 2 year period the 2 respective landowners were given additional time to comply with the notices and in this respect works were carried out to complete the Travear (west) Land to an appropriate standard.

In January 2009 however the County Council prosecuted B Dannatt Ltd for non-compliance with one of the notices, which resulted in a successful conviction and a £5000.00 fine.

In April 2009 a meeting was held with the legal representative of B Dannatt Ltd and officers were given a clear message that B Dannatt Ltd had no monies to carry out additional works and would be reluctant to comply fully with the obligation to hand the land over to the County Council under the terms of the S52 agreement.

In July 2009 a further Enforcement Notice was issued to B Dannatt Ltd, requiring the landowner to complete land restoration in accordance with the approved plan. To date final restoration of the site has not been completed and this notice is now in breach.

In October 2009 the D&R Committee was presented with a number of options to take the matter forward.

The first option was to pursue a prosecution under the new enforcement notice. The court cannot order compliance.

The 2<sup>nd</sup> option was for the council to carry out direct action and enter the land and complete the final restoration itself with the potential (if the company had funds) to recoup the cost.

The 3<sup>rd</sup> option was to seek the transfer of the land into the ownership of the County Council, as required under the terms of the S52 agreement. The Council would then control the land for use as a country park, as originally intended, albeit with some final restoration works required.

Counsel's advice was that officers seek to negotiate an outcome. However it is now clear that all attempts to negotiate a solution have failed.

The 4<sup>th</sup> option was to do nothing further. This was not considered to be a viable option at this stage given the continued injury to amenity being caused by the unrestored site and that it would undermine the public's confidence in the planning system.

The committee accordingly resolved to pursue the 3<sup>rd</sup> option – seeking the transfer of the land subject to the agreement of the relevant cabinet member.

As referred to earlier, the land (Barnards Farm site) is required to be transferred to the County Council under the terms of the Section 52 Agreement signed in 1990. Substantial parts of this land have been restored and planted or naturally re-vegetated but, as stated, there are also areas where restoration is incomplete or unsatisfactory.

Counsel's initial view is that the clause of the Agreement relating to the transfer of the land to the County Council is sufficiently robust and remains binding on B Dannatt Ltd or their successors in title. However, he considers the provisions relating to the restoration of the site and the condition of the land at handover to be deficient in some respects and not of the sort of detail which would now be included. This means that litigation may or may not provide a satisfactory outcome and will undoubtedly be costly.

There is an additional issue with regard to a right of way granted by B Dannatt Ltd in 1999 to Mr D Nurcombe (proprietor of Danbury Haulage Ltd). This allows vehicular and pedestrian access to the Trevear land across the proposed country park land from Wickham Bishops Road. Counsel's initial view is that, whilst this has been created in breach of the obligations in the agreement, this may prove very difficult to extinguish and that the County Council may have to accept the existence of the right of way, albeit with the option of seeking damages, if appropriate, at a later date. This would affect the layout of a country park and potentially inhibit public use (although it is not certain at this stage whether the County Council would take a direct responsibility in managing the site). It would also limit the practicality of anti-fly tipping measures at the entrance of the site.

ECC property officers have been in discussions with the parish council in relation to potential local ownership and management of the land as a country park in the future to reflect emerging property policy.

**DR/57/13**

Committee: DEVELOPMENT & REGULATION

Date: 22 November 2013

---

**INFORMATION ITEM - APPEAL DECISION**

Proposal: **Use of the site as i) a waste transfer station for the handling of inert waste, non-hazardous waste and waste electrical and electronic equipment (WEEE) and ii) a vehicle depollution, car breaking and dismantling facility, with a combined total maximum annual throughput of 40,000 tonnes per annum, and operational development comprising of the erection of an associated three sided enclosure**

Location: **Mackers Metals Ltd, The Yard, Wrexham Road, Laindon, Essex, SS15 6PX**

ECC Reference: **ESS/68/12/BAS**

Planning Inspectorate Reference: **APP/Z1585/A/13/2195119**

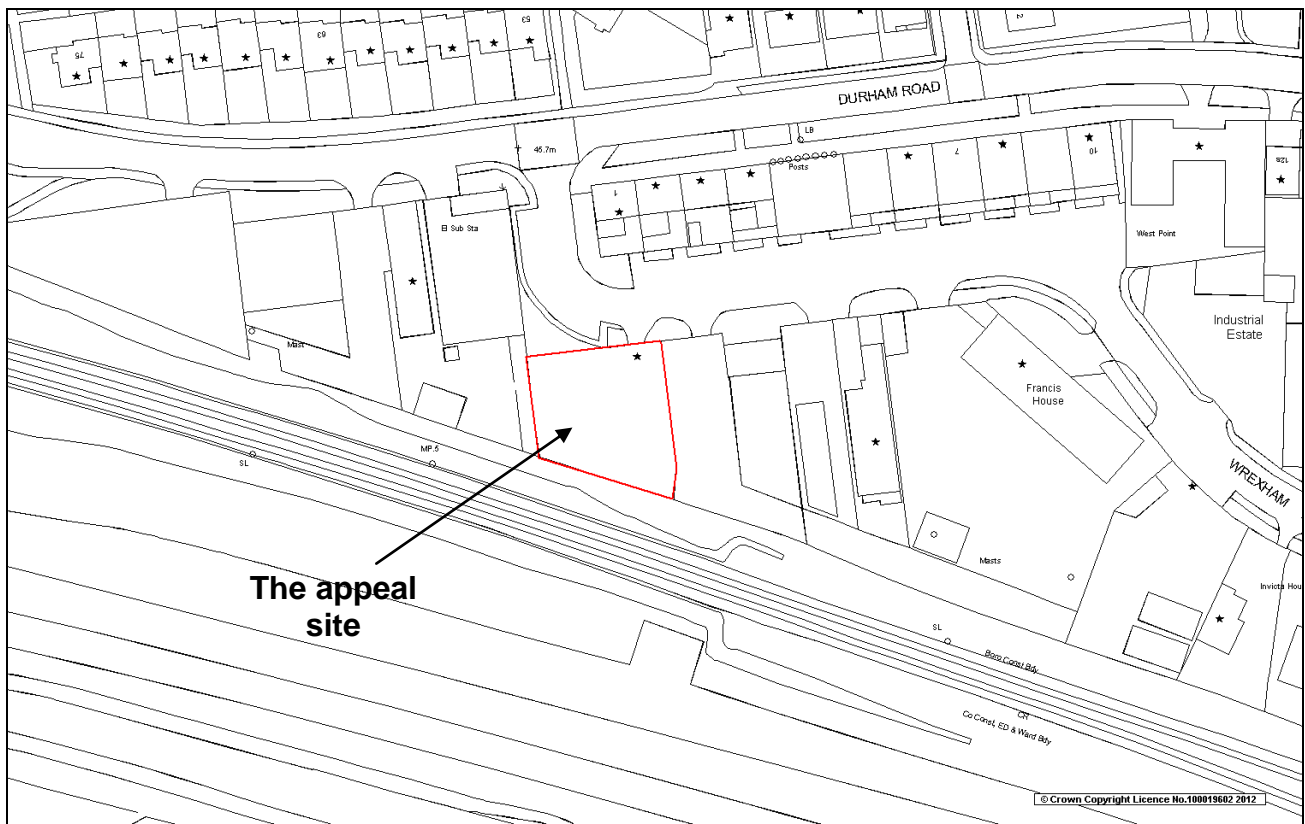
Applicant/Appellant: **Mackers Metals Ltd**

---

Report by Director for Operations, Environment and Economy

Enquiries to: Tom McCarthy Tel: 01245 437507

---



Reproduced from the Ordnance Survey Map with the permission of the Controller of Her Majesty's Stationery Office, Crown Copyright reserved Essex County Council, Chelmsford Licence L000 19602

## 1. BACKGROUND AND SITE

An application to use a site within a small employment zone on Wrexham Road, off Durham Road, in Laindon as i) a waste transfer station for the handling of inert waste, non-hazardous waste and waste electrical and electronic equipment (WEEE) and ii) a vehicle depollution, car breaking and dismantling facility was refused planning permission by Essex County Council, as the Waste Planning Authority, on 25 February 2013.

The site, as existing, was operating as a car breaking and dismantling facility, confirmed as lawful by a Certificate of Lawfulness of Existing Use or Development (CLEUD) issued by Basildon Borough Council (BBC) in 2005. The activities associated with this use had however been noted by BBC as intensifying over recent years and whilst this was legal in respect of the CLEUD, a Noise Abatement Notice had been served on the land. The site is located in an urban area with the nearest residential properties to the site being approximately 60m from the site along Durham Road. Adjacent to the site, on the western boundary, is also a children's day care/nursery and a number of complaints and concerns had been expressed from nearby parties about noise and disturbance.

The application sought permission to import, sort and grade 40,000 tonnes of material/waste per annum. It was proposed that the site would handle municipal, paper, soil/hardcore, wood, waste electronic and electronic equipment, metals and other recyclables. This it was suggested would have resulted in an average of 60 vehicle movements per day (30 in and 30 out). The application furthermore sought the erection of a 3 sided enclosure within which it was proposed the majority of the material would be processed.

The application, to which a large number of public representations were received, was refused planning permission under delegated powers for the following reason:

- The development would have an adverse impact on the amenity of local businesses and nearby residential occupiers by way of noise, therefore not delivering sustainable development as required by the NPPF and contrary to Waste Local Plan (2001) policies W7D (Inert Waste Recycling), W8B (Alternative Sites), W10E (Development Management Criteria) and Basildon District Local Plan (1998) policies BAS E4 (Existing Employment Areas), BAS E6 (Untidy Industry), BAS E10 (General Employment Policy) and BAS BE12 (Development Control).

In conclusion to determination it was noted that the application did represent the opportunity for the WPA to gain greater planning control over the operations on site in context of the CLEUD. WLP policy also stipulates that Employment Areas, such as the application site, are an acceptable location in principal for a waste use where it is shown that the proposed development would not be detrimental to the amenity of any nearby residential area. However, it was considered, that when taking into account these considerations the benefits arising from gaining greater planning control over the operations on site would clearly be outweighed by the noise impact and noise disturbance associated with the proposal which would have an adverse impact on nearby businesses and the amenity of nearby residential occupiers.

Although noise levels from the proposed development would be anticipated to reduce by 3dB, the level anticipated would still cause an adverse impact and as a result, the WPA consider that a positive recommendation on this application could not be justified purely because of the fallback position when it is clear that granting permission for the proposed development would cause adverse impact contrary to the development plan.

## **2. CURRENT POSITION**

An appeal was lodged, by the applicant, against the refusal and the case was determined by way of written representations. The Inspector who was appointed by the Secretary of State for Communities and Local Government to determine the case issued her decision on 22 October 2013 and this is attached at Appendix 1.

The Inspector in the determination of the appeal, and her subsequent report, considered that the main issue in this case was:

- The effect of the proposed development on the living conditions of occupiers of neighbouring properties and the amenity of local businesses with particular reference to noise and disturbance.

In respect of the above the Inspector notes that the existing use has resulted in unacceptable noise being generated. Continuing at Paragraph 9 inter-alia she expands that whilst it is accepted that there may not be an objection in principle to the location of the site for the proposed use, as the levels of noise would remain above those which would normally be considered acceptable and there would be no significant reductions, it is considered by the Council that planning permission should not be granted in context of the fall back planning position.

Judged on its own merits, it is considered at Paragraph 10 the proposal would conflict with relevant policies of the Essex and Southend Waste Local Plan (2001) and although this Plan is of some age, these policies are considered consistent with the objectives of Paragraph 17 of the National Planning Policy Framework. In this context it is agreed that the granting of planning permission would only be likely to confirm and prolong an already unacceptable situation. The imposition of conditions requiring noise levels to be reduced would be unreasonable and such measures would also likely require further infrastructure which may in itself require planning permission.

Whilst the offer from the appellant to withdraw/removal the vehicle depollution and dismantling process from the proposed operation is noted, it is considered such a change would be materially change the proposal as applied for. If the appellant wishes to do this a fresh application could, of course, be submitted with relevant supporting information to support the claim that the removal of this would 'drastically' reduce the noise levels and accordingly it would be up to the Council to consider and appraise. For the reasons outlined above the appeal was nevertheless dismissed.

## **LOCAL MEMBER NOTIFICATION**

BASILDON – Laindon Park & Fryerns

BASILDON – Westley Heights





---

## Appeal Decision

Site visit made on 14 October 2013

**by Katie Peerless Dip Arch RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 October 2013

---

**Appeal Ref: APP/Z1585/A/13/2195119**

**Macker's Metals Ltd., Wrexham Road, Basildon, Essex SS15 6PX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Macker's Metals Ltd. (Mr C McDermott) against the decision of Essex County Council.
  - The application Ref ESS/68/12/BAS, dated 3 September 2012, was refused by notice dated 25 February 2013.
  - The development proposed is use of the site as a waste transfer station including the sorting, grading and transfer of inert materials and scrap metal including vehicle depollution, car breaking and dismantling with a maximum annual throughput of 40,000 tonnes per annum and the erection of an associated three sided enclosure.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. I consider that the main issue in this case is the effect of the proposed development on the living conditions of occupiers of neighbouring properties and the amenity of local businesses with particular reference to noise and disturbance.

### Site and surroundings

3. The appeal property is on an industrial estate where there are a variety of businesses operating, including existing scrap metal processing and motor related activities. A Certificate of Lawful Use (CLU) was issued for the site in 2004 which confirms it can be used for car breaking and dismantling and this use is presently taking place on the site.
4. There is another scrap metal yard adjacent to the appeal site and the nearest residential properties have gardens backing onto Durham Road, about 60m from the site. There is a children's nursery, also in Durham Road, separated from the site by an electricity sub-station. At present the site contains a double height portacabin, 2 open fronted covered storage areas and areas of open storage piled with scrap metal and cars. At the time of the site visit there was also a large grab crane on the site.

### **Appeal proposal**

5. The application seeks approval for a change of use that would allow the site to operate as a waste transfer station, with a reduced level of car breaking. It also includes the erection of a 3 sided enclosure that would be used for sorting and storing the waste. The amount of waste throughput would be limited to 40,000 tonnes per annum and would involve deliveries from 30 lorries per day, resulting in a total of 60 vehicle movements to and from the site each day.

### **Reasons**

6. The existing use has resulted in unacceptable noise being generated by the activities on the site, to the extent that it is now subject to a Noise Abatement Notice. The appellant submits that the proposed use would serve to reduce the noise levels and has commissioned a Noise Impact Assessment (NIA) that concludes there would be a drop of about 2Db if the new use was implemented as applied for. The Council's noise consultants consider that the existing noise levels from the site are considerably higher than claimed in the NIA and, even if the appellant's figures are correct, a 2Db reduction would make no perceptible difference to the noise climate in the vicinity of the site, which would still be far higher than normally considered acceptable.
7. The appellant claims that some of the assumptions made by the Council's noise consultants are based on the use of equipment which has now been removed from site or will be used less intensively than at present. However, without a definitive list of the equipment proposed, their acoustic properties and the extent of the proposed use, I cannot assume that the Council's predictions are necessarily inaccurate.
8. The appellant submits that his NIA demonstrates that the change of use would not result in any additional harm to the amenities of local residents and businesses over and above the 'fall back' position of the existing authorised operation. He also notes that the grant of a planning permission would allow conditions to be attached to limit the operations on site.
9. The Council accepts this, and does not object in principle to the location of the site for the proposed uses but considers that, as the levels of noise would remain above those which would normally be considered acceptable and there would be no significant reductions, planning permission should not be granted for the proposal, notwithstanding the 'fall back' position. It notes that although the existing use is lawful through the passage of time, the existing noise levels are so disruptive that they would not be outweighed by any benefits that may arise from the grant of a planning permission.
10. Judged on its own merits, the proposal would conflict with policies W7P and W10E of the Essex and Southend Waste Local Plan (2001) which require, among other things, waste development not to 'cause unacceptable harm to the environment or residential amenity by virtue of noise. Although this Plan is of some age, the relevant policies are nevertheless consistent with the objectives of paragraph 17 of the National Planning Policy Framework which seeks to resist development that would not result in a good standard of amenity for neighbouring occupiers.



11. The appellant claims that there would be appreciable benefits gained from allowing the appeal but I note that the Noise Abatement Notice already limits the Db levels from the site, albeit at higher levels than are claimed to be produced at present, and restricts the hours of operation. As noted above, the noise climate from the existing use and from the uses proposed in the application would be very similar. The other benefits claimed mainly relate to the decrease in noise which could result from the reduction in the extent of the vehicle depollution and car breaking activities, which the appellant states he is intending to eventually phase out.
12. However, the site has been the subject of numerous complaints and, in the absence of any overriding benefits, I agree with the Council's view that the grant of planning permission would only be likely to confirm and prolong an already unacceptable situation. The imposition of a condition requiring noise levels to be reduced to an acceptable level would be unreasonable, given the scale of the reduction needed and the measures that would be required to achieve such a reduction. Such measures would be likely to require further infrastructure which would, in itself, need a grant of planning permission before the appellant could implement the proposed new use. Such a condition would not therefore meet the tests set out in Circular 11/95.
13. During the appeal process, the appellant has proposed to remove the vehicle depollution and dismantling parts of the operation from the uses proposed in the application. He claims that this would 'drastically' reduce the noise levels and the NIA notes that the predicted difference between the background noise level and the proposed use without car breaking would be -3Db.
14. This may be so, but this permutation has not been specifically commented on by the Council's noise experts, nor have the other implications of a single use as a waste transfer station been fully examined or consulted upon. I consider the change in the proposed use is materially different to that applied for and, in accordance with the judgement in *Bernard Wheatcroft Ltd v Secretary of State for the Environment [JPL 1982]*, I do not have the authority to consider a development that is so different in substance from the original. It would mean changing the terms of the application, as I could not limit the use applied for by the imposition of a condition. I have therefore made my decision on the mixed use as applied for, including the car breaking element, and find that would be unacceptable for the reasons set out above.
15. It will, of course, be open to the appellant to submit a fresh application for the use without the car breaking element, together with all supporting information, if he so wishes, to enable the Council to consider fully the revised proposal. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

*Katie Peerless*

**Inspector**

committee                      DEVELOPMENT & REGULATION

date                              22 November 2013

---

**PUBLIC SPEAKING AT COMMITTEE**

Report by Director of Operations, Environment and Economy and Director of Essex Legal Services

---

Enquiries to: Jacqueline Millward Tel:01245 506710

**1.            BACKGROUND**

The Development and Regulation committee has welcomed public speakers to its meetings for a number of years.

This initiative came into operation at the Development and Regulation Committee meeting held in September 2002 for the specific consideration of planning applications. It does not apply to any other issues to be considered by the Committee.

A framework for speaking has been put in place and is contained in the Committee Protocol and a separate document entitled 'Public Speaking at the Development and Regulation Committee'. The relevant extract of the Protocol, approved at the meeting on 31st May 2013, is in Appendix 1 to this report. A copy of 'Public Speaking at the Development and Regulation Committee' is at Appendix 2 to this report.

The arrangements in place are as follows:

- Advance notice of 2 working days to the committee administrator is required.
- Requests to speak will be dealt with on a 'first come, first served' basis.
- Speakers are expected to submit a brief written summary of the main points of their presentation at least 2 working days before the meeting.
- Speakers are discouraged from handing to Committee Members any material, including photographs, on the day of the meeting.
- It is expected that public speakers will only be permitted when a planning application is considered for the first time.
- Presentations are limited to 3 minutes each.
- One speaker will be permitted from each of the following categories:- District/Borough Council to speak on behalf of the relevant parish Council unless that Parish Council's view is different, in which case the Parish Council may also speak; objector; applicant; supporter.
- Speakers are not able to ask questions nor be questioned by the Committee except through the Chairman.

- Except with the approval of the Chairman no cameras, tape recorders or any other type of recording equipment shall be permitted to be used/operated while business is being transacted.

Discretion is given to the chairman to extend the time limits and the number of speakers particularly for major strategic applications.

In practice, the Chairman of the committee has exercised this discretion on several occasions since the arrangements were put in place. The committee administrator confirms that since May 2013 two instances have occurred where individuals requested to speak and would not have been permitted due to speaking slots already having been reserved by others. This was on an application which ultimately did not come to committee for decision. The committee administrator also recalls that several individuals have pointed out the restricted time for speeches and the fact that only one can speak.

The public speaking arrangements have also been subject to wider public comment in relation to the Statement of Community Involvement (SCI) for Minerals & Waste Planning and its proposed revision. A report to Cabinet on 7 December 2012 recorded observations made in consultation. Those comments were set out in Appendix 2 to that report and were commented on by officers. In relation to the provisions for public speaking, 26 consultation responses were made that 'Table 2, page 7 and paragraph 5.27 all refer to the D&R Committee and to the members of the public being able to make comments but there is no mention of the very limited number permitted to speak.'

The officer response was recorded as follows: 'The issue of Public Speaking at Development & Regulation (D&R) Committee was raised at the original public consultation on the Adopted SCI, and led to a review of the process in 2008 supported by benchmarking of other local authority procedures, and a further review in late 2010. However, when the matter was considered by members of the D&R committee, it was felt that the system in place was working well, and only minor changes to procedures were implemented. A further review will take place when needed.'

The Cabinet report and its Appendix 2 referred to and the relevant Minute of Cabinet and of full Council is in Appendix 3 to this report.

## **2. ISSUES TO BE CONSIDERED**

Members asked to have the opportunity to consider whether any changes to the arrangements should be incorporated for future meetings when the matter was previously considered in May 2013.

## **3. RECOMMENDED**

No changes to the existing arrangements are identified to be made.

---

### **BACKGROUND PAPERS**

Committee Protocol, updated 31st May 2013







**Appendix 1** - extract of the Committee Protocol, approved at the meeting on 31<sup>st</sup> May 2013

9. Public Speaking at Committee..... 1

**This Protocol has been prepared in order to set out clearly the way in which the Development and Regulation Committee will conduct its business in relation to its consideration of planning applications.**

**9. Public Speaking at Committee**

Arrangements have been developed to enable applicants or their agent, objectors and other interested parties to address the Committee, and are detailed in a separate document entitled 'Public Speaking at the Development and Regulation Committee'.

Generally only one prospective speaker will be allowed to speak from each of the following categories:-

District/Borough Council (to speak on behalf of the relevant Parish Council unless that Parish Council's view is different, in which case the Parish Council may also speak).

Objector

Applicant

Supporter

Anyone wishing to speak at a meeting shall give two working days notice to the Committee Administrator and, subject to confirmation that they may address the Committee, shall then submit a supporting paper outlining the main points of the presentation also at least two working days prior to the meeting. This is to enable the points they wish to raise to be fully considered at the meeting. Presentations will be limited to 3 minutes each.

The time limits and number of speakers may be extended particularly for major strategic applications at the discretion of the Chairman of the Committee.

Under normal circumstances public speaking will only be permitted when a planning application is considered for the first time by the Committee. Therefore if the application is deferred a further presentation to the Committee will not be permitted unless new and significant factors have arisen.

# **DEVELOPMENT & REGULATION COMMITTEE**

## **PUBLIC SPEAKING ON PLANNING APPLICATIONS**



Essex County Council

**Public Speaking at the Development and Regulation Committee  
on Planning Applications**

**This document explains the way in which applicants, their agents or members of the public may attend the Council's Development and Regulation Committee ('the**

**Committee') and speak for a limited time on a planning application in which they have an interest. Please read the following text carefully as it explains in detail the Committee function and the procedures and restrictions that apply to public speaking.**

These procedures apply to everyone including residents, applicants, agents, developers, District and Parish Councils. Separate arrangements exist for elected County Council Members not sitting on the Development and Regulation Committee to address the Committee.

The first part of this document summarises the procedure to be followed if you wish to address the Committee in person. The second part of this document sets out the guidelines for public speaking in more detail together with more background to the Committee's consideration of planning applications at its meetings.

There is a separate document entitled 'Development and Regulation Committee Protocol' which sets out the way that the Committee conducts its business with particular emphasis on the elected Members' roles.

## **Summary on Public Speaking at the Committee Meeting**

If you wish to address the Committee, you should contact the Committee Officer by telephone on 01245 430481, or by fax on 01245 280180, between 9.00 am and 5.00 pm, Monday to Friday. However, it will not be possible to register you to speak after 5.00pm on the Tuesday before the Committee meeting.

You will need to provide the following information –

**The application on which you wish to speak**

**Your full name, address and contact number**

**Confirmation that you have submitted in writing a representation on the particular application**

**Whether you are in favour or against the application, and whether or not you also represent anyone else**

**Whether or not your details may be passed on to any other caller with a similar point of view in order to co-ordinate a single response.**

This procedure allows for the applicant or one other to speak in support of the application and one other to speak against the application. The District/Borough Council can speak on behalf of the relevant Parish Council unless that Parish Council's view is different, in which case the Parish Council may also speak. Requests to speak are dealt with on a 'first come, first served' basis. Therefore if someone else has already asked to speak, for example against an application, and you wish to do likewise, you will not normally be able to do so. However if the person registered to speak gives their consent, the Committee Officer may be able to put you in touch with that person prior to the meeting.

Each person making a representation to the Committee will be allocated a maximum period of three minutes in which to speak. You may not ask questions and nor will you be questioned by the Committee except through the Chairman. If you represent others,

apart from your immediate household, for example neighbours, you will need to provide documentary evidence that those people have agreed to you making representations on their behalf. This evidence may take the form of a letter signed by them or other similar authorisation.

You are strongly advised to read the Officer's report on the application before deciding to make representations to the Committee. In this way you can be sure that you understand what is being proposed. The report is available at the Council Offices at least seven working days before the meeting, and will be published on the County Council's website namely [www.essex.gov.uk](http://www.essex.gov.uk)

If you require any further advice about the application please contact the Planning Case Officer who will be identified at the beginning of the committee report, or for particular advice on the Committee's procedures please call the Committee Officer on 01245 430481 (or fax number 01245 280180).

**Please note** – speaking to the Planning Officer(s) will **not** register you to speak. You must register separately to speak as detailed above.

**You should make yourself known to the Committee Officer at least 15 minutes before the start of the meeting so that your attendance can be noted.**

## **Public Participation in Meetings of the Development and Regulation Committee**

The County Council is committed to extending public participation in the planning and development control process, and therefore provides members of the public with the opportunity to address in person the Committee on those planning applications under its consideration.

This initiative came into operation at the Development and Regulation Committee meeting held in September 2002 for the specific consideration of planning applications. It does not apply to any other issues to be considered by the Committee.

Advice on the full guidelines explaining how the procedures work are sent to the applicant/agents and third parties who have expressed an interest in speaking on a planning application. This information sets out details of the procedures that will be in operation at each Committee meeting.

### **General - Planning Applications**

Consultation takes place on all planning applications processed by the Council. Depending on the development proposed this includes statutory organisations, interest groups, and the general public. All written comments received in respect of applications are taken into account before decisions are made on the applications. In the case of objections from the general public all these are reported to the Committee.

There are instances when an objector may feel that by being able to address the Committee their views will be given greater weight, be presented more clearly and they could raise issues that have arisen since their written objections were submitted.

Likewise developers may wish to address the Committee to respond to comments made by objectors, promote the benefits of their scheme or to respond to the Officer's recommendation.

It should be noted that not all planning applications are determined by the Committee. A large number of non-controversial applications are dealt with by Officers under powers delegated to them by Council particularly when no objections have been received under the consultation processes. In such cases interested parties may submit their comments in writing but there is no opportunity to speak before Committee when delegated decisions have already been made.

### **Development and Regulation Committee - Meetings**

The Committee normally meets the fourth Friday of each month (although this may vary slightly throughout the year) at 10.30 a.m. at County Hall, Chelmsford to consider all planning applications that have not been determined under delegated powers.

The agenda and reports for the Committee are published and are available for public inspection at least seven working days in advance of the Committee. The agenda may be accessed from the County Council's website, the address is [www.essexcc.gov.uk](http://www.essexcc.gov.uk).

The Committee will normally make one of the following decisions on applications placed before them.

- approve with or without conditions, and with or without requirements to enter into legal agreements;
- refuse;
- refer to the Secretary of State with a recommendation to approve;
- defer for a site visit;
- defer for further information

To be able to hear as much information as is practicable will assist the Committee's Members in making informed judgements on proposed development. Public speaking is intended to aid this process and to ensure that the Council's procedures accord with Human Rights Legislation and the principles of Best Value.

### **Procedures for Public Speaking**

Public speaking will only be permitted where you are the applicant or agent, the District or Parish Council, or you have submitted previously in writing your comments to the County Council on the planning application to be considered, and the procedure for registering to speak has been complied with.

Under normal circumstances public speaking will only be permitted when a planning application is considered for the first time by the Committee. Therefore if the application is deferred a further address to the Committee will not be permitted unless new and significant factors have arisen.

Normally only one speaker will be allowed to address the Committee from each of the following categories:-

District/Borough Council (These Councils may speak on behalf of the relevant Parish Council unless that Parish Council's view is different, in which case the Parish Council may also speak).  
Objector  
Applicant  
Supporter

The Committee Officer must be notified two working days in advance of the Committee meeting. This can be in writing, by e-mail, telephone or fax. You must leave your name, address, a day-time contact number and details of the application. **Please note** that speaking to the Planning Officer(s) will **not** register you to speak. You must register separately with the Committee Officer to speak.

Requests to speak will be dealt with on a 'first come, first served' basis. Therefore if someone else has already asked to speak, for example against an application, and you

wish to do likewise, you will not normally be able to do so. However if the person registered to speak gives their consent, the Committee Officer may be able to put you in touch with that person prior to the meeting and it will be for you to liaise with that person to decide how your views are presented.

The applicant and/ or supporter will have a right to speak whether or not an objector wishes to be heard.

All those persons wishing to address the Committee must confirm who they are representing, and any interests that they may have in the outcome of the planning application.

Each person making representations will be allocated a maximum period of three minutes in which to speak (advice on how to comment on proposals is set out below). You may not ask questions. If you represent others, apart from your immediate household, for example neighbours, you will need to provide documentary evidence that those people have agreed to you making representations on their behalf. This evidence may take the form of a letter signed by them or other similar authorisation.

All speakers are requested to submit a brief written summary of the points that they intend to make at the meeting to the Committee Officer at least two working days prior to the meeting. This will enable steps to be taken to ensure that any points they wish to raise about the planning application or challenge in the committee report, may be addressed at by the Committee at the meeting. Furthermore such summaries are useful for the preparation of the minutes and any subsequent report.

All speakers are discouraged from handing to Committee Members any material, including photographs, on the day of the meeting.

You are strongly advised to read the Officer's report on the application before deciding to make representations to the Committee. In this way you can be sure that you understand what is being proposed. The report will be available at the Council Offices at least seven working days before the meeting, and will be published on the County Council's website namely [www.essex.gov.uk](http://www.essex.gov.uk)

If you require any further advice about the application please contact the Planning Case Officer who will be identified at the beginning of the committee report, or for particular advice on the Committee please call the Committee Officer on 01245 430481.

Those people who have made proper arrangements to address the Committee are requested to identify themselves to the Committee Officer 15 minutes before the start of the Committee meeting.

### **Order of Discussion at Committee Meeting**

The discussion on applications will be in the following order:

1. The Chairman of the Committee will announce the application
2. The Head of Environmental Planning or his representative will present the item, and will add any further information relevant to the application and report.



3. The Chairman will invite the District/Borough and/or Parish Council to address the Committee.
4. The Chairman will invite an objector to address the Committee.
5. The Chairman will invite the applicant/agent to address the Committee.
6. The Chairman will invite the supporter to address the Committee.
7. The Chairman will invite the local County Councillor to address the Committee. Any non-committee county councillor wishing to address the Committee at one of its meetings is limited to three minutes subject to the discretion of the Chairman.
8. The Head of Environmental Planning or supporting officers will respond to any factual matters raised by any of the foregoing speakers.
9. The Committee will then debate the application and ask questions of the officer, consider the material planning considerations in the usual way and reach a decision, without any further public involvement. The Development Control Manager or supporting officers may be called upon to clarify any factual issues raised.

In the event of any dispute over these procedures or the Committee's protocol the Chairman's decision is final.

Those non County Council participants addressing the Committee will be advised when they have 30 seconds of their allotted three minutes remaining and will be expected to cease talking immediately on being advised that their three minutes is up.

**Please note** that any speakers who are not Members of the Committee will not be entitled to ask questions of officers, the Committee or each other and must take no further part in the procedure once they have finished their address to the Committee and responded to any questions specifically asked of them.

Except with the approval of the Chairman no cameras, tape recorders or any other type of recording equipment shall be permitted to be used/operated while business is being transacted.

### **Points for public speakers to remember in addressing the Committee**

In addressing the Committee you are requested to restrict your comments to issues which are material planning considerations and relevant facts. Advice on what constitutes a material planning consideration may be obtained from the planning officers in the Development Control Group.

The following list highlights some of the issues that may be taken into account by the Committee:

- Any policy in the County Council's Development Plans (ie the Structure Plan, Minerals Local Plan, or Waste Local Plan), or the relevant Local Plan for your District or Borough.
- Government planning policy guidance, circulars, orders and statutory instruments

The following list highlights some of the issues that may **not** be taken into account by the Committee:

- Boundary disputes
  - Private rights of way, private covenants or agreements
  - The applicant's conduct, private affairs or how a business is run
  - The applicant's motives (including profit)
- 

This document has been produced by the Governance Team, Finance, Essex County Council

## APPENDIX 3

EXTRACT IN RELATION TO FULL COUNCIL AND CABINET CONSIDERATION OF  
THE STATEMENT OF COMMUNITY INVOLVEMENT FIRST REVIEW DOCUMENT  
FOR MINERALS AND WASTE PLANNING

### **MINUTES OF A MEETING OF ESSEX COUNTY COUNCIL HELD AT COUNTY HALL, CHELMSFORD ON 11 DECEMBER 2012**

#### **12. Statement of Community Involvement**

Minutes 8 11/12/2012

Councillor J Jowers, Cabinet Member for Communities and Planning, presented a report on the Statement of Community Involvement.

The outcome of Cabinet's consideration of this matter was reported in the Report of Cabinet issues on 7 December 2012.

#### **Resolved:**

That the amended Statement of Community Involvement for Minerals and Waste Planning attached to the report be adopted.

### **MINUTES OF A MEETING OF THE CABINET HELD AT COUNTY HALL, CHELMSFORD, ON 7 DECEMBER 2012**

Present:

#### **Councillors Cabinet Member responsibility**

P J Martin Leader of the Council (Chairman)

D M Finch Deputy Leader, Cabinet Member for Finance and Transformation Programme (Vice Chairman)

J Aldridge Adults Social Care

K Bentley Economic Growth, Waste and Recycling

S C Castle Education and the 2012 Games

R Gooding Children's Services

J Jowers Communities and Planning

D J Louis Highways and Transportation

J R Lucas Customer Services, Environment and Culture

A Naylor Health and Wellbeing

Councillors M Mackrory and Mrs T Higgins were present as Opposition Observers.

Councillors A Brown, S Candy, W J C Dick, M C M Lager, G W McEwen, K Twitchen and R G Walters also attended.

#### **6. Adoption of Statement of Community Involvement for Minerals and Waste Planning**

The Cabinet considered report FP/866/06/12 by the Cabinet Member for Communities and Planning which presented the Statement of Community Involvement (SCI) First Review document for Minerals and Waste Planning, set out the results of the public consultation on the document and sought agreement to the next steps.

**Resolved:**

- 1) That the comments received as a result of public consultation on the SCI First Review be noted and the next steps proposed in Appendix 2 and Section 3.2 of report FP/866/06/12 be endorsed.
- 2) That the subsequent amendments to the SCI set out in Appendix 3 to report FP/866/06/12 be agreed.
- 3) That the Council be recommended to adopt the amended SCI at its meeting on 11 December 2012.
- 4) That the equalities issues identified in Appendices 2 and 4 to report FP/866/06/12 regarding those potentially disadvantaged by the implementation of the Council's print policy be referred to the Corporate Communications Team, based on targeted evidence provided by the service area.

## **AGENDA ITEM 6**

### **REPORT TO CABINET**

**Report of John Jowers, Cabinet Member for Communities & Planning**

**Forward Plan reference number**  
FP/866/06/12

**Date of meeting** 27 November 2012  
**Date of report** 29 October 2012

**County Divisions affected by the decision**  
All Divisions

**Title of report** Approval for adoption of the revised Statement of Community Involvement (SCI) for Minerals & Waste Planning

**Report by** John Jowers, Cabinet Member for Communities & Planning

**Enquiries to** Vee Green, Service Development Officer, Minerals & Waste Planning  
Ext 51201 or 01245 437201 or  
Roy Leavitt, Head of Environmental Planning  
Ext 51522 or 01245 437522

*NB: Terms/abbreviations used are defined at the end of this report.*

## **1. Purpose of report**

1.1. To bring before Cabinet the Statement of Community Involvement (SCI) First Review document; to set out the results of the public consultation on the document; to agree the next steps as set out in the recommendations.

## **2. Recommendations**

2.1 To note the comments received as a result of public consultation on the SCI First Review and to endorse the next steps proposed by officers (Appendix 2 and Section 3.2 below);

2.2 To agree the subsequent amendments to the SCI set out in Appendix 3;

2.3 To approve the amended SCI to go forward for adoption by Full Council;

2.4 To refer the equalities issues identified in Appendices 2 and 4 regarding those potentially disadvantaged by the implementation of the County Council's print policy to the Corporate Communications Team, based on targeted evidence provided by the service area.

## **3.1 Background**

1. The Statement of Community Involvement (SCI) is a statutory document setting out the standards by which the County will produce planning policy documents (the Replacement Minerals & Waste Local Plans) and through which the people and businesses of Essex can contribute to these plans, and to the consideration and determination of planning applications for minerals, waste and the County Council's own developments.

2. The SCI was adopted by Full Council in October 2009 after extensive public consultation and submission to the Secretary of State for approval. It has been reviewed on a yearly basis since then via the Annual Monitoring Report on the Minerals & Waste Development Framework (MWDF).

3. Since the adoption of the SCI, a number of changes have made it appropriate to review and update the document before further consultation takes place on the Replacement Minerals & Waste Local Plans. Conformity with the SCI is one of the Tests of Soundness for the Local Plans at the Examination in Public, and it is essential that the SCI is kept up-to-date.

4. These changes include:

- Changes in National Legislation: new legislation such as the Town & Country Planning (Local Planning)(England) Regulations 2012, the National Planning Policy Framework 2012 and the Localism Act 2011 has affected some statutory requirements set out in the SCI, or the way in which procedures are carried out, eg developer pre-application consultation.

- Changes in Corporate Policy: a shift in corporate policy to reflect the straitened economic climate nationally has led to an even greater emphasis being placed on cost-effectiveness, good value and reduced budgets. This is echoed by the new ECC Communications & Marketing Strategy and supporting Print Policy which advocates the use of electronic communication as the preferred method to engage the public. Again, this has implications for some processes and procedures set out in the SCI – eg, public engagement policy and the impact of the new APAS case management system for the Development Management team.

- General and Cultural Progression: Since 2009, public willingness to view and respond to documents electronically has increased dramatically, and this willingness enables us to review our consultation methodology and identify

where more cost-effective options may be implemented in future. Any changes proposed have been subjected to Equality Impact Assessment (see (8) below).

5. Approval to carry out the First Review of the SCI and subsequent approval of the draft document for public consultation was authorised by Cabinet Member Action in June and August 2012. The document was published for public consultation between 30 August and 25 October 2012.

6. A list of respondees to the consultation appears as Appendix 1 with a detailed schedule of comments received and officer responses to these at Appendix 2. Appendix 3 outlines changes proposed to the SCI First Review as a result of the consultation. A revised Equality Impact Assessment (Parts 1 and 2) is attached as Appendices 4.1 and 4.2, and a summary of the consultation results can be found at Appendix 5.

### 3.2 Conclusions and next steps after consideration of Appendix 2

Main change proposed in SCI FR	Action proposed as a result of consultation
<p>Proposal 1: That electronic communication should become the preferred method for how we engage and involve everyone in consultation on documents in the Minerals &amp; Waste Development Framework, including the Replacement Minerals &amp; Waste Local Plans, in line with ECC's Corporate Communications Strategy</p>	<p>a) That electronic communication should become the preferred method of engagement for Minerals &amp; Waste Planning consultations, but with hard copies of main documents for inspection at specified locations only;  b) That the equalities issues identified in the EqIA regarding those potentially disadvantaged by the implementation of the corporate print policy should be considered by the Corporate Communications Team in relation to the targeted evidence provided by the service area;  c) Alternatively, that hard copy main documents whose production costs are less than £10 should be available on demand, free of charge  d) where production costs (including printing, postage and packing) are £10 or more, hard copy main documents would only be available upon prior receipt of payment of those production costs above £10.</p>
<p>Proposal 2: That the consultation period for policy documents should reduce from our previous 8 weeks to the statutory 6 weeks, thereby bringing ECC in line with neighbouring authorities</p>	<p>a) That the consultation period for policy documents should be reduced from 8 weeks to the statutory 6 weeks;  b) That the wording of paragraph 4.16 (and anywhere it recurs in the document) be amended to state that the consultation period will be reduced to the statutory 6</p>

	weeks, but with some flexibility over holiday periods and for multiple consultations. (see Appendix 3, N°3)
Proposal 3: That developers now be required to carry out pre-application public consultation for major developments under the terms of Chapter 4 of the Localism Act 2011	<p>a) That officers vigorously encourage developers to carry out pre-application public consultation for major developments;</p> <p>b) That Bullet 3 of the Summary, p4 (and further references throughout the document, see Appendix 3, Schedule of Changes, N°1) be amended to reflect the fact that the full legislation is not yet in force;</p> <p>c) That the 250m radius for DNN continues to be used for reasons of conformity with the national norm and cost-effectiveness (see Section 5 below for costings).</p>
Proposal 4: That hard copies of planning applications should no longer be available once ECC's new Advanced Planning Application System (APAS) became fully operational	<p>a) That entirely electronic viewing of planning applications should be introduced once APAS is fully operational;</p> <p>b) That the equalities issues identified in the EqIA regarding those potentially disadvantaged by this should be considered by the Corporate Communications Team in relation to the targeted evidence provided by the service area;</p>
Other: Consultees suggested alternative/ additional wording which might be included in the SCI, eg reference to the Duty to Co-operate and to a more detailed description of the pre-application process for planning applications.	<p>c) That those changes and additions set out in Appendix 3, the Schedule of Changes, be included in the Adopted SCI First Review;</p> <p>d) That the Duty to Co-operate and Preapplication guidance be produced as separate documents with a link from the SCI First Review.</p>

#### 4. Policy context

- Corporate Plan, especially:
  - Giving people a greater say and a greater role in building safer and stronger communities, encouraging residents to get more involved in their communities and helping communities play a greater role in shaping, challenging and developing local services;

- Securing the highways infrastructure and environment to enable businesses to grow, ensuring planning services are cost-effective, transparent and timely and delivering minerals and waste plans/determining applications in a timely and cost-effective manner whilst always seeking improvements to the service;
- ECC Communications & Marketing Strategy 2012-2017 and accompanying Print Policy.

## 5. Financial Implications

The proposals set out in the SCI First Review will update and improve consultation and engagement techniques in line with new corporate requirements, national policy and changes in custom and practice.

Under Proposal 1, the changes proposed will involve a total saving in costs from £3995 for the previous Adopted SCI of 2009 to approximately £750 now, through reductions in quantity printed, quality of paper and length of document. It is felt appropriate, in view of the EqIA carried out, to continue with this very limited production of inspection copies for certain specified locations. If, as identified as an alternative under Proposal 1 above, Cabinet supports the on-demand printing of hard copy main documents either free of charge or upon receipt of production costs above £10 (see Proposal 1), this would involve some additional costs and reduce the savings predicted.

Under Proposal 3, the continuing use of the 250m radius for Direct Neighbour Notification (DNN) for both policy and planning application consultations is recommended. Using the 250m radius, costs for DNN on major policy consultations are estimated to be about £2,500 each time. Costs per annum on DNN consultation on planning applications is in the region of £4,000. It has previously been calculated that to increase the DNN radius by 50m to 300m would increase costs by 300%; to increase the radius to 500m would increase costs by 700%. Increased costs are therefore tabulated below:

Radius	Cost for policy consultations (each document)	Cost for DM Consultations (pa)
250m	£2,500	£4,000
300m	£7,500	£12,000
500m	£17,500	£20,000

The relatively modest costs of 250m DNN are outweighed by the benefits in meeting equality and diversity targets; however, the cost of increasing the radius further is thought to be impractical.

There are no identified financial implications for Proposal 2, and the total cost savings for Proposal 4 have already been set out in the business case for APAS, estimated at just under £50,000.

## 6. Legal Implications

There are two main drivers for the review of the SCI: ensuring that it is accurate and up to date and ensuring that it fully supports the next stage of policy adoption. Whilst some alternatives have been provided for consideration and decision, the recommendations are demonstrably necessary to achieve these aims. Further



revisions may be necessary when the development order anticipated by section 122 of the Localism Act 2011 is available.

## **7. Staffing and other resource implications**

There are no identified staffing or other resource implications.

## **8. Equality and Diversity implications**

8.1 An updated Equality Impact Assessment (EqIA) Part 1 was carried out on the SCI First Review, and a Part 2 EqIA has been completed based on the feedback from this public consultation: these are included as Appendix 4. The EqIA Part 1 included an independent review of the document by a project manager from ECC's Transformation Support team.

8.2 The main findings of the EqIA have been referred to elsewhere in this report: that the implementation of the corporate Print Policy has the potential to disadvantage certain sectors of the community. Although Minerals & Waste Planning staff are being pro-active in identifying ways forward, care needs to be taken to reduce the impact wherever possible, and to identify ways in which this can be done cross-functionally, recognizing that some solutions are not likely to be immediate.

## **9. Background papers**

- Town & Country Planning (Local Planning)(England) Regulations 2012 (<http://www.legislation.gov.uk/ukxi/2012/767/contents/made> )
- National Planning Policy Framework 2012 (<http://www.communities.gov.uk/publications/planningandbuilding/nppf> )
- Localism Act 2011 <http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>)

## **10. Appendices & Enclosures**

- **Appendix 1** – Schedule of responses (detailed individual responses can be viewed via the consultation portal at [http://consult.essexcc.gov.uk/portal/statement\\_of\\_community\\_involvement\\_-\\_first\\_review\\_august\\_2012?tab=list](http://consult.essexcc.gov.uk/portal/statement_of_community_involvement_-_first_review_august_2012?tab=list) )
- **Appendix 2** - Detailed report
- **Appendix 3** - Schedule of proposed changes
- **Appendix 4** - Equality Impact Assessment Parts 1 & 2
- **Appendix 5** - Consultation results
- **Statement of Community Involvement First Review Draft for consultation, August 2012.** Further hard copies available if required.

## **Abbreviations used throughout the report**

<b>APAS</b>	<b>Advanced Planning Application System</b>
<b>gen</b>	<b>General consultee</b>
<b>CCs</b>	<b>County Councils</b>
<b>MWDF</b>	<b>Minerals &amp; Waste</b>
<b>Development Framework</b>	

<b>DBCCs</b>	<b>District, Borough &amp; City Councils</b>
<b>PTCs</b>	<b>Parish &amp; Town Councils</b>
<b>DNN</b>	<b>Direct Neighbour Notification</b>
<b>sc</b>	<b>Specific consultee (on policy documents) or statutory (on planning applications)</b>
<b>EqlA</b>	<b>Equality Impact Assessment</b>
<b>SCI (FR)</b>	<b>Statement of Community Involvement (First Review)</b>

t/pl/dc/sci/firstreview/cma/app2detschedresp/oct12

## **Appendix 2: Detailed schedule of responses & MWP comments**

Numbers in brackets in the sections below refer to the submission numbers of representations on the attached spreadsheet (see Appendix 1)

### **1. That electronic communication should become the preferred method for how we engage and involve everyone in consultation, in line with ECC's Corporate Communications Strategy.**

Of the comments received on this proposal, 18 were supportive (or had no objections), and 7 raised concerns, all coming from broadly the same viewpoint. Issues cited were:

- *that without hard copies it would be difficult for certain sectors of the community (the elderly, those unfamiliar with IT or without use of a computer, those living in rural areas) to access documents or to be involved in consultations; (25)(32)*
- *that poor/slow broadband/internet access puts people living in more rural areas of the county at a disadvantage; (25)(32)*
- *agreed on proviso that ECC ensures adequate broadband capacity in all rural areas (41)*
- *that hard copies must be available on request, especially for use by parish councils; (26)(44)*
- *that if all consultation documents are now to be provided electronically, consideration should be given to making documents more user-friendly to view on screen, possibly as Powerpoint presentations; (20)*
- *that a greater range of consultation methods should be employed;(31)*
- *that although supportive of cost-saving and the principle of using more modern methods of community engagement, it was considered that ECC should plan such a move with care to engage those with accessibility needs in order that those members of the community are not disenfranchised from future consultations. (35)*

### **MWP Response**

The key issues here have already been identified in the Equality Impact Assessment which accompanies the SCI First Review (see Appendix 4 attached). It is possible

that some members of the community will potentially feel disadvantaged by the adoption of the new Corporate Communications Strategy and Print Policy and we must do all we can to minimize any adverse impact. The strategy and accompanying print policy are measures introduced as a result of the straitened economic climate nationally and aim to make the best possible and most costeffective use of current technology.

We need to stress that it is not proposed that all communication in future should be electronic: we shall still continue to send initial information on both policy documents and planning applications by letter to ensure that information reaches all those most affected by proposals, unless they have advised us that they prefer this to be by email. We shall continue to use other methods of consultation such as drop-in sessions and workshops at appropriate stages during the consultation process as set out in Tables 5 and 6 of the SCI First Review.

Additionally, we are continuing to provide hard copy main documents in County Hall, Southend Civic Centre (Waste documents only) and 14 district, borough and city council offices as well as at all 73 Essex libraries, which are spread throughout the county within easy access of most communities. The Essex library service is a valuable factor in helping those without computers or who are unfamiliar with IT to access the information they need electronically, including accessibility options such as magnification and narrator tools. Further possibilities will be explored with the library service as a result of feedback received: because our policy is a reflection of new corporate policies, there will undoubtedly be other ECC service groups in a similar position.

The issue of slow broadband and poor internet access in some rural areas of the county has already been identified as a key corporate issue and major progress has been made since July this year, with the launch of Superfast Essex, the Local Broadband Plan for Greater Essex. National government has provided £6.5 million which has been matched by ECC to support the realization of the commitment that by 2015, 90% of premises across Essex will have access to Superfast Broadband. In addition, an ongoing survey is available via the ECC website at [www.essex.gov.uk/Pages/Superfast-Essex-Broadband.aspx](http://www.essex.gov.uk/Pages/Superfast-Essex-Broadband.aspx) where individuals, parish councils, businesses etc can register interest in getting faster broadband and thereby aggregate demand for its early implementation in their area. Individuals and local councils with concerns relating to broadband will be encouraged to get involved in this way.

As regards the plea that documents be made more user-friendly, it is difficult to offer an easy solution: our MWDF documents do not lend themselves readily to Powerpoint presentation. We do ensure that all our documents conform to ECC branding and accessibility guidelines, and shall consider any future developments in our desktop publishing system which might make our documents more accessible. Electronic communication will therefore become our preferred method for engaging the community because of the undoubted benefits in terms of improved quality, speed and reduced costs. However, the potential to exclude certain sectors of the community from full involvement in the consultation process must be recognized, and the process carefully managed. MWP has already identified and is implementing a number of measures including inspection copies of main documents in specified locations plus local drop-in sessions and exhibitions. This issue is not just for MWP to resolve: it is a common issue across all service groups and needs to be looked at cross-functionally. The Superfast Essex broadband project is making good progress, but is still two years from achievement and it is necessary to have

some interim measures in place. We also need to be sure that we are not loading a weight of expectation onto the library service in dealing with the shift to electronic communication without knowing that it has the resources to deal with this expectation. We recommend that the full implications of going electronic are reviewed by the Corporate Communications Team, and further common solutions identified and implemented.

**2. That the consultation period for policy documents should reduce from our previous 8 weeks to the statutory 6 weeks, thereby bringing ECC in line with neighbouring authorities.**

Of the comments received on this proposal, 12 were supportive (or had no objections), including 1 comment that the SCI First Review was “*appropriate and accords with national legislation. The consultation document appears to set out adequate opportunities for Councils and members of the public to become aware/comment on planning applications and policy documents. The document is considered clear and comprehensive.*” (24).

However, 5 respondees raised concerns relating to the shortened timescale proposed:

- *Cutting from 8 to 6 weeks causes difficulties for large organisations who need time to co-ordinate a response, especially for large proposals like MWDF documents; (3)*
- *There should be no reduction in length of consultation; (26)*
- *We recognize that the change is being proposed to bring this SCI in line with the statutory minimum, to be in keeping with neighbouring councils, and because there is no inherent reason why this SCI should differ from others. There is however no explicit rationale as to why it was originally decided to set it at 8 weeks (all the other factors being equal when the policy was first set) and why this reason(s) is no longer valid.(31)*

*The proposal is that the consultation minimum period may be extended over Christmas or in the event of other large consultations. If the rationale for Christmas extensions is to allow for absence then it could be argued that the same applies at other times of the year such as Easter and May bank holiday breaks. (31)*

- *Parish and town councils meet once a month, and it would therefore be difficult to meet the timescale. (32)*
- *8 weeks is the preferred time limit for consultation and gives PCs enough time to respond if meetings are bi-monthly – all (ie the PC members)agree to retain 8 weeks (41)*

**MWP Response:**

We acknowledge that reverting to the statutory minimum timescale for consultations may not please some consultees. When the decision to consult for 8 weeks was taken in the early stages of public consultation on the SCI back in 2005, the main reason for extending the statutory period was out of consideration for parish and town councils who might only meet infrequently. There was no inherent reason why ECC's SCI should need a longer consultation period than that set out in the regulations and used by the great majority of councils nationwide.

However, we have always included a caveat in the SCI that any activities proposed

above the minimum statutory requirements would be kept under regular review, and if identified as unsuccessful, would be refined or replaced at the next consultation stage (see Table 13 of the SCI First Review). While an additional 2 weeks consultation may seem insignificant in the overall scheme of things, consultations such as the Replacement Minerals Local Plan have had numerous steps in the Issues & Options and Preferred Approach consultation stages, including some reconsultations and limited consultations on specific sites: this has had a cumulative effect on the production timetable for the document, and the timescale was therefore identified as something which needed to be amended.

In support of this, the methodology of consultation has changed since 2005, when the standard procedure was to circulate a single document around a number of consultees within an organization or local council, which inevitably took time. Now we should expect a document to be considered simultaneously online by a number of consultees within an organization, so that a shorter turnaround period could be expected.

In paragraph 4.16 of the SCI First Review, we state that if the consultation period runs over the Christmas holiday period or in conjunction with another major consultation, consideration would be given to extending this period. In fact, each consultation is considered for appropriateness of timing and we should be happy to amend the wording of this paragraph (see Appendix 3, N°3).

We believe that a 6 week consultation period is adequate for the reasons given above, and therefore propose not to amend it in the SCI First Review, as it is in line with statutory requirements and with the consultation periods of neighbouring authorities. However, we acknowledge that timing can be difficult for a number of reasons, and shall continue to give careful consideration to timetabling of consultations to avoid holiday periods and to avoid multiple consultations wherever possible.

### **3. That developers now be required to carry out pre-application public consultation for major developments under the terms of the Localism Act 2011.**

Of the comments received on this proposal, 14 were supportive (or had no objections) including an ECC internal consultee's feedback that *"the requirement for developers to undertake pre-application discussion will hopefully improve the Historic Environment content of present applications submitted"* (38).

However, 3 respondees had issues with the wording of the SCI First Review on this point:

- *Your revised document...says that the Localism Act now places a statutory requirement on applicants to undertake pre-application consultation on major applications. However that is not yet in force. Section 122 of the Act explains that it will first be dependent on a detailed development order being brought in, to set out the specific requirements. (9)*
- *[The summary] box at the beginning of Section 5 needs some form of caveat to cover the fact that pre-application public consultation isn't required in support of all applications...in Table 8, under pre-Application...applicants wouldn't need to agree a PIP with the Planning Officer. It may be discussed...but does not require prior agreement (39)*
- *Not all parts of the Localism Act have come into force including pre-application consultation...suggested alternative wording: "Developers are encouraged to*

*carry out pre-application public consultation for major developments in accordance with current legislation.” (16)*

- *Should elements of GPDO be included and referenced as they also include preapp requirements? ...Could be expanded to include all pre-commencement requirements referenced in current legislation. (16)*

This respondent also had concerns about the 250m radius selected for Direct Neighbour Notification in relation to both policy consultations on proposed sites and subsequent planning applications for minerals and waste sites:.

- *Point 7. I think a specific distance of 250m could be problematic as a development may impact beyond 250m (Traffic Movements) also depending on the development, properties within 250m may not be affected by the proposed development. Each application should be assessed individually and neighbours notified as necessary. (17)*

One further respondent felt that “*the emphasis on a pre-application public consultation implies the general public and not the specific consultation bodies. As the purpose is early engagement it may also prove beneficial to include some of these bodies eg NHS.*” (31)

#### **MWP Response:**

We agree that the wording in the SCI First Review implies that statutory preapplication consultation on major applications is already in force, and therefore propose to amend Bullet 3 of the Summary (p4 of the document) to read:

- *It is expected that the Localism Act of 2011 will place a statutory requirement on applicants to undertake pre-application consultation on applications for major developments in the future, with a footnote to read: Section 122 of the Localism Act 2011 so far as they require or authorise the making of provision in a development order.*

and to amend other similar references in the document accordingly (see also Appendix 3 N°1, Schedule of Changes).

Respondent N°13 also suggested above that some further elements might be included under the pre-application stage of the SCI First Review. In paragraph 5.11 of the First Review document, we state that “*A more detailed summary setting out the steps and requirements for all parties involved in the pre-application stage (including the role of County Councillors and the implications of new legislation) is currently in preparation, and will be available shortly here on the ECC website.*”.

Because so much new information and legislation affecting our procedures relating to the pre-application stage of planning applications is currently emerging or about to emerge, we took the decision to deal with this aspect as a separate document so that the production of the SCI First Review was neither held up to await clarification nor immediately obsolete if information were to be soon superseded.

The issue of a 250m radius for Direct Neighbour Notification (DNN) on both policy documents and planning applications has been raised in the past, and is regularly reviewed in the Annual Monitoring Review on the SCI. Our stance on the radius remains clear: this radius is widely accepted as a national norm, and indeed very few other local authorities carry out any DNN on policy documents, whereas we regard it as a significant technique, particularly in reaching the seldom heard. Our calculations have demonstrated that expanding the radius by a further 50m would increase notification costs by 300%; doubling the radius to 500m would increase costs by 700%, which would not be appropriate in the current economic climate. We also stress that Direct Neighbour Notification is carried out as an additional and

specifically-targeted method of raising public awareness of a proposed development – it is not an indication that we believe those contacted (and only those) will be affected by the proposal. We have found that it is much more cost-effective to carry out local drop-in sessions at appropriate stages of the consultation, and to tap into the existing local parish networks of communication to ensure good local awareness of proposals, and community involvement to date supports the success of these methods.

As regards the point made by Respondee N°31 relating to including specific consultation bodies in pre-application consultation, we do already encourage developers to involve relevant statutory consultees at the pre-application stage where appropriate, and would continue to do so in the future.

#### **4. That hard copies of planning applications should no longer be available once ECC's new Advanced Planning Application System (APAS) became fully operational.**

Of the comments received on this proposal, 17 were supportive (or had no objections) including an ECC internal consultee's feedback that "*the move to APAS has the potential to speed up [Historic Environment's] response to the applications as well as to provide information on any monitoring of archaeological contractors that is undertaken by this team*" (38), and an Essex district planner added that "*The availability of planning applications online is particularly supported; it will bring the County Council in line with districts*" (24).

However, 7 respondees had concerns about potential accessibility issues if hard copies of planning applications were no longer available to view, or about the lack of a firm date for APAS going live :

- *My only comment on the First Draft Review concerns the quality of map and diagram scans which I have had problems reading on some scanned consultations and planning applications in the past (usually private ones). Obviously they will have to be fit for purpose if the option to go and see a physical piece of paper ceases to exist. (22)*
- *There is more written about APAS on the summary of main changes than is contained in the body of the document itself, and it is only clear from the main changes summary that APAS is intended to replace hard copy. In fact, table 6 bullet point 5 suggests otherwise and the box on page 27 has wording that could imply hard copy ("range of accessibility options"). The SCI makes clear how the public can access on line at listed public venues if no personal computer access, so access may not be an issue but it would be helpful to make more explicit the change as indicated in the summary. (31)*
- *If plans are no longer available in hard copy at planning offices & libraries it will make it difficult for those without computer access to view and comment on plans. **Poor broadband and internet service in rural areas again disadvantage those in rural areas.** (32)*
- *Members supported cost-saving and the principle of using more modern methods of community engagement. However, it was considered that Essex County Council should plan such a move with care to engage those with accessibility needs, in order that those members of the community are not disenfranchised from future consultations.(35)*
- *The commitment by ECC to the APAS is welcome and will bring the authority in line with others in the UK. However, given that we are now at the end of October*

*the reluctance to be any more specific than “late 2012” for the delivery of this system is concerning. Is there any further update that can be provided in this regard?(39)*

- *Would suggest that this should not be exclusively online as particularly in rural areas this would be impractical online; it is understood that these new arrangements have not yet been formalised with Local Authorities. (40)*

- *We disagree (41)*

## **MWP Response:**

Support for entirely-electronic viewing of planning applications has undoubtedly been influenced by the fact that Essex district, borough and city councils (DBCCs) have been implementing this approach for several years now, and end-users have in the main been satisfied with the quality of viewing and tracking applications online.

ECC, together with other county councils, has been slower to embrace this technology, partly because of the greater problems presented by the very large quantity of technical documents accompanying minerals and waste planning applications. In addition, once the technology to address this was in place, the MWP business case for the acquisition required offsetting by a reduction in staffing numbers. At the time of this report, some unforeseen issues particular to minerals and waste applications are not yet completely resolved, although many aspects of APAS are already being implemented successfully. Because these issues are IT based, the final go-live date for APAS is beyond our control, and it is for this reason that the wording relating to APAS is less specific than we might hope, although implementation is expected before the end of 2012. We are very nearly at the stage where a complete transition to online viewing of planning applications can be made, but for the present, hard copy documents are still available as previously.

One parish council commented that the new arrangements had not yet been formalized with local authorities. We have kept Essex DBCCs informed of the transition, and parish and town councils (PTCs) have been kept up to date on progress with APAS via ECC's electronic bulletin *Making the Links*. The SCI First Review consultation is seeking formal ratification of the changes, which have the approval of the majority of those who responded.

One respondent above commented on the variable quality of maps and diagrams supplied by applicants. All applicants will be required to meet very specific standards when submitting plans, and these will be set out in our revised validation checklists. However, the requirement for high-quality images must inevitably be balanced against the need for reasonable document sizes for downloading, particularly in low band-width areas of the county.

The issue of possible accessibility problems for some members of the community is something of which we are very much aware, and this has been considered in this appendix under Section 1 above, and in our Equality Impact Assessment Action Plan (see Appendix 4.1 and 4.2).

One point which should be made is that the introduction of APAS actually provides **enhanced** viewing facilities for planning applications: where previously anyone wishing to view an application had to travel to a local library or council office, with APAS, anyone with access to a computer can now view applications anywhere at any time online. We strongly believe also that if an individual is able to attend his or her local library, the online accessibility options available there are considerably better than just looking at a hard copy of a planning application, and assistance



should be available to help interpret any aspects of the application which are not clear. As said in Section 1 above, we shall work with the Library Service and other ECC service groups to identify appropriate measures to offset the impact of the shift to electronic communication required by the new corporate Communications Strategy.

## **5. Other issues raised**

Consultees were invited to suggest any further elements which they felt might be appropriate to include in the SCI First Review, and various comments were received, some making suggestions which would clarify or update wording in the SCI First Review, others suggesting additional topics which could be included, such as the Duty to Co-operate:

- *It may be appropriate to [include] a section setting out ECC's requirements in respect of the level and nature of pre-application consultation...[and] including reference to the Duty to Cooperate. (13)*
- *More information could be included on the specific measures which the County Council will be undertaking to consult other authorities in Essex on their plans and meet the 'Duty to Co-operate' (13)*
- *The appendix of consultees should be updated to reflect changes under the Health & Social Care Act and replace PCT with Clinical Commissioning Groups (CCGs) to be effective from 1 April 2013. Please note that Public Health will move to ECC from 1 April 2013. Currently, consultation requests to the PCT are handled by Public Health Team as to the health impact of any proposals. CCGs have access to public health advice from the Public Health team transferred to Essex County Council.(31)*
- *Reference is made to environmental impact assessment but not to health impact assessment. Waste disposal and mineral extractions both have the potential to impact on the health of the local population and we encourage you to include this assessment in the process.(31)*
- *Table 2, page 7 and paragraph 5.27 all refer to the D&R Committee and to the members of the public being able to make comments but there is no mention of the very limited number permitted to speak. (26)*

Two respondees (39)(44) suggested a number of clarifications to wording or format which are included in the Schedule of Proposed Changes (Appendix 3).

### **MWP Response:**

Most of the amended wording suggested by respondees has been taken on board and appears in the Schedule of Proposed Changes (Appendix 3) although we have been conscious of the need to keep the SCI First Review as brief as possible in response to consultee requests for a shorter and less technical document. Brief reference will be made to the Duty to Co-operate (see N°2 of Appendix 3) but it is our intention to produce separate statements for each Replacement Local Plan at the appropriate stage in plan preparation. The topic of pre-application procedures (see 5.11 of SCI First Review) is also being produced as a separate document which will appear on the ECC website and can be added to as new processes become clear.

We have taken on board information relating to future changes with effect from 1 April 2013 relating to Health & Social Care and shall ensure that our database of

consultees reflects these changes.

As regards the matter of health impact assessment (HIA), the National Planning Policy Framework 2012, paragraph 120, gives a hint that this may become statutory in the future, and we are monitoring this from both a policy and development management viewpoint. Our current validation checklists for development management state that an HIA may be required for a proposed development, particularly if there are issues relating to pollution, transport movements, radioactivity or proximity to a hazardous installation and reference is made in the Replacement Minerals Local Plan Submission Document to the use of HIAs. However, for an HIA to be of significant value, it needs to be considered in conjunction to other impact assessments including environment and transport.

The issue of Public Speaking at Development & Regulation (D&R) Committee was raised at the original public consultation on the Adopted SCI, and led to a review of the process in 2008 supported by benchmarking of other local authority procedures, and a further review in late 2010. However, when the matter was considered by members of the D&R committee, it was felt that the system in place was working well, and only minor changes to procedures were implemented. A further review will take place when needed.

**DR/59/13**

Committee DEVELOPMENT &amp; REGULATION

date 22nd November 2013

**INFORMATION ITEM****Applications, Enforcement and Appeals Statistics**

Report by Head of Planning, Environment & Economic Growth  
Sustainable, Environment and Enterprise

Enquiries to Tim Simpson – tel: 01245 437031

or email: [tim.simpson2@essex.gov.uk](mailto:tim.simpson2@essex.gov.uk)

**1. PURPOSE OF THE ITEM**

To update Members with relevant information on planning applications, appeals and enforcements, as at the end of the previous month, plus other background information as may be requested by Committee.

**BACKGROUND INFORMATION**

None.

Ref: P/DM/Tim Simpson/

**MEMBER NOTIFICATION**

Countywide.

**SCHEDULE****Minerals and Waste Planning Applications**

No. Pending at the end of previous month

22

No. Decisions issued in the month

5

No. Decisions issued this financial year

28

Overall % in 13 weeks this financial year

71%

% on target this financial year (CPS returns count)	54%
Nº Delegated Decisions issued in the month	3
Nº Section 106 Agreements Pending	1
<u>County Council Applications</u>	
Nº. Pending at the end of previous month	10
Nº. Decisions issued in the month	5
Nº. Decisions issued this financial year	32
Nº of Major Applications determined (13 weeks allowed)	0
Nº of Major Applications determined within the 13 weeks allowed	0
Nº Delegated Decisions issued in the month	5
% age in 8 weeks this financial year (Target 70%)	91%
<u>All Applications</u>	
Nº. Delegated Decisions issued last month	8
Nº. Committee determined applications issued last month	2
Nº. of Submission of Details dealt with this financial year	114
Nº. of Submission of Details Pending	95
Nº. of referrals to Secretary of State under delegated powers	1
<u>Appeals</u>	
Nº. of appeals outstanding at end of last month	2
<u>Enforcement</u>	
Nº. of active cases at end of last quarter	20
Nº. of cases cleared last quarter	7

Nº. of enforcement notices issued last month	0
Nº. of breach of condition notices issued last month	0
Nº. of planning contravention notices issued last month	1
Nº. of Temporary Stop Notices Issued last month	1
Nº. of Stop Notices Issued last month	0

