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**Minutes of the meeting of the Development and Regulation Committee, held in Committee Room 1 County Hall, Chelmsford, CM1 1QH on Friday, 24 March 2017**

**Present:**

Attendees

Cllr R Boyce (Chairman)	Cllr C Guglielmi
Cllr J Abbott	Cllr J Jowers
Cllr K Bobbin	Cllr J Lodge
Cllr M Ellis	Cllr M Mackrory
Cllr A Erskine	Cllr J Reeves
Cllr I Grundy	Cllr C Seagers

**1 Apologies for Absence**

Apologies were received from Cllr S Lissimore (substituted by Cllr I Grundy) and Cllr Lady Newton (substituted by Cllr C Seagers).

**2 Declarations of Interest**

Cllr Guglielmi declared that, as member for the division of Tendring East, he is local member in respect of Agenda Item 5.1, the application concerning Martells Quarry, Ardleigh.

**3 Minutes**

The minutes of the meeting held on 24 February 2017 were agreed and signed by the Chairman.

**4 Identification of Items Involving Public Speaking**

There were no public speakers identified.

Cllr Anne Brown had indicated that she wished to make a contribution in respect of Agenda Item 5.2, concerning Good Friday workings at Greenacres, Wormingford, as local member. However, she was unable to attend the meeting in person so had submitted a statement to be read out at the meeting.

**Minerals and Waste**

**5 Land at Martells Quarry, Ardleigh**

The Committee considered report DR/11/17 by the Acting Head of County Planning.

The Members of the Committee noted the contents of the Addendum. They also noted an error on page 23 of the agenda, penultimate sentence of the third paragraph, which should read "Infilling had been previously proposed at some 120,000 tonnes ..."

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Principle of Development
- Visual Impact
- Ecology
- Noise and Odour
- Traffic
- Landowner comments
- Proposed Material Recycling Facility and Tax Exempt Soil Blending Locations.

In response to points raised, it was noted:

- The maximum height would be 40 metres in the middle of the site - the previously approved post-settlement level
- The material used for infilling is restricted to commercial and industrial, non-hazardous, solid, dry waste, which has already been through a material recovery facility. This is controlled by the Environment Agency
- The older cells show greater compaction, both because of the wider range of materials used previously and the compaction created by the clay stockpile in the northern cells
- There are two site offices: one to the north, and a second more central, next to the gas flame. The latter serves as a regional office, so the extended opening hours. It is well screened and the likely impact would be de minimis.

There being no further issues raised by Members, the resolution was proposed and seconded. Following a unanimous vote in favour, it was

### **Resolved**

That for ESS/30/16/TEN planning permission be granted subject to the following conditions:

#### **Duration**

1. All operations authorised or required by this permission shall cease, and all plant, machinery equipment, structures, buildings, stockpiles and other above ground infrastructure associated with the development, approved as part of this permission, less the gas flare subject to the other condition requirements below, shall be removed and the site restored in accordance with the conditions of this permission not later than 31st December 2023.

#### **Approved Details**

2. Except as may be modified or required by the other conditions to this permission by the Waste Planning Authority, none of the uses, operations and activities associated with the development hereby approved shall be carried out

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other than in accordance with the details as set out in:

- a) Planning Application form from Icon Consulting dated 8th April 2016.
- b) Planning Supporting Statement dated 30th May 2016.
- c) Drwg Nos: SP000 entitled "Section Identification Plan" dated January 2016.
- d) Drwg Nos: SP001 entitled "Section A" dated January 2016.
- e) Drwg Nos: SP002 entitled "Section B" dated January 2016.
- f) Drwg Nos: SP003 entitled "Section C" dated January 2016.
- g) Drwg Nos: SP004 entitled "Section D" dated January 2016
- h) Drwg Nos: SP005 entitled "Section E" dated January 2016
- i) Drwg Nos: SP005 entitled "Section F" dated January 2016
- j) Drwg Nos: LF001 entitled "Proposed Pre-Settlement Levels" dated January 2016
- k) Drwg Nos: LF002 entitled "Proposed Post Settlement Levels" dated January 2016
- l) Drwg Nos: SWP001 entitled "Post Settlement Surface Water Management" dated May 2016
- m) Drwg Nos: CL001 entitled "Landfill Cell Identification" dated May 2016
- n) Drwg Nos: RS001 entitled "Restoration Phasing Plan" dated May 2016
- o) Drwg Nos: TOP01 entitled "Topographical Survey 2015" dated May 2016
- p) Drwg Nos: TOP02 entitled "Additional Topographical Information of Eastern Flank" dated May 2016

as amended by:

- q) The e-mail from Michael Graham dated 19th August 2016 (10:31) and accompanying:
  - i) Soil Composition Addendum dated 19th August 2016.
- r) The e-mail from A Bingham to M Graham dated 8th December 2016 (17:27) and accompanying:
  - i) Bingham : Hall Associates "Landfill Restoration Drainage Strategy" Report Version 1 dated 9th December 2016.
- s) The e-mail from Michael Graham dated 27th February 2017 (15:58) and

accompanying:

i) Wild Frontier Ecology report for Martells Quarry Landfill Site, Ardleigh, Essex. Dated February 2017.

t) The e-mail from Michael Graham dated 28th February 2017 (14:41) and accompanying Supporting Statement and Environmental Statement clarification points dated 28th February 2017.

u) The e-mail from Michael Graham dated 12th March 2017 (23:13) and clarification points and accompanying:

i) Drwg No S003 entitled "Section C" dated Jan 2016 and

ii) Drwg S004 entitled "Section D" dated Jan 2016.

v) The e-mail from Michael Graham dated 13th March 2017 (19:00) and accompanying:

i) Drwg No: S007 entitled "Sections 01-02" dated Jan 2017.

ii) Drwg No: S008 entitled "Sections 03-04" dated Jan 2017.

### **Availability of Plans**

3. A copy of this permission, including all documents hereby approved and any other documents subsequently approved in accordance with any conditions of this permission shall be kept available for inspection at the site during the prescribed working hours.

### **Protection of Existing Trees and Perimeter Vegetation**

4. Existing hedgerows and trees on the perimeter of, the site and identified for retention shall be retained shall not be felled, lopped, topped or removed without the prior written consent of the Waste Planning Authority. Any vegetation removed without consent, dying, being severely damaged or becoming seriously diseased (at any time during the development or aftercare period) shall be replaced with trees or bushes of such size and species as may be specified by the Waste Planning Authority, in the planting season immediately following any such occurrences.

5. No raising of existing ground levels on the western site boundary, to the south of the gas flare location, where it forms the boundary between the landfill site and the adjacent mineral extraction void shall take place until a scheme, based on Drwg No: S009 entitled " SW Boundary Retained Swale" dated Feb 2017, for the placing of material, as part of the marrying in of ground levels along the site boundary and in the vicinity of the boundary hedgerow/trees, to ensure their protection has been submitted to and received the written approval of the Waste Planning Authority. The scheme shall be implemented as approved in writing by the Waste Planning Authority. The scheme shall make provision for:

a) Measures to demarcate any standoff from any affected hedgerow/trees.

b) Method of working along the western site boundary.

- c) Appropriately scaled plans and cross sections of working area to show how final tipped site levels marry into the hedgerow/outside ground levels.
  - d) Timetabling of works.
  - e) Programme of works to achieve a) and b) above.
- For clarification all trees should be protected in accordance with BS: 5837 Trees in relation to design, demolition and construction – Recommendations

**Land to North of Site office/weighbridge**

6. No use of the land between the site office/weighbridge and Slough Lane shall take place and the land shall be restored in accordance with Condition 40 of this permission.

**Boundaries and Site Security**

7. The operator shall maintain and make stock proof where required the perimeter hedges and fences and protect the same from damage. Where the site boundary does not coincide with an existing hedge or fence line, the operator shall provide and maintain fencing as required for the duration of the development and aftercare period.

**Ecological Interest**

8. Prior to entry into any cell area or area of previously as depicted on Drwg Nos: CL001 entitled "Landfill Cell Identification" dated May 2016, written confirmation shall be made to the Waste Planning Authority from a qualified ecologist that there are no protected species interests within that part of the site that is being disturbed. Such confirmation shall relate to a period not more than 6 days prior to entry of the above locations. In the event of habitats/species being identified within any area entered then no further works shall take place until a qualified ecologist has assessed the area and an appropriate scheme of mitigation has been submitted and received the written approval of the Waste Planning Authority.

**Bird Nesting**

9. No vegetation shall be physically disturbed during the bird nesting season (March to August inclusive) unless the vegetation identified for removal has been surveyed to confirm the absence of active bird nesting.

**Topographical site survey**

10. Within 3 months of the date of this permission updated topographical surveys based on Drwg Nos: Drwg Nos: TOP01 entitled "Topographical Survey 2015" dated May 2016 and Drwg Nos: TOP02 entitled "Additional Topographical Information of Eastern Flank" dated May 2016 shall be submitted to the Waste Planning Authority. The surveys shall identify and quantify any onsite soil making material, sub soil and topsoil present and available for site restoration.

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**Topographical level surveys**

11. A survey of site levels shall be carried out:
- i. Within 6 months of the date of this permission
  - ii. On completion of final infilling to pre settlement levels
  - iii. Within 4 years of the date of this permission to confirm post settlement levels.

A copy of the survey shall be submitted to the Waste Planning Authority within 14 days of being undertaken.

**Vehicle Routeing**

12. A written record shall be maintained at the site office of all movements in/out of the site by HGVs. Such records shall contain the vehicle's registration and operating company's identity and time/date of movement. The records shall be made available for inspection by the Waste Planning Authority if requested and retained for the duration of the life of the development permitted.

13. All HGV traffic using the application land shall only access and exit the site from the A120 via the private access off the A120 over Bromley Road and along Slough Lane to the application site entrance. The route being set out in Section 12.3.1 of the Transport Statement of the Environmental Statement dated February 2017.

**Highway Cleanliness**

14. No mud or dirt shall be carried out onto the public highway by vehicles using the site.

**Haul Road maintenance**

15. Within one month of the date of this permission a scheme to address the site access road to remove the transport of mud/other detritus onto Slough Lane shall be submitted to the Waste Planning Authority. The scheme shall then be implemented within two months of the date of the approval in writing by the Waste Planning Authority. The scheme shall make provision for:

- i) Hard bound surfacing of the access road.
- ii) New/relocation of the wheelwash facilities.
- iii) Programme of maintenance during the life of the development approved by this permission.

**HGV Movements**

16. The total numbers of Heavy Goods Vehicle (HGV) movements entering or leaving the site during any single day shall not exceed the following daily overall limits:

- Mondays to Fridays 100 movements (50 in/50 out)
- Saturdays: 50 movements (25 in/25 out)
- Sundays and Bank/Public Holidays: None

**Sheeting Vehicles**

17. All loaded HGVs shall be sheeted with fully serviceable covering before leaving the site.

**Vehicle Maintenance**

18. No servicing, maintenance or testing of vehicles or plant shall take place other than within the landfill void area or plant area.

(For the purposes of this condition the restriction shall not apply to unforeseen vehicle breakdowns).

**Environmental Protection****Hours of Operation**

19.

a) No operations authorised or required by this permission shall be carried out on the site except between the following times:-

0800 – 1800 hours Mondays to Fridays.

0800 – 1300 hours Saturdays.

The site office situated within the landfill site proper adjacent the temporary gas flare shall have operating hours of:

0800 – 2200 hours Mondays to Fridays.

0800 – 1700 hours Saturdays.

b) There shall be no working on Sundays or Bank/National Holidays.

c) This condition shall not apply in cases of emergency when life, limb or property is in danger. The Waste Planning Authority shall be notified, in writing, as soon as possible after the occurrence of any such emergency.

**Rubbish**

20. All rubbish and scrap materials generated on the site shall be collected and stored in a screened position within the site area until such time as they may be properly disposed of to a suitably licensed waste disposal site.

21. No waste material/soil or soil forming material imported into the application area shall be handled other than within the existing void area or for the purposes of the handling of soils in the tax exempt areas identified on Drg nos: Drwg No: S007 entitled "Sections 01-02" dated Jan 2017 and Drwg No: S008 entitled "Sections 03-04" dated Jan 2017. Stockpiles shall not exceed 6 metres in height from their base.

**Burning**

22. No waste or other materials shall be burnt on the site.

**Lighting**

23. No artificial external lighting, whether free standing or affixed to infrastructure, that may be required to be provided within the application site shall be installed until a scheme of lighting at the site has been submitted to, and received the written approval of, the Waste Planning Authority. The scheme shall

be implemented in accordance with the details as approved. The submitted scheme shall make provision for:

- a) Lighting point location.
- b) Lighting design details.
- c) Proposed Illuminance coverage.
- d) Assessment of sky glow.
- e) Lighting does not illuminate boundary trees and hedgerows.
- f) Potential effects on nature conservation interests.

### **Noise - Normal Levels**

24. Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq,1hr) at noise sensitive premises adjoining the site, due to operations in the site, shall not exceed 1h, the LAeq levels as set out in the following table and identified on the attached plan no: ESS/30/16/TEN/A entitled "Noise Monitoring Locations":

<b>Receptor Location</b>	<b>Criterion / dB LAeq, 1hr</b>
White House	55dB
Carringtons	55dB

Measurements shall be made no closer than 3.5m to the façade of properties or other reflective surface and shall have regard to the effects of extraneous noise and shall be corrected for any such effects. . In the case of complaint(s) noise may be required to be measured at façade(s) and in this event these measurements will take precedence. Noise limits are set at 1.2 to 1.5 metres above ground level at monitoring points and 1.2 metres above ground level at a point 1 metre from façades. The façade limits include a +3dB(A) correction.

In the case of complaint(s) noise may be required to be measured at façade(s) and in this event these measurements will take precedence. Noise limits are set at 1.2 to 1.5 metres above ground level at monitoring points and 1.2 metres above ground level at a point 1 metre from façades. The façade limits include a +3dB(A) correction.

### **Loudspeakers**

25. No sound reproduction or amplification equipment (including public address systems, loudspeakers etc) which is audible at the nearest noise sensitive location shall be installed or operated on the site without the prior written approval of the Waste Planning Authority.

### **Reversing alarms**

26. Only white noise emitting reversing alarms shall be employed on vehicles and plant engaged in site activities and under the control of the applicant.

### **Dust**

27. Within 2 months of the date of this permission a scheme for the control of



dust monitoring/mitigation at the site shall be submitted to the Waste Planning Authority. The scheme shall be implemented in accordance with the details as approved, in writing, by the Waste Planning Authority. The submitted scheme shall make provision for:

g) A dust control plan.

h) A dust monitoring plan to include:

I. The location(s) of dust monitoring points.

II. The type of monitoring equipment to be used, the pollutant to be monitored and the standard to be monitored against.

III. A programme of monitoring to commence prior to soil stripping to provide a baseline against which to compare future monitoring.

IV. A programme of implementation to include frequency of monitoring and locations during the various phasing works

V. A log of complaints from the public and a record of the measures taken to be kept and submitted to the Waste Planning Authority on request.

VI. The results of dust monitoring over each three month period shall be submitted to the Waste Planning Authority within 21 days of the end of each three month monitoring period.

### **Surface Water Drainage and Pollution Protection**

28. Any oil, fuel, lubricant, paint or solvent within the site shall be stored so as to prevent such materials contaminating topsoil or subsoil or reaching any watercourse.

29. a) Any fixed or free standing oil or fuel tanks shall be surrounded by a fully sealed impermeable enclosure with a capacity not less than 110% of that of the tanks so as to fully contain their contents in the event of any spillage;

b) If there is multiple tankage, the enclosure shall have a capacity not less than 110% of the largest tank;

c) All filling points, vents and sight glasses shall be within the sealed impermeable enclosure; and

d) There shall be no drain through the impermeable enclosure. (The applicant's attention is drawn to the requirement set out in BS 799 Part 5: 1987.)

30. All foul drainage shall be contained within a sealed and watertight cesspit fitted with a level warning device constructed to BS 6297 "Design and Installation of Small Sewage Treatment Works and Cesspools" (1983).

31. No drainage from the site, or from areas immediately adjoining the site, shall be interrupted either partially or fully by the operations hereby approved.

32. No foul or contaminated surface water or trade effluent shall be discharged from the site into either the ground water or surface water drainage systems except as may be permitted under other legislation.

**Fixed Plant and Buildings**

33. Notwithstanding the provisions of Article 3 and Part 19 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 as amended, no plant/structures whether fixed or static, lagoons, stocking of wastes or other materials or other structures shall be erected or placed on the site, except as provided for under other conditions of this permission.

**Handling and Storage of Soil and Soil Forming Material**

34. Prior to the handling of any soils whether insitu or having been in storage then any excess vegetation shall be removed from the areas to be stripped. The term 'excess vegetation' in this condition means all vegetation above a height of 154mm (6") above ground level.

35. No operations involving soil lifting/replacement shall take place between the months of October to March inclusive.

36. No movement of soils or soil making materials shall take place except when the full depth of soil to be stripped or otherwise transported is in a 'suitably dry' soil moisture condition. Suitably dry means the soils shall be sufficiently dry for the topsoil to be separated from the subsoil without difficulty so that it is not damaged by machinery passage over it.

For clarity, the criteria for determining "suitably dry soil moisture conditions" and "dry and friable" is based on a field assessment of the soils wetness in relation to its lower plastic limit. The assessment should be made by attempting to roll a ball of soil into a thread on the surface of a clean plain glazed tile (or plate glass square) using light pressure from the flat of the hand. If the soil crumbles before a long thread of 3mm diameter can be formed, the soil is dry enough to move. The assessment should be carried out on representative samples of each major soil type.

37. All suitable soils and soil making material shall be recovered where practicable for use in restoration and separately stored in locations that have received the prior written approval of the Waste Planning Authority.

38. Any topsoil, subsoil, and soil making material mounds shall be constructed with only the minimum amount of compaction necessary to ensure stability and shall not be traversed by heavy vehicles or machinery except during stacking and removal for re-spreading during the restoration of the site. They shall be graded and seeded with a suitable low maintenance grass seed mixture in the first available growing season following their construction. The sward shall be managed in accordance with correct agricultural management techniques throughout the period of storage.

39. All soil and soil forming material storage mounds or have been restored, shall be kept free of weeds and all necessary steps shall be taken to destroy

weed at an early stage of growth to prevent seeding.

### **Restoration**

40. Within 3 months of the date of this permission, a restoration scheme based on Drwg Nos: RS001 entitled "Restoration Phasing Plan" dated May 2016 shall be submitted to the Waste Planning Authority. The scheme shall then only be implemented as approved, or as may subsequently be approved, in writing, by the Waste Planning Authority. The submitted scheme shall make provision for:-

- a) Reinstatement programme including soil profiles and depths across the restored landform.
- b) The handling, storage and management of any imported soil making material, sub soil and topsoil identified for site restoration.
- c) Arrangements for analysing the material in b) above to ensure the appropriate material is suitable for the agricultural afteruse of the land.
- d) Measures for how soil making and soils would be laid and to what depths.
- e) Measures for ripping and stone/other detritus removal that would hinder agricultural afteruse are to be removed and what sizes being removed from each of the reinstatement layers.
- f) Removal of all site structures, including and not limited to gas flare and concrete hardstandings.
- g) Site water drainage both surface and sub surface and erosion aspects are minimised.
- h) The land being free from ponding and capable of receiving an effective artificial under-drainage system and agricultural machinery is not unduly restricted.
- i) How the landfill gas and leachate infrastructure provision would influence final landform design and field delineation and implications for undertaking future agricultural activities.
- j) Gradients do not exceed the post settlement levels shown on Drwg No S003 entitled "Section C" dated Jan 2016 and Drwg S004 entitled "Section D" dated Jan 2016.
- k) Programme of implementation.

### **Landscaping**

41. Within 3 months of the date of this permission a scheme of landscaping, based on Drg no: 1910/005/K entitled "Restoration Proposals" dated March 2012 has been submitted to the Waste Planning Authority. The scheme shall be implemented in accordance with the details as approved, in writing, by the Waste Planning Authority. The submitted scheme shall make provision for:

- a) A landscape management plan to include the recommendations of the Bingham : Hall Associates "Landfill Restoration Drainage Strategy" Report Version 1 dated 9th December 2016 in respect of the reed planting of the drainage ditches and management.
- b) Provision of a wildlife habitat area – taking account of the recommendation in Section 9 page 20 of the Wild Frontier Ecology February 2017 report.
- c) Husbandry management of the existing hedgerows/mature trees.
- d) Layout of fields and fencing/hedgerow design, detail and management.
- e) Ground preparation works, including soil assessment, ripping, de-stoning and fertilising etc.

- f) Planting species including berry bearing shrubs, size, density, numbers and location.
- g) Grass seed mixes and rates.
- h) A programme of implementation to include the provision for planting during the first available season following restoration.
- i) A programme of management, maintenance and implementation timetable for the above.

Trees, shrubs and hedges planted in accordance with the approved scheme shall be maintained and any plants which at any time during the life of this permission including the aftercare period, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing with the Waste Planning Authority.

### **Agricultural Aftercare**

42. Within six months of the date of this permission an agricultural aftercare scheme providing for such steps as may be necessary to bring the land to the required standard for use as agriculture shall be submitted for the approval of the Waste Planning Authority. The agricultural aftercare scheme shall be implemented in accordance with the details as approved in writing, by the Waste Planning Authority. The submitted scheme shall specify the steps to be carried out and their timing within a five year aftercare period, or such longer period as may be proposed, and shall make provision for:-

- i. soil analysis;
- ii. planting
- iii. cultivating
- iv. fertilising
- v. watering
- vi. drainage
- vii. weed control measures
- viii. grazing management
- ix. agricultural management practices in vicinity of perimeter hedgerows and trees
- x. keeping of records; and
- xi. annual meetings with representatives of the Waste Planning Authority, Natural England, landowners and interested parties to review performance.

The period of agricultural aftercare for the site or any part of it shall commence on the date of written certification by the Waste Planning Authority that the site or, as the case may be, the specified part of it, has been satisfactorily restored.

### **Amenity Aftercare**

43. Within six months of the date of this permission an amenity aftercare scheme providing for such steps as may be necessary to bring the land to the required standard for use as a wildlife habitat as provided for in the recommendation in Section 9 page 20 of the Wild Frontier Ecology February 2017 report shall be submitted for the approval of the Waste Planning Authority. The amenity aftercare scheme shall be implemented in accordance with the

details as approved, or as may subsequently be approved, in writing, by the Waste Planning Authority. The submitted scheme shall specify the steps to be carried out and their timing within a five year aftercare period, or such longer period as may be proposed, and shall make provision for:-

(i) a management plan and strategy;

(ii) a programme to allow for monitoring the establishment of the habitat which shall provide for:

(a) such work as is necessary to enable the establishment of (ii) above;  
and

(b) maintenance arrangements to include such amendments to drainage patterns, and replacement and/or control of plant species as required to achieve the objectives;

(c) For any woodland provision the:  
cultivation practices;  
post-restoration secondary soil treatments;  
soil analysis;  
fertiliser applications, based on soil analysis;  
drainage;  
tree planting and maintenance;  
weed control;

(d) annual meetings with representatives of the Waste Planning Authority and landowners to review performance.

All areas the subject of amenity aftercare shall be clearly defined on a plan together with the separate demarcation of areas as necessary according to differences in management.

The period of amenity aftercare for the site or any part of it shall commence on the date of written certification by the Waste Planning Authority that the site or, as the case may be, the specified part of it has been satisfactorily restored.

#### **Cessation – Site General**

44. In the event of site operations being discontinued for six months in the period specified in Condition 1 of this permission then the land, or that part of it still remaining to be returned to its approved afteruse condition, shall be restored in accordance with a scheme submitted by the developer which has the written approval of the Waste Planning Authority. The scheme shall be submitted not later than one month from the Waste Planning Authority's issue of written notice that it is of the opinion that infilling has not taken place in the six month period and shall include the requirements of Conditions 40 - 43 inclusive of this permission. The scheme, as approved by the Waste Planning Authority, shall be commenced within three months of notification of determination of the scheme and shall be fully implemented within a further period of 12 months or

such other period as may be approved by the Waste Planning Authority.

## **6 Good Friday Operations**

The Committee considered report DR/12/17 by the Acting Head of County Planning.

The Members of the Committee noted the contents of the Addendum.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Appropriateness of the location for accommodating activities on Good Friday
- Environmental aspects - noise and dust.

A statement from Cllr Anne Brown, as local member, was read out to the meeting. Cllr Brown made several points:

- This site is near several homes in Packard's Lane. When the original planning application was agreed by the Inspectorate, on appeal, protection was given the residents by prohibiting the use of the site on Bank Holidays. The residents think this protection is extremely valuable for family life and are concerned that this current application will erode this condition. What will be requested next year?
- The current permission allows for a limited number of vehicles to leave the site at 6 am and residents are certain that these numbers are less than the twelve asked for in this new Bank Holiday application
- I understand that the vehicle engines have to be started for safety checks before they can leave the site. 6am is an extremely early start time for these movements and safety checks, especially on a bank holiday. If the committee gives approval should the time be 7am to give the residents some public holiday respect?
- The smell of refuse from these returned vehicles is of concern to residents. If permission is given what can be done to minimise this issue - bearing in mind that the vehicles will be one hundred metres from the nearest house. Are the refuse vehicles sealed or open to the atmosphere?
- CSH is a very successful and progressive business and we can expect further requests in the future I am concerned that this application is only a start and will be the cause of much anguish in the future unless strict and fair controls are maintained and enforced.

Officers responded to these:

- The applicant had made a similar application in 2016, but too late to be

dealt with by the Committee, so they had to make other arrangements. This application will be taken on its own merits, as will any possible future application

- Under the present conditions, 12 vehicle movements are permitted between 6.00 and 7.30 am
- There are no particular safety checks for the engines before departure; they can be started and driven off immediately. These vehicles are equipped with modern, relatively quiet engines. They will be parked ready to drive out of the site and will turn away from residential properties. The applicant would be content with a 7.00 starting time
- The vehicles will be sealed. The Environment Agency has expressed its support for this approach, preferring it to having the refuse remaining uncollected for a longer period (given the extended Bank Holiday weekend).

In response to further points raised, it was noted:

- There should be minimal impact on residential amenity, with the vehicles being parked more than 200 metres from the nearest residences, and varying the condition on this occasion may provide Colchester Skip Hire with the opportunity to demonstrate that they are good neighbours
- An informative could be added, to make it clear that granting this permission sets no precedent

Members made observations:

- When the inspector granted initial permission, working hours were restricted on this site and the situation has not changed
- An argument can always be made for some sort of commercial benefit; but the principle of the bank holiday, to provide respite from industrial activities, should be upheld - the local people deserve a quiet day.

Members proposed changing the start time from 6.00 am to 7.00 am.

There being no further matters raised by Members, the resolution, with the amended starting time, was proposed and seconded. Following a vote of ten in favour and two against, it was

## **Resolved**

### **1. Approved Details**

(A) The development hereby permitted shall be carried out in accordance with the details submitted by way of the 'Planning Application' (ESS/13/11/COL Appeal ref no: APP/Z1585/A/11/2165340) dated 4th July 2012 comprising:

(a) Drawing Numbers:

- (i) No 220 entitled "Site Layout Plan" dated January 2011
- (ii) No. 221 entitled "Floor Plan" dated December 2010

- (iii) No.222 entitled "Elevations" dated December 2010.
- (iv) No.223 entitled "Administration Offices" dated January 2011
- (v) No. 224 entitled "Maintenance Workshop" dated January 2011.
- (vi) No. 225 entitled "Weighbridge Office" dated January 2011.
- (vii) Landscape 100 entitled "Landscaping Plan" dated January 2011.
- (viii) Landscape 101 entitled "Landscaping Planting Schedule" dated November 2010.
- (ix) Landscape 108 entitled "Cross Sections" dated January 2011.

As amended by those details reserved by condition of planning permission ref no: ESS/13/11/COL:

(a) For Material Samples those details set out in:

- (i) Planning application form from Peter Johnson dated 10/07/15 and accompanying:
- (ii) "Span/load table for C19 Wall Profile from Tata Steel dated 2012
- (iii) Colourcoat HPS200 Ultra Tata Steel sample colour: Van Dyke Brown.

(b) For Travel Plan those details set out in:

- (i) Letters of the 14th December 2012
- (ii) application form dated 14th December 2012 and amended Travel Plan dated January 2013 and drawing number 130/A dated January 2013
- (iii) Letters of 7th January 2013 and 21st January 2013.

(c) For External Lighting those details set out in:

- (i) Letters of: the 7th November 2012.
- (ii) Application form dated 7 November 2012
- (iii) Letter of 12th December 2012
- (iv) Email of the 20th March 2013 and document entitled External Lighting dated October 2012 and drawing numbers P9306-334-R1 1 of 1 dated 31/10/12 and 137 dated October 2012.

(d) For Noise Monitoring those details as set out in:

- (i) E-mail from Johnson Dennehy Partnership (Peter Johnson) dated 06/10/14.
- (ii) AAD "Acoustic Report" dated 21/12/12.

(e) For Sound Insulation those details set out in:

- (i) Letters of 23rd January 2013
- (ii) Planning application form application form dated 23rd January 2013, and accompanying documents entitled Sound Insulation (Condition 10) dated January 2013 and revision dated February 2014
- (iii) Letters of 18th February 2014; 12th April 2013; 23rd September 2013; 9th December 2013 and
- (iv) Emails from The Johnson Dennehy Planning Partnership dated 20th May 2013 and 23rd July 2014.



(f) For Scheme for suppressing or limiting audible noise from warning devices on vehicle those details set out in:

- (i) Letter of the 14th January 2013
- (ii) Application form dated 14th January 2013
- (iii) Email of the 4th February 2013 and document entitled "Suppression of Audible Noise" dated January 2013.

(g) For foul and surface drainage those details as set out in:

- (i) Letters of the 7th November 2012
- (ii) Application form dated 7th November 2012 and accompanying document entitled Foul and Surface Water Drainage dated October 2012; document entitled Colchester Recycling and Recovery Facility Surface Water Drainage Strategy prepared by Richard Jackson Intelligent Engineering Job No. 4218 dated November 2012;
- (iii) Letter of 21st November 2012.

(h) For Habitat protection scheme those details as set out:

- (i) Letters of the 22nd February 2013
- (ii) Application form dated 22nd February 2013 and accompanying document entitled Habitat Protection Scheme dated February 2013, drawing numbers Landscape 101/A dated August 2012 and 144 dated January 2013.
- (iii) Letter of 12th April 2013
- (iv) Email of the 3rd May 2013 and 19th March 2013.

(i) For Habitat Management Scheme those details as set out in:

- (i) Letter of the 22nd February 2013
- (ii) Application form dated 22nd February 2013, document entitled Habitat Management Scheme dated February 2013, drawing numbers 136 dated October 2012, 144 dated January 2013, Landscape 100 dated August 2012 and Landscape 101/A dated August 2012
- (iii) Letter of and 12th April 2013
- (iv) Emails of the 15th March 2013 and 19th March 2013.

(j) For Tree and hedgerow Protection Scheme those details as set out in:

- (i) Letter of the 28th January 2013
- (ii) Application form dated 28th January 2013, document entitled Tree and Hedgerow Protection dated January 2013 and drawing numbers 143 dated January 2013 and Landscape 100 dated August 2012

(k) For Landscaping Timetable and Management Plan those details as set out in:

- (i) Letter of the 13th September 2012

- (ii) Application form dated 13th September 2012
- (iii) Email of the 9th November 2012, document entitled Management Plan and Landscape Timetable dated August 2012 and drawing number Landscape 100 dated August 2012.

(l) For Archaeology those details set out in:

- (i) The 'Archaeological Investigation' (reference: PRJ/SS/1104), dated August 2012 subject to the field work, publication and archiving being completed. And the following note attached to the determination letter that "in accordance with the advice from Essex Council's archaeological officer (email dated 26/10/12) and the requirements of the condition, the condition shall not be fully discharged until. In previous communications with yourself it was indicated that this work is scheduled to commence week beginning 5 November 2012 and it is expected that Essex County Council (planning and archaeology) would be kept fully informed throughout".

(m) For the Storage of Empty Skips and Waste Containers and Parking of HGVs when not in use those details as set out in:

- (i) Letters of the 14th January 2013
- (ii) Application form dated 14th January 2013, document entitled Storage and Parking dated January 2013 and drawing numbers 128/B dated November 2012 and 130/B dated January 2013
- (iii) Letter of 22nd April 2013
- (iv) Emails of the 4th February 2013, 20th May 2013.

(n) For Materials to be used for all hard surfaces those details as set out in:

- (i) Letter of the 7th November 2012
- (ii) Application form dated 7th November 2013, document entitled Surfacing Materials dated October 2012 and drawing number 138 dated October 2012.
- (iii) Email of the 18th December 2012.

(o) For Proposed Bunding or Mounding those details as set out in:

- (i) Letter of the 7th November 2012
- (ii) Application form dated 7th November 2013, document entitled Earth Bunding Details dated October 2012 and drawing number 139 dated October 2012.
- (iii) Email of the 18th December 2012.

(p) For Ancillary Works Timetable those details as set out in:

- (i) Letter of the 14th December 2012,
- (ii) Application form dated 14th December 2012, document entitled Ancillary Works Timetable dated December 2012 and drawing numbers 139 dated October 2012, 140 dated December 2012, 141 dated December 2012 and Landscape 101 dated August 2012.
- (iii) Email of the 21st January 2013

(B) As amended by the Non Material Amendment for the Welfare Building as set out in:

- (i) Planning application form from Peter Johnson dated 11/05/16 and accompanying
- (ii) Drwg No: 157 entitled "Staff Welfare Accommodation" dated Feb 2016
- (iii) Drwg No: 163 entitled "Recycling and recovery Facility Non Material Amendment Staff Welfare Facilities" dated May 2016.

(C) As amended by the planning application ESS/21/16/COL comprising:

- (i) Planning application form from Peter Johnson dated 16/05/16 and accompanying Supporting Document entitled "Variation of Conditions 04 & 23 "Greenacres" Old Packards Lane, Wormingford" dated May 2016;
- (ii) Drwg No: 158 entitled "Change of Use to Workshops and Dry Storage Building" dated Feb 2016
- (iii) Drwg No: 159 entitled "Change of Use to Workshops and Dry Storage Building" dated Feb 2016
- (iv) Drwg No: 165 entitled "Recycling and recovery Facility Variation of Conditions 04/23 Vehicle Maintenance Building/Dry Storage and Containment Walls to Northern Boundary" dated May 2016.
- (v) Drwg No: 166 entitled "Recycling and recovery Facility Variation of Conditions 04/23 Vehicle Maintenance Building/Dry Storage and Containment Walls to Northern Boundary" dated May 2016.

As amended by the e-mail from Johnson Dennehy Partnership (Peter Johnson) dated 20/06/16 and 3 page planning justification ref no: PRJ/SM/1104.

(D) As amended by the planning application ESS/29/16/COL comprising:

- (i) Planning application form from Peter Johnson dated 08/07/16 and accompanying Supporting Document entitled "Variation of Condition 06 (Waste Handling) "Greenacres" Old Packards Lane, Wormingford" dated May 2016;
- (ii) Drwg No: 155 entitled "Recycling and Recovery Facility Recycled Timber Storage Bays" dated Feb 2016
- (iii) Drwg No: 156 entitled "Recycling and Recovery Facility Recycled Timber Storage Bays" (Isometric View of Storage Bays) dated Feb 2016
- (iv) Drwg No: 162/A entitled "Recycling and Recovery Facility Variation of Condition 06 Timber Recycling Compound" dated May 2016.
- (iv) Letter from AAD Applied Acoustic Design dated 3rd October 2016 entitled "Acoustic Survey Note".
- (v) E-mail from Johnson Dennehy Partnership (Peter Johnson) dated 18th October 2016.

(E) As amended by the planning application ESS/18/17/COL comprising:

- (i) Planning application form from Peter Johnson dated 24/02/17 and

accompanying:

(ii) letter from The Johnson Dennehy Planning Partnership dated 24th February 2017 and

(iii) Drwg No: 123 entitled " Recycling and Recovery Facility Variation of Conditions 03 and 04 Bank Holiday Working" dated Feb 2017.

### **Availability of Plans**

2. A copy of this permission and the approved plans shall be available at the operator's site office at all times during the life of the site the subject of this permission. Any subsequent amendments approved by the Waste Planning Authority shall also be available upon request.

### **Environmental Protection Operating Hours**

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

07:30 – 18:30 Monday to Friday,  
07:30 – 13:30 Saturdays

And, at no other times or on Sundays, Bank or Public Holidays (except for Condition 4 (vi) below).

### **HGV Movement times**

4. (i) The total numbers of Heavy Goods Vehicle (HGV) movements entering or leaving the site during any single day shall not exceed the following overall limits:

Mondays to Fridays: 150 movements

Saturdays: 74 movements

Sundays and Bank/Public Holidays: none (except for (vi) below)

(ii) Outside the hours specified In Condition 3 above, any HGV movements associated with the site shall be limited to the following times and numbers:

Mondays - Saturdays: 06.00- 07.00: 6 movements

07.00- 07.30: 6 movements

Sundays and Bank/Public Holidays: none (except (vi) below)

For the avoidance of doubt, all movements permitted under Condition 4 (ii) shall count towards the daily limit for that day as set out under Condition 4 (i).

(iii) All movements before 07.30 on any day, permitted under Condition 4 (ii)

above shall be limited to out-bound movements only.

(iv) All movements between 06.00 - 07.00 on any day, permitted under Condition 4 (ii) above shall exit the site by turning right only, towards the B1508.

(v) No HGV movements of any kind shall take place prior to 06.00 on any day, or after 18.30 on Mondays to Fridays, or 13.30 on Saturdays.

(vi) For the purposes of this condition, and for the Good Friday April 14th 2017 only, 12 refuse vehicles shall be allowed to leave the site between the hours of 07:00 – 07:30 hours and return no later than 16:30 hours making a total of 24 movements. Upon return the 12 refuse vehicles shall park up on the access road in the area coloured red on Drwg No: 123 entitled "Recycling and Recovery Facility."

For the purpose of this condition, each vehicle entering the site shall constitute one movement, and each vehicle leaving the site shall constitute a separate movement.

### **Noise**

5. Outside the times specified in Condition 3, the noise level at the boundary with Rees Farm, resulting from any activities, operations, or vehicle movements at the site, shall not exceed the following limits, measured as the free field equivalent continuous level (LAeq, 5 min):

- (A) (i) the pre-existing background level (LA90) plus 5dB; and  
(ii) the average residual level (LAeq 5 min) plus 1dB.

(B) During the times specified In Condition 3, the noise level at the boundary with Rees Farm, resulting from all activities, operations, and vehicle movements at the site, measured as the free field specific noise level, shall not exceed 45 dB (L.Aeq,1hr).

(C) The frequency of monitoring shall not be less than once every three months.

(D) The monitoring scheme shall be implemented as approved.

(E) All noise measurements carried out in connection with this condition shall be undertaken In accordance with the guidance contained in BS4142:2014.

### **Waste Handling**

6. All waste materials, recycled materials and recycled products, fuels brought to the site shall be loaded, stored, sorted, treated, and processed and handled only within the proposed main recycling building: and not in or on any other building or any other part of the site with the exception of dry storage of recycled products within approved designated area within former recycling building as identified in Drawing No 1104/165 entitled "Recycling and Recovery Facility Variation of Conditions 04/23 Vehicle Maintenance Building/Dry Storage and

Containment Walls to Northern Boundary" dated May 2016 and the Handling and Processing of Timber Products within a Defined Compound Area as identified on Drawing No.1104/162/A dated May 2016.

### **Waste Types**

7. All waste materials brought to the site shall be either from commercial and Industrial sources or from construction and demolition sources. No waste materials of any other kinds shall be brought to, or accepted or handled at, the site. Records shall be kept of the source and nature of each load of waste material and those records shall be made available to the waste planning authority on request.

### **Waste Throughput**

8. The maximum quantity of waste materials handled at the site within any 12-month period shall be no more than 50,000 tonnes per annum. Records shall be kept of the weights of each load of waste material entering and leaving the site, and those records shall be made available to the Waste Planning Authority on request.

### **Boundary Maintenance**

9. The site perimeter fence/demarcation shall be maintained, in accordance with those details in Condition 1 of this permission that provides for their design and installation, during the life of the waste transfer activities.

### **Dust Suppression**

10. Within one month of the date of this permission, a water bowser and connected oscillating blower shall be positioned at the timber processing bays and shall be used in dry weather periods to suppress dust when the wood shredder is operational. Without prejudice to the foregoing, the water bowser and connected oscillating blower shall be used continually when the wood shredder is operational when, without water suppression, the prevailing wind speed and direction would cause dust to escape the site.

### **Information Items**

#### **7 Programme of Periodic Reviews of Mineral Planning Permissions**

The Committee considered report DR/13/17, by the Acting Head of County Planning, on the Programme of Periodic Reviews of Old Mineral Planning Permissions.

The Committee **NOTED** the report.

#### **8 Land at Gean Trees, Great Horkesley**

The Committee considered report DR/14/157, by the Acting Head of County

Planning, on the enforcement of planning control in respect of an unauthorised development on land at Gean Trees, Great Horkesley, Colchester.

The Committee **NOTED** the report and commended the waste planning authority and the Environment Agency for the manner in which they had collaborated to achieve this successful prosecution.

**9 Applications, Enforcement and Appeals Statistics**

The Committee considered report DR/15/17, applications, enforcement and appeals statistics, as at end of the previous month, by the Acting Head of County Planning.

The Committee NOTED the report.

**10 Date of Next Meeting**

The Committee noted that the next meeting would be held on Friday 21 April 2017 at 10:30am in Committee Room 1.

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

**Chairman**