

**MINUTES OF A MEETING OF THE DEVELOPMENT AND REGULATION  
COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON  
24 APRIL 2009**

Membership

* N D C Edey (Chairman)	* R Gooding
* W J C Dick (Vice -Chairman)	* Mrs J Reeves
* K Bobbin	* Mrs M A Miller
* M Mackrory	* D W Morris (substitute for R Boyce)
* A H Clover	* R A Pearson (present until adjournment for lunch)
* P Kirkman (substitute for W Archibald)	* J Spencer

\*present

**31. Apologies and Substitution Notices**

The Committee Officer informed the Committee that Councillor Archibald had sent his apologies, with Councillor Kirkman his designated substitute, and Councillor Boyce sent his apologies, with Councillor Morris his designated substitute.

**32. Minutes**

The Minutes and Addendum of the Committee held on 27 March 2009 were approved as a correct record and signed by the Chairman.

**33. Declarations of Interest**

Councillor N Edey expressed a prejudicial interest in item 5a.  
Councillor K Bobbin expressed a non-prejudicial interest in item 5b, and a personal interest in item 6b.  
Councillor Kirkman expressed a personal non-prejudicial interest in item 6b.  
Councillor Morris expressed a personal non-prejudicial interest in item 5b.

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

The persons who were registered to speak in accordance with the procedure were identified:-

5a) Development of an integrated Waste Management Facility at Rivenhall Airfield, Coggeshall Road (A120) Braintree CO5 9DF. Ref: ESS/37/08/BTE:

- Braintree District Councillor Nigel Harley, speaking against the proposal on behalf of Braintree District Council.
- Rivenhall Parish Councillor James Abbott, speaking against the proposal on behalf of Rivenhall Parish Council, Coggeshall Parish Council and Silver End Parish Council.

- Gillian Westall, speaking against the proposal on behalf of the Kelvedon and Feering Heritage Society.
  - Steven Smith, of Golder Associates, representing the applicant.
- 5b) Application for various works at Land at Wallasea Island, Rochford, Essex Ref: ESS/54/08/ROC:
- Terry Fawell, a member of the public, speaking against the proposal.
  - Jeff Kew, from the RSBP, representing the applicant.

## Minerals and Waste

### 35. **Development of an integrated Waste Management Facility at Rivenhall Airfield, Coggeshall Road (A120) Braintree CO5 9DF. Ref: ESS/37/08/BTE (DR/19/09)**

The Committee considered report DR/19/09 by the Head of Environmental Planning.

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

Roy Leavitt, Head of Environmental Planning, addressed the Committee and informed the Committee of the following change to the Recommendation:

Go East have issued an Article 14 direction under the Town and Country Planning Regulations, stating that Essex County Council is not able to grant planning permission for this proposal, without the Secretary of State lifting the Article 14 direction.

As a result, the sentence "That planning permission be granted subject to:-

- The Secretary of State not calling in the application for her own determination" on page 52 of report DR/19/09 needs to be deleted and replaced by "That the Secretary of State be informed that this Council is minded to grant planning permission subject to:-"

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*Having expressed a prejudicial interest, Councillor N Edey left the meeting and Councillor W Dick assumed the Chair.*  
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The Committee was advised that the proposal was for the Development of an integrated Waste Management Facility at Rivenhall Airfield, Coggeshall Road (A120) Braintree CO5 9DF.

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 that were:

- A. Need for the facility including the requirement to show need for the development and the need for the facility in the context of

- National and Regional Planning Policy
- B. Waste and Local Plan & Braintree Local Plan – justification for departure
  - C. Relationship to the Joint Municipal Waste Management Strategy

The Key potential environmental impacts to be considered were as follows

- D. Traffic, Highways & Rights Of Way
- E. Climate Change & Energy Production
- F. Emissions & Health Impacts
- G. Visual and Landscape Impact
- H. Ecology and habitats
- I. Local Amenity – Noise & lighting
- J. Cultural Heritage
- K. Ground and Surface Water and Contaminated Land
- L. Loss of Agricultural land
- M. Minerals Extraction & Sterilisation

In accordance with the protocol on public speaking, the Committee was addressed by Braintree District Councillor Nigel Harley, speaking against the proposal on behalf of Braintree District Council.

He said:

- In the opinion of Braintree District Council, there is no case for a 360,000 tonne paper pulping facility at the site. An even bigger paper pulping plant is being opened at Kings Lynn, which could deal with the paper pulping requirements of Essex.
- CHP only serves a useful purpose if it can be located alongside an activity that can use the heat and steam that it generates. Braintree District Council believes that the needs case for the paper pulp facility is weak, and therefore it cannot be used to justify an even greater departure from the development plan policy than has already been permitted.
- This scheme would install a significant industrial operation in the countryside and attempts to justify this on the back of an urgent need for a municipal waste treatment capacity are disingenuous. There will be long lasting environmental damage to a quiet rural area.
- There is no clear-cut needs case for the plant and therefore no case for setting aside the adopted waste plan.

In accordance with the protocol on public speaking, the Committee was addressed by Rivenhall Parish Councillor James Abbott, speaking against the proposal on behalf of Rivenhall Parish Council, Coggeshall Parish Council and Silver End Parish Council.

He said:

- The total throughput is for 1.3 million tones of waste, which is 50% more than the RCF, yet the number of lorry movements will stay the same.
- The County Council is ignoring its own Waste Plan by supporting a site over four times larger, and with buildings over 20 times larger, than allowed in the Waste Plan.

- Not only is there the new element of a paper pulping plant, but also a 360,000 tonnes waste incinerator being built on a site not allocated for industrial use in the Braintree District Council Plan.
- The report places far too much weight on regional policy and in particular the Essex waste strategy, which is not even a planning document.
- At a late stage in the planning consultation process the applicant changed the operation of the waste management facility to processing entirely commercial and industrial waste from the whole of Essex and Southend. However, the application documents in public exhibitions were still on the basis of only treating municipal waste from North Essex. Therefore, a commercial and industrial waste only site requires a separate application.
- The incinerator is in clear breach of pledges made by Essex County Council.
- The emissions will not be zero. Local people will be susceptible to pollutants depending on wind and weather conditions.
- It is not a combined heat and power plant. It is inextricably linked to the industrial paper plant.
- All of the heat and over half of the electricity will be used within the plant and will not be for the benefit of the district.
- The incinerator will produce millions of tonnes of carbon dioxide in its life time, yet there is no carbon budget.
- Over 95% of HGV deliveries to the site will be from outside Braintree District and will all be by road.
- The chimney is more prominent in the landscape than the applicant has stated and it is not welcome as a local way marker.
- There will be a significant de-watering of the site to the radius of up to 300 metres.
- There will be significant implications for the amount of noise and pollution in a very quiet rural location.

In accordance with the protocol on public speaking, the Committee was addressed by Gillian Westall, speaking against the proposal on behalf of the Kelvedon and Feering Heritage Society.

She said:

- Traffic to the site will come along the A120 and A12. If either road is blocked, then traffic will be diverted through either Kelvedon or Feering. The main routes through these villages are not suitable for HGVs.
- The report states that vehicle movements will remain at 404 per day, which is the same as in the previous application. However, there is now an almost 50% increase in the capacity of the facility.
- 30% of that volume will come from outside Essex. This indicates an additional 36 movements per hour, per working day, over roads that are already congested.
- The site is largely open countryside and not an industrial brown field site.
- The site is four times larger than that stipulated on the Waste Plan.
- Many trees surrounding the site are deciduous. This means that in winter the buildings and the chimney will be visible.
- The peaceful enjoyment of the memorial part of the site will be badly affected by this development.

- There are species of birds and insects which will lose habitat if trees are removed and water levels fall in nearby rivers.
- The 24/7 operation of the site, plus the security lighting, will make the site intrusive on local residents.
- There are listed buildings situated on the roads that will be used by HGVs, and damage may be caused to the buildings by the increase in traffic volume.
- The site is less than one kilometre from the model garden village at Silver East. This is part of a conservation area.

In accordance with the protocol on public speaking, the Committee was addressed by Steven Smith, of Golder Associates, representing the applicant.

He said:

- The facility is already approved on an identified site in the Waste Local Plan.
- The key issues raised in the public consultation were traffic, health (especially air quality) and the size of the buildings. As a result, the application includes:
  - The same traffic volumes as before
  - The buildings (apart from the chimney) are substantially the same in size and external appearance
  - An assessment of air emissions which confirms that there is nothing that risks damaging human, animal, or plant health.
- The following waste treatment processes will be provided:
  - A Materials Recovery Facility to sort recyclable materials.
  - An Anaerobic Digestion plant to generate energy from mixed organic wastes such as kitchen and green garden waste.
  - A Mechanical Biological Treatment to treat and process residual municipal household 'black bag' and/or Commercial and Industrial wastes.
  - A Pulp Facility to recycle waste paper and card.
  - A Combined Heat and Power plant to generate electricity, heat and steam which will supply energy to recycling operations and export to National Grid.
- Essex has to have between 1.3 to 2 million tonnes per annum of capacity from facilities like these over 2010-2015 if it is to meet the East of England Plan.
- The facility will occupy the same area of land as the original Recycling and Composting Facility.
- All treatment operations will take place inside environmentally controlled buildings.
- The design of the facility will fit in with its surroundings and will not give rise to any significant impacts upon the environment, or cause loss of amenity to local residents.
- The chimney would stand above the existing tree-line but would be constructed with reflective materials that mirror the weather conditions making it as unobtrusive as possible.
- The development will include improvements to the access road, as well as refurbishments of listed buildings.

Councillor P Kirkman made the following comments:

- This is an imposition of a facility on a community which does not want it.
- I have concerns over the inclusion of commercial and industrial waste treatment in the application.
- This facility does not add to the ability for us to add to our municipal waste.
- Waste could be imported from other places.
- If commercial and industrial waste is dealt with in this way, then the Waste Plan needs to be re-drafted.
- The need for a paper pulp plant has not been demonstrated.
- The argument that coating the chimney with reflective material will lead to it not having a detrimental impact on the landscape is not a correct one.
- Consequently, there are a number of grounds on which this application should be refused.

Councillor M Mackrory made the following comments:

- Is there a genuine need for this facility?
- A large Mechanical Biological Treatment facility means a large output of material.
- Is there a danger that this facility will create demand for itself?
- The Environment Agency says it is unlikely that the chimney is high enough to distribute pollutants. This is worrying.

Claire Tomalin, Senior Planner, responded:

- Waste planning Authority is responsible for planning for facilities to deal with all waste in Essex.
- This is a private application, there is no obligation on the County Council as Waste Disposal Authority to utilise this facility.
- It is more effective to use heat and steam directly – hence the paper pulp plant on the site.
- Some electricity will go to the national grid.
- The Environment Agency will consider if the height of the chimney is sufficient at the Environmental Permit stage.

Councillor R Gooding made the following comments:

- I disagree with the points made by Councillor P Kirkman.
- If it is self supporting, then it is a neat facility.
- It is not difficult to sell electricity back to the National Grid.
- I have concerns over the disposal of the products of combustion. This is not mentioned in the report.
- No implications described of the overall carbon footprint.

Claire Tomalin responded:

- The Environment Agency is responsible for controlling pollutants from the site and it is inappropriate for a planning authority to implement conditions which overlap with their work.

Councillor M Miller asked the following question:

- How much bottom ash would be exported from the site?

Councillor J Reeves asked the following question:

- Would the woodland be deciduous or evergreen?

Claire Tomalin responded that 12 HGV loads of Bottom Ash would be exported from the site as it would be likely to be considered hazardous waste, and the trees planted around the site would be Mixed Broadleaf.

Having been put to the vote and on the Chairman's casting vote with a majority of 5 to 4 it was:

## **RESOLVED**

That the Secretary of State be informed that this Council is minded to grant planning permission subject to:-

- the completion within 12 months of legal agreements relating to planning obligations/contributions with respect to
  - a. Ensuring that no excavation works take place on the site under this permission until the applicant has provided evidence to demonstrate their intention to substantially commence the construction of the waste management facility.
  - b. Ensuring the market de-ink paper plant shall only be operated as an ancillary facility to the waste management facility.
  - c. Setting up of an index linked fund of £(to be confirmed) to provide for the implementation of traffic management measures for the existing A 120 when no longer a Trunk Road.
  - d. Provision and implementation of:
    - improvements to crossover points with Church Road and Ash Lane as indicated within the application;
    - a traffic routing management system should HGV drivers be found to be using non County/Urban distributor roads between the A12 and A120 Trunk Roads;
    - funding for the installation of permanent information signs to direct HGV drivers to suitable County/Urban distributor roads to access the waste management facility via the A 120.
    - monitoring and mitigation programme at 1 and 5 years from first beneficial occupation of the waste management facility, traffic capacity of the Church Road-Ash lane access road link to determine whether there is evidence of conflict with vehicles using the public highway at the crossover points and if found then install additional passing places or widen the access road to facilitate two way traffic and/or improved traffic management at the crossing.
  - e. No development until submission of ground water monitoring scheme for outside the boundaries of the site.

- f. Setting up and meeting the reasonable expenses and administration of a Liaison Group to hold regular meetings.
  - g. Funding a level 3 survey in accordance with RCHME standards of all airfield buildings and structure prior to commencement of the development and fully funded presentation of the findings within the Heritage/Visitor Centre
  - h. Reinstatement and refurbishment of the Woodhouse Farm complex a funded and managed heritage facility.
  - i. Educational areas of the Woodhouse Farm complex being available outside of normal working hours to local parish councils or other identified local community groups to be agreed with the Liaison Group.
  - j. To submit details of the proposed planting and bunding and maintenance of such and to implement the approved details in the first available planting season following issuing the planning permission. These planting and bunding works not to constitute the commencement of development.
  - k. Provision of fully funded management plan to secure the regular maintenance/replacement as required of all existing and proposed planting and ecological management plan for habitats for the site from commencement until 20 years after the first beneficial occupation of the waste management facility.
- conditions relating to the following matters:

### **Commencement**

1. Commencement within 5 years, 30 days prior notification of commencement

### **Approved Plans and Details**

2. The development hereby permitted shall only be carried out in accordance with the details submitted by way of the application and subsequent submitted information

### **Traffic and Access**

3. The maximum number of HGV movements a day associate with the associated waste management facility shall be no more than 404 HGV movements a day. Records shall be maintained and submitted upon request.
4. Details of the extended access road to be submitted including removal of lay-by on single lane section with upgrading of surface to passing bay
5. No construction works for the development until the access road extension and widening and all footpath crossover points have been provided.
6. All vehicles shall only enter and leave the site using the Coggeshall Road (A120) junction.
7. No vehicles shall park within passing bays on the access road between Church Road



and Ash Lane.

### **Cultural Heritage**

8. No development until a programme for archaeological investigation
9. No demolition of airfield buildings until level 3 survey undertaken
10. No development affecting the moat until details of the proposed improvements and water supply submitted for approval
11. No development until details of signage, telecommunications and lighting within the vicinity of Woodhouse Farm have been submitted

### **Design and Layout**

12. No development shall commence until details of the design of the chimney including elevations, sections, plan views to appropriate scales and construction details have been submitted
13. No development shall commence until design details including external construction, materials, colours and finishes of the external cladding of the buildings and structures have been submitted including the provision of an artistic feature on or near the north elevation.
14. No development shall commence until information on effect of weathering on the proposed chimney material and how the chimney will be maintained to retain the quality of the surface have been submitted.
15. No development shall commence until management measures for the CHP plant have been submitted to ensure there is no visible plume from the chimney.
16. No development shall commence until details of the green roofs have been submitted.
17. No development shall take place until details of the layout of the waste management facility have been submitted
18. No beneficial use of the waste management facility until details for parking of cars, HGVs and any other vehicles that may use the waste management facility.

### **Water resources**

19. No development shall take place until a detailed scheme for foul water has been submitted and approved
20. No development shall take place until a detailed scheme of the surface water drainage and the ground water management system, including details of water flows between Upper lagoon and New Field lagoon.
21. No excavation shall take place until a scheme identifying locations for the installation of boreholes to monitor groundwater has been submitted

22. In the event that contamination is found the developer shall submit details of mitigation and remediation for approval

### **Waste Management**

23. No element of the development may be implemented in isolation of others.
24. No waste shall be brought onto the site for processing in the MRF, AD, MBT and CHP plant (except waste paper and card) other than that arising from within the administrative area of Essex and Southend-on-Sea. Submission of monitoring data.
25. No wastes other than dry non-hazardous Municipal Solid Waste and Commercial & Industrial wastes shall be brought onto the site for processing, treatment or disposal
26. No more than 435,000 tpa of waste (MSW and/or C & I) as Mixed Organic Waste, Mixed dry recyclables or unsorted waste, shall be imported to the site, except C & I waste in the form of paper and card. No more than 331,000 tpa of paper and card shall be brought to the site. No more than 87,500 tpa of SRF shall be imported to the site. Records shall be kept and provided upon request.
27. No more than 20% of the imported waste paper and card shall be from sources outside the East of England Region. Records shall be kept and provided upon request.
28. No waste brought onto the site shall be discharged, deposited, handled, stored, composted or otherwise processed outside the buildings.
29. No waste materials other than those arriving in enclosed containers, and enclosed or sheeted vehicles shall be accepted for processing.
30. No vehicles shall leave the waste management facility site without first having been cleansed of all loose residual mineral or waste materials from the vehicle's body and chassis.

### **Hours of Working**

31. No removal of soils or excavation of overburden, boulder clay, sand and gravel shall be carried out other than between 07:00-18:30 hours Monday to Friday, and 07:00 -13:00 hours Saturdays and not on Sundays, Bank and Public Holidays except for occasional maintenance of machinery, unless otherwise approved in writing by the Waste Planning Authority.
32. The construction works (including deliveries of building materials) for the waste management facility, hereby permitted shall only be carried out between 07:00-19:00 hours Monday to Sunday and not on Bank and Public Holidays except for occasional maintenance of machinery, unless otherwise approved in writing by the Waste Planning Authority.
33. No waste or processed materials shall be delivered to or removed from any part of the waste management facility other than between 07:00 and 18:30 hours Monday to Friday and 07:00 and 13:00 hours on Saturdays, and not on Sundays, Public or Bank Holidays except for clearances from Household Waste Recycling Centres on Sundays and Bank and Public Holidays as required and then only between 10:00 and 16:00

hours.

### Footpaths

34. No development shall commence until the layout of the cross over points of rights of way with the haul road, both existing and proposed, have been submitted for approval.
35. No development shall take place until signs have been erected on both sides of the haul/access road where footpaths cross the haul road

### Noise

36. Except for temporary operations, between the hours of 07:00 and 19:00 the free field Equivalent Continuous Noise Level ( $L_{Aeq\ 1\ hour}$ ) at noise sensitive properties adjoining the site, due to operations in the site, shall not exceed the  $L_{Aeq\ 1\ hour}$  levels set out in the following table.

#### Noise Sensitive Properties:

Location	Criterion dB $L_{Aeq\ 1\ hour}$
• Herring's Farm	45
• Deeks Cottage	45
• Haywards	45
• Allshot's Farm	47
• The Lodge	49
• Sheepcotes Farm	45
• Greenpastures Bungalow	45
• Goslings Cottage	47
• Goslings Farm	47
• Goslings Barn	47
• Bumby Hall	45
• Parkgate Farm Cottages	45

37. The free field Equivalent Continuous Noise Level ( $L_{Aeq\ 1\ hour}$ ) shall not exceed 47 dB(A)  $L_{Aeq\ 1\ hour}$  between the hours of 19:00 and 23:00, as measured or predicted at noise sensitive properties adjoining the site.
38. The free field Equivalent Continuous Noise Level ( $L_{Aeq\ 1\ hour}$ ) shall not exceed 40 dB(A)  $L_{Aeq\ 5\ min}$  between the hours of 23:00 and 07:00, as measured and/or predicted at 1 metre from the façade of the bedroom at noise sensitive properties adjoining the site.
39. Noise levels shall be monitored at three monthly intervals at up to five locations as agreed with the Mineral/Waste Planning Authority.
40. For temporary operations, the free field noise level at sensitive properties shall not exceed 70dB  $L_{Aeq\ 1\ hour}$ , at noise sensitive properties adjoining the site, due to operations on the site. Temporary operations shall not exceed a total of eight weeks in any continuous 12 month period for work affecting any noise sensitive property.

### Lighting

41. No external lighting shall be installed on site except in accordance with details to be submitted to and approved. The lighting shall not exceed 5 lux maintained average luminance.

### **Operations**

42. No development shall commence until a detailing phasing scheme for the construction of the haul road, creation of the retaining wall and extraction of the minerals has been submitted for approval
43. No development shall commence until details of soil handling, soil storage and machine movements and the end use of soils have been submitted for approval
44. No processing other than dry screening of excavated sand and gravel shall take place within the application site.
45. Any fuel, lubricant or chemical storage above ground and refuelling facilities shall be sited on an impermeable base and surrounded and bunded
46. Prior to commencement details of any permanent site perimeter fencing details shall be submitted for approval.
47. No development shall take place until details of external equipment required to control any fugitive dust from the handling/storage/processing of waste have been
48. Prior to the importation of waste details of external equipment required to prevent fugitive odour nuisance shall be submitted
49. No plant or machinery, containers, skips, trailers or vehicles shall be parked other than within designated areas

### **Ecology**

50. No Development shall commence until a ecological management plan has been submitted to include management and mitigation measures with respect to Great Crested Newts, Bats, Badgers, protected bird species and other ecologically sensitive habitats and species and for proposed new habitats before and during construction and during operation of the development.
51. No development until a dormouse survey has been undertaken and subject to the survey proposals for protection and mitigation shall be submitted.
52. If the development hereby approved is not commenced within one year of the date of this consent a further wildlife survey of the site shall be carried out to update the information on the species and the impact of development and the report of survey together with an amended mitigation strategy as appropriate shall be submitted for approval
53. No construction / demolition / excavation works or removal of hedgerows or trees shall be carried out on site during the bird nesting season and only after an intensive nest search.

### Screening and Landscaping

54. There shall only be one stack the CHP stack. The CHP stack shall not exceed 81m AOD
55. All landscaping and planting shall be undertaken during the first available planting season
56. Any tree or shrub forming part of a planting scheme is damaged, diseased or removed within the period of the operations or 5 years after completion of the operations shall be replaced by the applicants during the next planting season
57. No development shall take place until details of tree retention and protection measures have been submitted
58. No development until details for the protection and watering of trees adjacent to the retaining wall have been submitted and approved.

### Woodhouse Farm/Visitors/Education Centre

59. No beneficial use shall take place of the visitor and education centre and/or waste management facility until the works to Woodhouse Farm (which require further permissions/consents) have been implemented.
60. No development shall commence until details have been submitted of the detailed layout of the parking area adjacent to Woodhouse Farm including hard and soft landscaping details have been submitted for approval.
61. No parking within the Woodhouse Farm complex shall take place until suitable vehicle restrictions have been submitted for approval and implemented to prevent access by HGVs except for specific deliveries to the complex.

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*Councillor N Edey re-entered the meeting and resumed duties as Chairman*  
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### **36. Application for various works at Land at Wallasea Island, Rochford, Essex Ref: ESS/54/08/ROC (DR/20/09)**

The Committee considered report DR/20/09 by the Head of Environmental Planning.

The Members of the Committee noted the contents of the Addendum attached to these minutes and a change to the conditions.

The Committee was advised that the proposal was for the importation by sea of 7.5 million cubic metres of high quality recovered inert material to achieve, by phased extraction and landraising, a change of use from agricultural land to 677 hectares of coastal nature reserve principally comprising mudflats, saltmarsh, coastal lagoons, brackish marsh, coastal grazing marsh, drier grass capable of developing new saltmarsh as sea levels rise together with the development of 5 bird hides, car park and associated off shore unloading facility, conveyor and

pipeline, material handling area, sea wall engineering works and modification to Footpath Number 21, to be completed by 2019.

Policies relevant to the application were detailed in the report.

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

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

The Committee noted the key issues that were:

- A. Need
- B. Ecological Impact
- C. Green Belt
- D. Highway/Transport Impact
- E. Rights of Way/Public Access
- F. Landscape and Visual Impact
- G. Noise, Dust, Odour and Light
- H. Flooding
- I. Water Quality
- J. Impact on Sailing
- K. Loss of Agricultural Land
- L. Archaeology
- M. Airport Safeguarding

In accordance with the protocol on public speaking the Committee was addressed by Terry Fawell, a member of the public speaking against the application.

He said:

- There are four concerns over this application:
  - 1) The access road from the marina to the site needs passing bays.
  - 2) As far as immediate access to the site is concerned, the road is currently not suitable for large vehicles. Is it possible to align the County road with the access road previously created by DEFRA?
  - 3) There are concerns over the potential noise level of the works.
  - 4) The size of the care park proposed does not seem to be big enough for the expected number of visitors.
- Also, the oyster farmers have expressed concerns that this project may disrupt their livelihood.

In accordance with the protocol on public speaking the Committee was addressed by Jeff Kew, representing the applicant.

He said:

- This is an application to create a large new wetland nature reserve. The Wallasea Island Wild Coast Project will create a natural asset that Essex can be proud of.
- The RSPB does recognise that while there will be considerable benefits for habitat creation, biodiversity conservation, reduction in flood risk, public

recreation and education benefits, this application does raise some important land use planning issues.

- This is an application to the Waste Planning Authority due to the proposed importation and beneficial reuse by land alteration of 7.5 Million M3 of suitable inert material. Wallasea Island is at significant risk from an unmanaged breach and this material is necessary to reduce the volume of future tidal exchange with the estuary and thus the risks to the estuary from an unmanaged breach. This accords with Planning Policy Statement 10 and Waste Local Plan Policy W9B.
- The inert material will be brought to site by sea using sustainable transport methods greatly reducing the road transport implications of the London Crossrail Project. This accords with Planning Policy Guidance Note No 13.
- The London Crossrail project is a significant partner to the project that will provide the majority of this inert material.
- The RSPB has taken community engagement very seriously, the project has been promoted in national, regional and local media. We have held exhibitions and presentations and encouraged written public response to the proposals.
- We believe that these have been satisfactorily addressed through the development of the proposal, the proposed planning conditions and the proposed provisions of the Section 106 agreement.

Councillor Tracey Chapman, local member for Rochford North, addressed the Committee.

She said:

- I am in support of this application
- There is a need for environment-based recreation projects of this type
- The use of material from the Crossrail project is an innovative way of using such material.
- I would like to see restrictions placed on the number of coaches going per day to the site.

Responding to the concerns raised, Andrew Cook, Strategic Development Principal Engineer, Highways, said:

- Passing places should be looked into being created on the road between the marina and the site, which Mr Fawell identified in his presentation.
- If members are concerned about the lack of alignment between the County road and the road created by DEFRA, then a condition should be placed on this application which will align the two roads.
- With regards to the 110 space car park, it is deemed that this is a suitable provision based on projected visitor numbers. Any increase would be dealt with by a future application.

Responding to the concerns raised, Richard Greaves, Principal Planner, said:

- There will be a noise survey undertaken.
- The impact on the oyster beds will be negligible. Most of the oyster beds are upstream and are protected by separate legislation.

Councillor Roy Pearson expressed the following concerns:

- The sea walls may deteriorate over time.

- Traffic going to the site will have to go through Ashingdon Road and Brays Lane in Rochford, where there are a number of schools.

Richard Greaves responded:

- The construction of the sea walls will not be from rubble. It will be a managed flood exchange.

Andrew Cook responded:

- Concerns over traffic through Ashingdon Road and Brays Lane have been recognized.
- A condition could be imposed to limit the movement of traffic during the works.

The resolution was moved, seconded and

## **RESOLVED**

That planning permission be granted subject to:

- the Secretary of State not calling in the application for her own determination, and
- the completion within 12 months of a legal agreement relating to planning obligations/contributions for the provision and implementation of:
  - a. The attendance of the applicant and a representative of Crossrail at liaison meetings twice per year.
  - b. A developer covenant to ensure that the majority of the imported waste would be derived from the Crossrail project.
  - c. A financial contribution towards the upgrade of public transport facilities at the junction of Lambourne Hall Road and Creeksea Ferry Road.
  - d. A financial contribution towards the creation of passing places and highway improvements on Wallasea Island.
  - e. A S278 Agreement for the provision of a comprehensive signing scheme from the existing strategic road network to the site.
- conditions covering the following matters:
  1. C1 – Commencement within 3 years
  2. C2 – Development in accordance with plans and details
  3. GPDO1 – Removal of PD rights
  4. Details of lighting and security to be submitted for approval



5. Dust suppression to accord with submitted details
6. AN1 – Noise limits (except for temporary breaching works approved under Condition 12), which shall not exceed background levels plus 10dB in the evening, 42dB LAeq at night and background plus 10dB during day at the nearest noise sensitive locations.
7. AN2 – Monitoring noise levels, including night time surveying of background levels at Burnham Wick
8. AN3 – Sound insulation to be established
9. AN4 - White noise alarms
10. AN5 – Silencing of plant and machinery
11. C3 – Hours of use – Construction only permitted outside of overwintering period, normal working hours 07:00-19:00 Monday-Friday, 07:00-13:00 Saturdays, with only non-disturbing preparatory works permitted on Sundays between the hours of 08:00-16:00. Unloading and conveyor/pump transfer permitted 24 hours a day.
12. Approval to be sought for longer working hours for temporary activities three months prior to start of such activities.
13. LS3 – Machine movement scheme.
14. LS8 – Soil handled in dry and friable condition.
15. Ag2 – Stockpile heights not to exceed height of existing sea wall or proposed cell dividing walls.
16. E1 – Wildlife habitat provision.
17. A scheme for the creation of barriers/ditches to discourage badgers from areas containing ground nesting birds to be submitted for approval.
18. Prior to commencement of development, details of a 'shipping management plan' to be submitted for approval.
19. Prior to commencement of development, details of cycle parking facilities to be submitted for approval.
20. Prior to commencement of development, details of powered two wheeler parking facilities to be submitted for approval.

21. Prior to commencement of development, areas within the site for vehicle loading/unloading and manoeuvring to be submitted for approval.
22. Prior to commencement of development, a Traffic Management Plan for control of construction vehicles to be submitted for approval.
23. Details of car parking and surfacing materials to be submitted and approved.
24. H9 – Parking areas to be marked.
25. Dimensions of parking bays to be 2.5m x 5.0m minimum.
26. Ra2 – Aftercare scheme to be approved.
27. Rights of way/permissive routes to be maintained in perpetuity.
28. Details of unloading facility, including noise barrier if necessary to meet requirements of condition 6, to be submitted for approval prior to the commencement of such facility.
29. Prior to conveyor/pipeline construction, details of footbridge to be submitted for approval.
30. Details of dewatering basin to be submitted for approval.
31. L1 – Soft and hard landscaping scheme (prior to breach of cell 1).
32. L2 – Replacement landscaping.
33. Details of proposed cell walls and flood defence wall, including cross sections, to be submitted and approved.
34. A feasibility study shall be carried out for the provision of public access by river. Access to be provided in accordance with approved details.
35. Ar1 – Archaeological survey (evaluation for creeks prior to breaching of cell 1).
36. Details of site offices to be submitted for approval.
37. Development to be carried out in accordance with the Flood Risk Assessment by Faber Mansell dated November 2008 and sea wall to be constructed with a minimum crest level of 5.0m AOD.

38. Details to be submitted for signage to show the status of the water areas to be created in terms of public access rights across intertidal creeks and to mark the breaches for navigational safety.
39. Cess1 – Expiration of planning permission 31 December 2019.
40. Cess3 – Equipment removed when not required (within 12 months of completion of final phase - including unloading facility).
41. No waste material shall be imported by road.
42. LS12 – Phase commencement notification.
43. No traffic associated with the construction of the development hereby permitted shall enter the site except outside of the hours of 08:30 – 09:00 and 15:00 – 15:30 Monday to Friday.
44. No development shall take place (except for site preparatory works) until details of improvements to the access junction between Creeksea Ferry Road and the application site have been submitted to and approved in writing by the Waste Planning Authority. The development shall thereafter be constructed and maintained in accordance with the approved details.

### **37. Adjournment of Meeting**

At 13:20, on the recommendation of the Chairman, it was agreed that the meeting be adjourned until 13:50.

### **Minerals and Waste**

#### **38. Review of Old Mineral Planning Permission (ROMP) application for planning permission ROC/634/90 dated 19 November 1993, Barling Marsh Quarry and Landfill site, Barling Magna, Essex. Ref: ESS/51/08/ROC (DR/27/09)**

The Committee considered report DR/27/09 by the Head of Environmental Planning.

The Committee was advised that the proposal was for the Review of Old Mineral Planning Permission (ROMP) application for planning permission ref:ROC/634/90 dated 19 November 1993. Barling Marsh Quarry and Landfill Site, Mucking Hall Lane, Barling Magna, Essex.

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 that were:

Whether or not the proposed schedule of conditions and scheme of working and restoration adhere to the principles approved by the original planning permission ROC/634/90.

The resolution was moved, seconded and

## RESOLVED

That the schedule of conditions as set out below be agreed as the replacement conditions for ROC/634/90:

Each of the proposed conditions submitted by the applicant is set out in *italics* below. This is followed by an officer comment on each submitted condition. The final recommended wording of the condition then follows in **bold**. The recommended conditions have also been re-numbered with brackets as [0].

### General

1. *The development hereby permitted shall be carried out in accordance with the details submitted by way of the Environment Act 1995 Review Application dated 17 November 2008, Planning Application Statement dated 17 November 2008, together with the accompanying Environmental Statement and Drawing Reference as follows:-*

178A - 31	<i>Dated June 1991</i>	<i>Site Location</i>
178A – 32 Rev A	<i>November 2008</i>	<i>Existing Site Layout</i>
178A – 35	<i>Dated June 1991</i>	<i>Method and Scheme of Working</i>
178A – 36	<i>Dated June 1991</i>	<i>Method and Scheme of Landfill Working</i>
178A – 38a Rev B	<i>November 2008</i>	<i>Proposed Post -Settlement Restoration Contours</i>
178A - 45a	<i>Dated September 1991</i>	<i>Site Location Plan – Proposed Landscape Details</i>
178A – 50	<i>November 2008</i>	<i>Proposed Pre – Settlement Restoration Contours</i>

Comment:

The proposed pre-settlement and post-settlement landscape details are unable to be approved under a ROMP application, as this is considered 'development' under the Town and Country Planning Act. The drawings proposing a variation to approved levels would be subject to assessment in a new application and is therefore deleted from this condition entirely.

- [1] **The development hereby permitted shall be carried out in accordance with the details submitted by way of the Environment Act 1995, ROMP Application and ROMP Application Statement dated 17 November 2008, together with the accompanying Environmental Statement dated November 2008 and Drawing References as follows:-**

178A – 31	<b>Dated November 2008</b>	<b>Site Location</b>
178A – 32 Rev A	<b>Dated November 2008</b>	<b>Existing Site Layout</b>
178A – 35	<b>Dated June 1991</b>	<b>Method and Scheme of Working</b>
178A – 36	<b>Dated June 1991</b>	<b>Method and Scheme of Landfill Working</b>
178A – 38a	<b>Dated September 1991</b>	<b>Restoration Plan</b>
178A – 44	<b>Dated August 1991</b>	<b>Landscape Details</b>

**except as varied by the following conditions;**

### Working Hours

2. *The operations authorised, with the exception of pumping operations necessary for dewatering the area of excavation, required or associated (including lorry movements) with the development hereby permitted shall only be carried out between the following times:*

*0700 – 1800 hours Monday to Friday  
0700 – 1230 hours Saturday*

*and at no other time on Sundays and Public Holidays, unless otherwise agreed in writing with the Mineral Waste Planning Authority.*

*The aforementioned times shall be subject to the following exceptions:*

*Waste arising under the Environmental Protection Act 1990 Section 51 (1) (a) and 51 (1) (b) may be deposited between the following additional times:*

*1230 – 1630 hours on Saturdays after a Public Holiday subject to not more than eight such occasions during a year.*

Comment:

The proposed condition seeks permission for additional working hours on Saturdays immediately following a Public Holiday limited to no more than eight separate occasions per year. This raises no objections and is in accordance with modern industry standards and waste management practices.

- [2] The operations authorised, with the exception of pumping operations necessary for dewatering the area of excavation, required or associated (including lorry movements) with the development hereby permitted shall only be carried out between the following times:**

**0700 – 1800 hours Monday to Friday  
0700 – 1230 hours Saturday**

**and at no other time on Sundays and Public Holidays, unless otherwise approved in writing with the Minerals Planning Authority.**

**The aforementioned times shall be subject to the following exceptions:**

**Waste arising under the Environmental Protection Act 1990 Section 51 (1) (a) and 51 (1) (b) may be deposited between the following additional times:**

**1230 – 1630 hours on Saturdays after a Public Holiday subject to not more than eight such occasions during a year.**

Access

3. *The haul road, as constructed, shall be maintained to a standard to minimise disturbance by noise and dust and prevent the spreading of mud on the public highway and public footpaths. To this end, the haul road, and crossing points with the public highway and public footpaths, shall be watered and swept as necessary to prevent any nuisance or hazard arising.*

Comment:

No changes are recommended to the proposed condition.

**[3] The haul road, as constructed, shall be maintained to a standard to minimise disturbance by noise and dust and prevent the spreading of mud on the public highway and public footpaths. To this end, the haul road, and crossing points with the public highway and public footpaths, shall be watered and swept to prevent any nuisance or hazard arising.**

4. *Vehicular movements (total into and out of the site) for goods vehicles shall not exceed a maximum of 360 (180 in and out) on any single working day and 180 (90 in and 90 out) on Saturdays along the haul road between Southend Road and the site. To this end a permanent record shall be kept of lorry movements to be submitted for the inspection of the Waste Planning Authority on receipt of a written request from the Authority.*

Comment:

The recommended condition is amended to allow for additional lorry movements on Saturdays immediately following a Public Holiday. The appropriate number of vehicle movements has been calculated accordingly.

**[4] Vehicular movements (total into and out of the site) for goods vehicles shall not exceed a maximum of 360 (180 in and out) on any single working day and 180 (90 in and 90 out) on Saturdays along the haul road between Southend Road and the site. On Saturdays following a Public Holiday vehicular movements shall not exceed a maximum of 300 (150 in and 150 out). To this end a permanent record shall be kept of lorry movements to be submitted for the inspection of the Minerals Planning Authority within 14 days of a written request from the Authority.**

#### Soil Handling

5. *Before topsoils and subsoils are stripped a detailed Scheme of Soil Movement and Storage shall be submitted for the written approval of the Mineral Waste Planning Authority, in consultation with the Department of the Environment, Food and Rural Affairs (DEFRA). Such scheme shall take the results of the Salinity Report (dated February 1991) and the applicants' letter of 16 August 1991 to MAFF into account. Unless otherwise agreed in writing by the Mineral Waste Planning Authority, the soil handling scheme shall:*

- identify the areas to be treated;*
- be based on treating each 25cm layer of subsoil with gypsum prior to stripping. (In order to achieve the maximum mixing effect); and*
- specify the rate and the method of gypsum application.*

*Soils shall be moved and stored in accordance with the agreed scheme.*

Comment:

Natural England replaces DEFRA as the relevant consulting government agency.

**[5] Before topsoils and subsoils are stripped a detailed Scheme of Soil Movement and Storage shall be submitted for the written approval of the Minerals Planning Authority, in consultation with Natural England. Such scheme shall take the results of the Salinity Report (dated February 1991) and the applicants' letter of 16**

**August 1991 to MAFF into account. Unless otherwise approved in writing by the Minerals Planning Authority, the soil handling scheme shall:**

- identify the areas to be treated;**
- be based on treating each 25cm layer of subsoil with gypsum prior to stripping. (In order to achieve the maximum mixing effect); and**
- specify the rate and the method of gypsum application.**

**Soils shall be moved and stored in accordance with the approved scheme.**

6. *Topsoil, subsoil and soil forming material shall only be handled/moved when they are in a dry and friable condition. This requires:*

*There to be no placement of soils between the months of November and March (inclusive) unless otherwise approved in advance in writing by the Waste Planning Authority.*

*An assessment determining dry and friable, based on the soil's wetness and lower plastic limit. This assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean glazed tile using light pressure from the flat of the hand. If a thread of 15cm in length and 3mm in diameter can be formed, soil moving should not take place until the soil has dried out. If the soil crumbles before a thread of the aforementioned dimensions can be made, then the soil is dry enough to be moved.*

Comment:

No changes are recommended to the proposed condition.

- [6]Topsoil, subsoil and soil forming material shall only be handled/moved when they are in a dry and friable condition. This requires:**

**There to be no placement of soils between the months of November and March (inclusive) unless otherwise approved in advance in writing by the Minerals Planning Authority.**

**An assessment determining dry and friable, based on the soil's wetness and lower plastic limit. This assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean glazed tile using light pressure from the flat of the hand. If a thread of 15cm in length and 3mm in diameter can be formed, soil moving should not take place until the soil has dried out. If the soil crumbles before a thread of the aforementioned dimensions can be made, then the soil is dry enough to be moved.**

7. *The topsoil layer shall be stripped to full depth (approximately 25cm) and shall wherever possible, be immediately respread over an area of reinstated subsoil. If this immediate respreading is not practicable, the topsoil shall be stored separately for subsequent replacement.*

Comment:

No changes are recommended to the proposed condition.

- [7] The topsoil layer shall be stripped to full depth (approximately 25cm) and shall wherever possible, be immediately respread over an area of reinstated subsoil. If**

**this immediate respreading is not practicable, the topsoil shall be stored separately for subsequent replacement.**

8. *The subsoil layer shall be stripped in accordance with the Scheme of Soil Movement and Storage, and be immediately respread over the clay seal. If this immediate respreading is not practicable the subsoil shall be stored separately for subsequent replacement.*

Comment:

No changes are recommended to the proposed condition.

**[8] The subsoil layer shall be stripped in accordance with the approved Scheme of Soil Movement and Storage, and be immediately respread over the clay seal. If this immediate respreading is not practicable the subsoil shall be stored separately for subsequent replacement.**

9. *Bunds for the storage of agricultural soils shall conform to the following criteria:*

- (a) topsoils and subsoils shall be stored separately; or*
- (b) where dissimilar soils are stored in the same bund, they shall be separated by a third material, previously agreed in writing with the Mineral Waste Planning Authority; and*
- (c) topsoil storage bunds shall not exceed 3 metres, and subsoil storage bunds shall not exceed 5 metres in height.*

Comment:

No changes are recommended to the proposed condition.

**[9] Bunds for the storage of agricultural soils shall conform to the following criteria:**

- (a) topsoils and subsoils shall be stored separately; or**
- (d) where dissimilar soils are stored in the same bund, they shall be separated by a third material, previously approved in writing by the Minerals Planning Authority; and**
- (e) topsoil storage bunds shall not exceed 3 metres, and subsoil storage bunds shall not exceed 5 metres in height.**

10. *All storage mounds intended to remain in situ for more than six months, are to be grassed over and weed control and other necessary maintenance carried out to the satisfaction of the Mineral Waste Planning Authority. The seed mixture and application rates are to be agreed with the Mineral Waste Planning Authority in writing no less than one month before it is expected to complete the formation of the storage mounds.*

Comment:

No changes are recommended to the proposed condition.

**[10] All storage mounds intended to remain in situ for more than six months, are to be grassed over and weed control and other necessary maintenance carried out to the satisfaction of the Minerals Planning Authority. The seed mixture and application rates are to be approved by the Minerals Planning Authority in writing**



**no less than one month before it is expected to complete the formation of the storage mounds.**

11. *Before development commences a Scheme of Machine Movements for the stripping and replacing of soils shall be submitted for the written approval of the Mineral Waste Planning Authority. All such machine movements shall be restricted to those approved. The scheme shall also define the type of machinery to be used. Further more the scheme shall identify the agricultural soils to be retained for restoration. Where original subsoils are not to be retained, the substitute subsoil material shall be identified and quantified.*

Comment:

No changes are recommended to the proposed condition.

**[11] Before topsoils and subsoils are stripped a Scheme of Machine Movements for the stripping and replacing of soils shall be submitted for the written approval of the Minerals Planning Authority. All such machine movements shall be restricted to those approved. The scheme shall also define the type of machinery to be used. Further more the scheme shall identify the agricultural soils to be retained for restoration. Where original subsoils are not to be retained, the substitute subsoil material shall be identified and quantified.**

#### Operations

12. *No operations other than the installation of bunds shall take place within 100 metres of residential property or 5 metres of any existing trees and hedges adjacent to the southern boundary to Phase 1.*

Comment:

No changes are recommended to the proposed condition.

**[12] No operations other than the installation of bunds shall take place within 100 metres of residential property or 5 metres of any existing trees and hedges adjacent to the southern boundary to Phase 1.**

13. *There shall be no movement of mineral waste or clay from the extraction site unless other than as agreed in writing with the Mineral Waste Planning Authority.*

Comment:

It is recommended that the proposed condition is strengthened to prevent any ambiguity in the export of waste or clay from site.

**[13] There shall be no export or movement of mineral waste or clay from the site unless otherwise approved in writing by the Minerals Planning Authority.**

#### Plant

14. *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no building, structure, fixed plant or machinery (other than hydraulic excavator, dragline or plant for the movement of materials), shall be erected,*

*extended, installed or replaced on the site without the prior agreement in writing of the Minerals Waste Planning Authority.*

Comment:

No changes are recommended to the proposed condition.

**[14] Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no building, structure, fixed plant or machinery (other than hydraulic excavator, dragline or plant for the movement of materials), shall be erected, extended, installed or replaced on the site without the prior approval in writing of the Minerals Planning Authority.**

*15. The existing plant shall only be used for the processing of material raised from the operations, the subject of this permission and no importation of materials for processing from any external source shall be permitted without the express written permission of the Minerals Waste Planning Authority.*

Comment:

No changes are recommended to the proposed condition.

**[15] The existing plant shall only be used for the processing of material raised from the operations, the subject of this permission and no importation of materials for processing from any external source shall be permitted without the express written permission of the Minerals Planning Authority.**

*16. Prior to the commencement of excavation operations on Phase 2 as shown on plan no. 178A - 35, details of the internal haul road between the plant and the extraction area shall be submitted for the written approval of the Minerals and Waste Planning Authority.*

Comment:

It is recommended that proposed Condition 16 is deleted. Details of the internal haul road between the plant and the extraction area was submitted and approved by the Council.

*17. Unless the Mineral Waste Planning Authority otherwise agree in writing any building, fixed plant and machinery, foundation, roadway, structure or erection in the nature of plant or machinery used in connection with the operations approved by this permission shall be removed at such time or times as the Mineral Waste Planning Authority may determine they are respectively no longer required for the purpose for which they were installed but not later than one year after the completion of landfill operations, whichever is the earlier, and the land reinstated to agriculture. The land where any roadways, buildings, etc. are shall be reinstated to agricultural use in accordance with a scheme of restoration which shall previously have been approved in writing by the Minerals Waste Planning Authority.*

Comment:

No changes are recommended to the proposed condition.

**[16] Unless the Minerals Planning Authority otherwise approves in writing any building, fixed plant and machinery, foundation, roadway, structure or erection in the nature of plant or machinery used in connection with the operations approved by this permission shall be removed at such time or times as the Minerals Planning Authority may determine they are respectively no longer required for the purpose for which they were installed but not later than one year after the**

**completion of landfill operations, whichever is the earlier, and the land reinstated to agriculture. The land where any roadways, buildings, etc. are shall be reinstated to agricultural use in accordance with a scheme of restoration which shall previously have been approved in writing by the Minerals Planning Authority.**

### Landfill

18. *The final surface of the land is to be at such level as to follow the final pre-settlement contours, as shown in Drawing Reference 178A-50.*

Comment:

Drawing 178A-50 proposes 'development' and is unable under the Environment Act 1995 to be determined under a ROMP application. It is recommended that this condition is changed to reflect approved landforms approved by planning permission ROC/634/90.

**[17] Following placement of topsoil and subsoil, the final surface of the landfill is to be at such a level as to follow the approved pre-settlement contours as specified in the approved details and at no time shall surcharging exceed 15% of the post-settlement contours.**

19. *As landraising progresses through each phase the operator shall reassess, at three yearly intervals, the allowances being made for settlement and submit its findings in writing to the Mineral Waste Planning Authority for written approval. Where shown the rate of settlement is different from that predicted to achieve the post-settlement landform, the pre-settlement contours shall be adjusted and landraising undertaken to accord with the revised calculations for settlement.*

Comment:

The frequent adjustment of land contours is considered 'development' and is unable under the Environment Act 1995 to be determined under a ROMP application. The operator shall ensure all post settlement contours adhere to the approved contours under planning permission ROC/634/90 and as such the proposed planning condition is recommended to be deleted.

ROC/634/90 planning condition:

A separate planning condition omitted by the applicant relating to landfill as set out in Condition 29 of ROC/634/90 is recommended to be retained. This condition reads as follows:

"Before tipping operations commence the detailed scheme for the proposed passive system for the collection and venting of landfill gas shall be submitted for the written approval of the MPA in consultation with MAFF."

Comment:

It is recommended that the following condition be included:

**[18] Within 6 months of the date of this permission details of the landfill gas and leachate collection piping and wellheads shall be submitted to the Minerals Planning Authority for approval. The landfill gas and leachate collection piping and wellheads shall be subsequently implemented in accordance with the approved details.**

20. *The minimum settled depth of topsoil and subsoil shall not be less than 1 metre.*

Comment:

No changes are recommended to the proposed condition.

**[19] The minimum settled depth of topsoil and subsoil shall not be less than 1 metre.**

21. *The topsoil is to be spread to a minimum depth of 25cm over the reinstated subsoil so as to form the final contours as specified in Condition 18.*

Comment:

The numerical reference to Condition 18 is changed for the re-numbered condition.

**[20] The topsoil is to be spread to a minimum depth of 25cm over the reinstated subsoil so as to form the final contours as specified in Condition 17.**

22. *In any part of the site where differential settlement occurs during the restoration and aftercare period, the applicant shall submit remedial proposals to the Mineral Waste Planning Authority for their written agreement.*

Comment:

Minor amendments are recommended to the proposed condition. The subsequent implementation of the approved remedial proposals is recommended to be clearly stated.

**[21] In any part of the site where differential settlement occurs during the restoration and aftercare period, the applicant shall submit remedial proposals to the Minerals Planning Authority for their written approval. The remedial measures shall be subsequently implemented in accordance with the approved details.**

23. *Imported waste used to backfill within 250 metres of any dwelling shall be restricted to inert excavated soils in their natural state.*

Comment:

No changes are recommended to the proposed condition.

**[22] Imported waste used to backfill within 250 metres of any dwelling shall be restricted to inert excavated soils in their natural state.**

ROC/634/90 planning condition:

A separate planning condition omitted by the applicant relating to landfill as set out in Condition 39 of ROC/634/90 is recommended to be retained. This condition reads as follows:

“Such engineering works (monitoring boreholes, Condition 38 of ROC/634/90) as may be considered necessary by the MPA shall be carried out so as to prevent the drainage of surface and ground water into the site.”

Comment:

The wording of this condition is considered to be too onerous on the operator of the site and was proposed to be deleted by the applicant. The Minerals Planning Authority however should maintain control over all engineering works on site and it is recommended that the

following condition be included:

**[23] Within 6 months of the date of this permission a scheme for the management of ground and surface water within the site shall be submitted for approval by the Minerals Planning Authority. This scheme shall then be subsequently implemented in accordance with the approved details.**

Amenity

*24. Noise generated from the haul road shall not exceed 55 dB (A) LAeq (1 hour) at the façade of any residential property. Should the level be exceeded, then immediate measures shall be taken to reduce the level.*

Comment:

Minor changes are recommended to the proposed condition.

**[24] Noise generated from the haul road shall not exceed 55 dB (A) LAeq (1 hour) at the façade of any residential property. Should the level be exceeded, then immediate measures shall be taken to reduce the level to 55 dB (A) LAeq (1 hour) at the façade of any residential property.**

*25. Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hour) at noise sensitive premises adjoining the site, due to operations in the site, shall not exceed 55 dB LAeq, 1 hour. Measurements shall be made no closer than 3.5m to the façade of properties or any other reflective surface and shall have regard to the effects of extraneous noise and shall be corrected for any such effects.*

Comment:

No changes are recommended to the proposed condition.

**[25] Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hour) at noise sensitive premises adjoining the site, due to operations in the site, shall not exceed 55 dB LAeq, 1 hour. Measurements shall be made no closer than 3.5m to the façade of properties or any other reflective surface and shall have regard to the effects of extraneous noise and shall be corrected for any such effects.**

*26. For temporary operations, the free field noise level at noise sensitive properties shall not exceed 70 dB LAeq, 1 hour expressed in the same manner as for Condition 25. Temporary operations shall not exceed a total of eight weeks in any continuous twelve month period for work affecting any noise sensitive property. Five days written notice shall be given to the Mineral Waste Planning Authority in advance of the commencement of any temporary operation. Temporary operations shall include site clearance, soil movement and bund removal, restoration works, and other temporary activity as may be agreed, in advance of works taking place, with the Mineral Waste Planning Authority.*

Comment:

No changes are recommended to the proposed condition.

**[26] For temporary operations, the free field noise level at noise sensitive properties**

shall not exceed 70 dB LAeq, 1 hour expressed in the same manner as for Condition 25. Temporary operations shall not exceed a total of eight weeks in any continuous twelve month period for work affecting any noise sensitive property. Five days written notice shall be given to the Minerals Planning Authority in advance of the commencement of any temporary operation. Temporary operations shall include site clearance, soil movement and bund removal, restoration works, and other temporary activity as may be approved, in advance of works taking place, with the Minerals Planning Authority.

27. *Noise levels shall be monitored by the operating company at six monthly intervals at up to three locations to be agreed with the Mineral Waste Planning Authority. The results of the monitoring shall include the LA90 and LAeq noise levels, 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 survey shall be for two separate fifteen minute periods during the working day and the results shall be kept by the operating company during the life of the permitted operations and a copy shall be supplied to the Mineral Waste Planning Authority. After the first year of operation, the frequency of the monitoring may be modified by agreement with the Mineral Waste Planning Authority.*

Comment:

No changes are recommended to the proposed condition.

**[27] Noise levels shall be monitored by the operating company at six monthly intervals at up to three locations to be approved by the Minerals Planning Authority. The results of the monitoring shall include the LA90 and LAeq noise levels, 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 survey shall be for two separate fifteen minute periods during the working day and the results shall be kept by the operating company during the life of the permitted operations and a copy shall be supplied to the Minerals Planning Authority. After the first year of operation, the frequency of the monitoring may be modified by agreement with the Minerals Planning Authority.**

Aftercare

28. *All planting in association with the development, where planting is to act as a screen or noise alleviator for the period of the operations, shall be maintained for the life of the operations.*

Comment:

Minor changes are recommended to the proposed condition. The replanting of dead or damaged trees should be clearly stated.

**[28] All planting in association with the development, where planting is to act as a screen or noise alleviator for the period of the operations, shall be maintained for the life of the operations. Any trees or shrubs that die or become damaged shall be replaced in the next planting season with others of similar size and species unless otherwise approved in writing by the Minerals Planning Authority.**

29. *An Aftercare Scheme requiring that such steps as may be necessary to bring the land to the required standard for the use of agriculture shall be submitted for the written approval of the Mineral Waste Planning Authority not later than three months prior to the*

*date on which it is first expected that the replacement of topsoil shall take place. The aftercare scheme shall be implemented in accordance with the approved scheme.*

*The submitted agricultural aftercare scheme shall:*

- a) *provide an outline strategy in accordance with Annex A of MPG7 for the five year aftercare period. This shall specify steps to be taken and the period during which they are to be taken. The scheme shall include provision of a field drainage system where required and provide for an annual meeting between the applicants, the Mineral Waste Planning Authority and Natural England.*
- b) *provide for a detailed annual programme, in accordance with Annexes A and B of MPG7 to be submitted to the Mineral Waste Planning Authority not later than two months prior to the annual Aftercare meeting.*
- c) *unless the Mineral Waste Planning Authority, after consultation with DEFRA, agree in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.*

Comment:

Natural England has replaced DEFRA as the consulting government agency.

**[29] An Aftercare Scheme requiring that such steps as may be necessary to bring the land to the required standard for the use of agriculture shall be submitted for the written approval of the Minerals Planning Authority not later than three months prior to the date on which it is first expected that the replacement of topsoil shall take place. The aftercare scheme shall be implemented in accordance with the approved scheme.**

**The submitted agricultural aftercare scheme shall:**

- a) **provide an outline strategy in accordance with Annex A of MPG7 for the five year aftercare period. This shall specify steps to be taken and the period during which they are to be taken. The scheme shall include provision of a field drainage system where required and provide for an annual meeting between the applicants, the Minerals Planning Authority and Natural England.**
- d) **provide for a detailed annual programme, in accordance with Annexes A and B of MPG7 to be submitted to the Minerals Planning Authority not later than two months prior to the annual Aftercare meeting.**
- e) **unless the Minerals Planning Authority, after consultation with Natural England, agree in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.**

Habitat Protection

30. *Heavy machinery and noisy activities associated with the proposed development in*

*areas in the south and east (as shown on Drawing Reference 178A - 32 Revision A) shall only be undertaken during suitable periods within the phasing plan from the commencement of development and outside the over-wintering period for birds, (i.e not during October – end March period).*

Comment:

Minor changes are recommended to the proposed condition.

**[30] Heavy machinery and noisy activities associated with the proposed development in areas in the south and east (as shown on Drawing Reference 178A - 32 Revision A) shall only be undertaken within the phasing plan during suitable periods outside the over-wintering period for birds, i.e from April – September inclusive.**

**Reason: To ensure that activities, that are potentially disturbing to over-wintering waterfowl are undertaken outside of the over-wintering period.**

*31. No development activity authorised under this planning permission should be undertaken within currently restored areas and perimeter areas until suitable appropriate mitigation measures for the protection of reptiles is agreed in writing by the Mineral Waste Planning Authority.*

Comment:

Minor changes are recommended to the proposed condition to encompass all species protected under the Wildlife and Countryside Act found on the subject site.

**[31] No disturbance to currently restored areas and perimeter areas shall take place until appropriate mitigation measures for the protection of protected species including reptiles is approved in writing by the Minerals Planning Authority. Mitigation measures should subsequently be implemented in accordance with the approved details.**

Completion Date

*32. Prior to the expiration of twenty years from the commencement of the development or upon the completion of the development, whichever is the sooner all operations authorised, required or associated with the winning and working of sand and gravel, landfill and/or restoration of the site, except aftercare provisions, shall be completed.*

Comment:

Minor changes are recommended to the proposed condition to stipulate the expiry date for restoration works being 21 March 2014.

**[32] Prior to 21 March 2014 or upon the completion of the development, whichever is the sooner all operations authorised, required or associated with the winning and working of sand and gravel, landfill and/or restoration of the site, except aftercare provisions, shall be completed.**

*33. Prior to the expiration of twenty years and nine months from the commencement of the development or upon the expiration of nine months from the completion of the development, whichever is the sooner, the haul road shall be broken up and removed and the highway reinstated and the land restored to agriculture in accordance with schemes to be agreed in writing with the Mineral Waste Planning Authority.*



Comment:

Minor changes are recommended to the proposed condition to stipulate the expiry date for the removal of the haul road, reinstatement of highway and restoration to agriculture, being 21 December 2014.

**[33] Prior to 21 December 2014 or upon the expiration of nine months from the completion of the development, whichever is the sooner, the haul road shall be broken up and removed and the public highway reinstated and the land restored to agriculture in accordance with schemes to be approved in writing by the Minerals Planning Authority.**

34. *On completion of all sand and gravel extraction and processing operations a scheme for the restoration of the settlement lagoons located adjacent to the existing plant site and which are to be used in connection with this permission, shall be submitted for the written approval of the Mineral Waste Planning Authority, and the works shall be subsequently implemented in accordance with that scheme.*

Comment:

Minor changes are recommended to the proposed condition to stipulate precise timescales for the submission of a scheme of restoration of the settlement lagoons being prior to the end of 2009.

**[34] Prior to 31 December 2009 or prior to the completion of all sand and gravel extraction and processing operations, whichever the sooner, a scheme for the restoration of the settlement lagoons located adjacent to the existing plant site and which are to be used in connection with this permission, shall be submitted for the written approval of the Minerals Planning Authority, and the works shall be subsequently implemented in accordance with that scheme. Notice sh**

## Development by the County Council

**39. Retrospective planning application at Friars Grove Infant School, Upland Drive, Colchester, CO4 0PZ Ref: CC/COL/05/09 (DR/21/09)**

The Committee considered report DR/21/09 by the Head of Environmental Planning.

The Committee was advised that the proposal was for Retrospective planning application for erection of an aluminium frame and fabric roofed canopy to the south west elevation of the infant school building, complete with decking and fencing. Friars Grove Infant School, Upland Drive, Colchester, CO4 0PZ.

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 that were:

- A. Need and Principle of Development
- B. Design

C. Amenity and Landscape Impact

The resolution was moved, seconded and

**RESOLVED**

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

The development hereby permitted shall be carried out in accordance with the details of the application CC/COL/05/09 dated 27 November 2008, together with a drawing number 08139-01 dated 27 November 2008 and Design and Access Statement dated 27 November 2008, subject to the following condition:

Details of decking and fencing, including materials, elevations, plans, demonstrating heights, depth and width with type of fencing to be used shall be submitted to and approved in writing by the County Council's Planning Authority within 1 month from the date of permission and thereafter implemented in accordance with the approved details.

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*NB. Following the meeting it was revealed that further representations were received after the consultation period and in the run up to the Committee. The Planning Officer was not made aware of these representations until after the Committee meeting. Following consultation with the Chairman, the item will be re-presented at the next meeting.*

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**40. The retention of three classbases for a temporary period at Pitsea Junior School, High Road, Pitsea, Basildon, Essex SS13 3AB Ref: CC/BAS/06/09 (DR/22/09)**

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*Councillor Bobbin left the meeting, having declared a personal and prejudicial interest.*

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The Committee considered report DR/22/09 by the Head of Environmental Planning.

The Committee was advised that the proposal was for the retention of three classbases for a temporary period until 31 August 2011 without compliance with condition 2 (time limit) attached to planning permission CC/BAS/164/05 Pitsea Junior School, High Road, Pitsea, Basildon, Essex SS13 3AB

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 that were:

- A. Need and Principle of Development
- B. Design

C. Impact on amenity

The resolution was moved, seconded and

**RESOLVED**

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

- a. The development hereby permitted shall be carried out in accordance with the details of the application CC/BAS/06/09 dated 20 January 2009 together with a site plan (dated 23 January 2009) and Design and Access Statement (dated 23 January 2009) subject to the following condition:

The use of the relocatable unit hereby permitted shall cease on the 31 August 2011 and within three months of that date the unit shall be removed from the site and the land restored to its former condition within a further 28 days.

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*Councillor Bobbin re-entered the meeting*

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**41. Planning conditions at Galleywood Infant School, Barnard Road, Galleywood, Chelmsford, Essex CM2 8RR Ref: CC/CHL/13/09 (DR/23/09)**

The Committee considered report DR/23/09 by the Head of Environmental Planning.

The Members of the Committee noted the contents of the Addendum attached to these minutes and a change to the conditions.

The Committee was advised that the proposal was for the removal of Condition 3 of Planning Permission CC/CHL/49/08 which requires the submission of a scheme for the protection of existing trees and for replacement planting to be submitted and approved by the County Planning Authority. Galleywood Infant School, Barnard Road, Galleywood, Chelmsford, Essex CM2 8RR

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 that were:

- A. Impact to the Streetscene and Surrounding Area
- B. Key Consultee Responses
- C. Variation of Original Planning Permission CC/CHL/49/08

The resolution was moved, seconded and

**RESOLVED**

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

1. The development hereby permitted shall be carried out in accordance with the details submitted by way of application CC/CHL/49/08 dated 8 April 2008, together with drawing numbered 12785 (Survey and proposal) dated 30 March, drawing numbered 1A (proposed railing) dated 29 March 2008, and as amended by application CC/CHL/13/09 dated 20 February 2009 and Design and Access Statement dated February 2009.
2. Within 2 months of the date of this permission a scheme of grass seeding and grass planting shall be submitted to and approved by the County Planning Authority. The scheme shall be subsequently implemented in accordance with the approved details.

### **Village Green Application**

#### **42. Application to register land at Eastley Park Basildon as a village green (DR/24/09)**

The Committee considered report DR/24/09 by the County Solicitor.

The Committee was advised that the proposal was for the application to register land at Eastley Park, Basildon as a Village Green.

Jacqueline Millward, County Solicitor, took the Committee through the application and the Committee noted the following issues:-

Has the use been for lawful sports and pastimes?

Has there been 20 years of such use?

Is there a specific locality the inhabitants of which have indulged in lawful sports and pastimes or is there a neighbourhood within a locality of which a significant number of the inhabitants have so indulged?

Has the user by inhabitants been as of right?

Councillor John Schofield, local member for Westley Heights, Basildon, addressed the Committee.

He said:

- I am in full support of this application.
- It has the support of many of the local residents
- I would like to thank Jacqueline Millward, County Solicitor, for the work she has done on this application.

The resolution was moved, seconded and

### **RESOLVED**

That the application is accepted and the village green record is amended to include the application site with village green status recording the owner as English Partnerships.

**43. Information Items**

The Committee considered the following reports by the Head of Environmental Planning

- a) Enforcement Update (DR/25/09)
- b) Applications, Enforcement and Appeals Statistics (DR/26/09)

Roy Leavitt, Head of Environmental Planning, advised the Committee that whilst there has been a reduction in the number of Minerals and Waste Applications in the past year, the complexity of the applications submitted has lead to an increased workload.

**RESOLVED**

The reports were noted

- 44.** The Chairman informed the Committee that the next meeting would take place at 10.30 on 22 May 2009 in Committee Room 1, County Hall, Chelmsford.

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Meeting ended at 14:45

Chairman