

**ADDENDUM FOR THE MEETING OF DEVELOPMENT AND REGULATION  
COMMITTEE 24 SEPTEMBER 2021**

**Item 4.1 DR/16/21** Land at Martells Quarry, Slough Lane, Ardleigh, Essex, CO7 7RU

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3<sup>rd</sup> Paragraph penultimate line replace references to “204” and “102” with “160” and “80” respectively.

Page 131

Condition 39 replace with:

"No site preparation works shall take place, as defined in Condition 2 until a Dust Management Plan for the land has received the written approval of the Mineral Planning Authority. The scheme shall be implemented in accordance with the details as approved, in writing, by the Mineral Planning Authority. The submitted scheme shall make provision for:

- a) Confirmation based on a review of more recent Tendring District Council Local Air Quality Management publications and other available air quality data to confirm that PM10 concentrations are below 17µg/m<sup>3</sup>
- b) The Dust Management Plan to incorporate such dust mitigation, management and monitoring procedures as provided for within the extant dust monitoring/management/control schemes accommodated under ESS/61/19/TEN.
- c) Details of responsibilities and procedures for identifying the need for applying additional mitigation (i.e. under what circumstances would it be required, how would it be identified that dust has been emitted off-site etc) or to respond to complaints.
- d) Dust mitigation measures to include specific reference to the best practice techniques to be employed during enabling works (such as during initial soil stripping) and bund creation to minimise adverse impacts from dust emissions at nearby residential properties, particularly Coronation Cottages and Slough Farm.

Reason: In the interests of clarity, to ensure that the applicant has in place an appropriate plan to mitigate environmental nuisance arising on both neighbouring sensitive receptors and the rural environment as a result of their activities having regard to Policies DM1, DM2 and S10 of The Essex Minerals Local Plan Adopted July 2014; Policy 10 of the Essex and Southend Waste Local Plan (adopted July 2017) and Minerals Planning Practice Guidance and the National Planning Policy

Framework that seeks to ensure that suitable control is in place in respect of emissions”.

**Item 4.1 (DR/17/21/)** Land adjacent to Chelmsford City Racecourse, Great Leighs, Chelmsford, CM3 1QP

Page 159

PROPOSAL

4<sup>th</sup> paragraph replace first sentence with:

The building would have a single pitched roof, with a maximum height of 12.12m.

Page 160

PROPOSALS

4th paragraph replace the word “biogeneric” with biogenic

Page 166

CONSULTATIONS

Amend response from ENVIRONMENT AGENCY – 2<sup>nd</sup> paragraph first sentence should read “Incineration plants with a throughput of **less than** 3 tonnes/hour are regulated by the Local Authority under Schedule 13 ...”

Page 168

CONSULTATIONS

Add additional response

GREAT NOTLEY PARISH COUNCIL (neighbouring Parish Council): Object –

- The Pyrolysis method of energy production is the burning of waste products in the absence of oxygen and it is noted that the by-product of the process is the generation of noxious gases and carbon. In view of the fact that both Braintree District Council and Chelmsford City Council have declared climate emergencies it would be thought that a process that has a by-product of carbon should not be encouraged and there is a concern as to potential

pollution in the area in the event that there were to be an escape of noxious gases.

- The proposals would also increase traffic in the area
- The site is inappropriate due to its proximity to the racecourse which attracts many people both for racing and events and more particularly next to the densely populated residential area of Great Notley and that the impact of potential pollution and increased traffic would be of considerable detriment to the area.

#### Page 168

#### REPRESENTATIONS

Delete first paragraph and replace with

3 properties were directly notified of the application. 1 letter of representation has been received from Chelmsford City Racecourse in support of the proposals, the points raised are summarised below. Although not directly consulted letters were also received from Braintree District Council, Black Notley Parish Council and Great Notley Parish Council which have been reported in the consultation section above.

#### Page 170

#### APPRAISAL - NEED AND POLICY CONSIDERATIONS

4<sup>th</sup> paragraph replace the words “biogeneric” with “biogenic”

#### Page 173

#### APPRAISAL - NEED AND POLICY CONSIDERATIONS

3<sup>rd</sup> paragraph add additional sentence. It is considered appropriate that since location for the facility is based on needing to have the pyrolysis plant close to future potential users, if these potential users do not materialise, that reuse of the land and building for other purposes should be subject to further consideration. Thus, it is considered that planning permission should be subject to a condition limiting the land and building to use associated with the pyrolysis plant.

#### Page 173

#### APPRAISAL – AIR QUALITY

2nd paragraph of this section add additional sentence after 1<sup>st</sup> sentence.

BDC, Black Notley Parish Council and Great Notley Parish Council have all raised concerns as to the impact of emissions on local residents and users of the racecourse.

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APPRAISAL - TRAFFIC, HIGHWAYS AND PROW

After 1<sup>st</sup> paragraph add additional paragraph:

While concern has been raised by Black Notley & Great Notley Parish Councils regarding increased HGV traffic, in view of the limited number of HGV movements proposed, the impact is likely to be minimal.

Page 180

RECOMMENDATION

Delete Condition 3 and replace with

The development hereby permitted shall be carried out in accordance with the details of the application dated 17 May 2021, together with drawings as set out below:

<b>Drawing No</b>	<b>Description</b>	<b>Last Revision Date</b>
300.03	Proposed Site Layout Plan	06.07.2021
306.01	Prop Site Location Plan	14.05.2021
107.00	Ext Site Block Plan	03.02.2021
301.04	Prop Ground Floor Plan	09.02.2021
302.03	Prop First Floor Plan	03.02.2021
303.04	Prop Elevations	09.02.2021
304.01	Prop Section	03.02.2021
305.02	Prop Site Roof Plan	03.02.2021
2114-E06-001 Rev 00	Exterior Small Power & Lighting Layout	25.01.2021
307.00	Prop Site layout labels	15.09.2021
SK01.00	Material Specification (ELE's)	20.07.2021
406.06	Site Plan – Fencing details	17.12.2020
SK3006 Rev 2	General Arrangement of Double Membrane Gas Holder	
Rev 2	Flare – Skid & Concrete Base – GA Drawing	22.09.2021
	Siemens Energy – Container – Part No. 2005016990 – Sheets 1 & 2	09.06.2021

CHEL-ICS-01-XX-DR-C-0200-T02	Drainage Design	16.07.2021
CHEL-ICS-01-XX-DR-C-0400-T02	Construction Details Sheet 1 of 2	30.06.2021
CHEL-ICS-01-XX-DR-C-0401-T02	Construction Details Sheet 2 of 2	30.06.2021

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

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RECOMMENDATION

Additional condition 68

With the exception of the site access road, the land, building and offices subject of this permission shall only be used for or in association with the operation of the Pyrolysis Plant a sui generis use as per the Town and Country Planning (Use Classes) Order 1987 (as amended). Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any order revoking and re-enacting that Order with or without modification the land, buildings and offices shall be used for no other purpose.

*Reason: For the avoidance of doubt as to the use of the site and building, to ensure the development does not give rise to environmental and local amenity impacts that have not been previously assessed, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with WLP policies 5, 10, 11 and 12 and CLP policies S4, S8, S11, DM8, DM17, DM18, DM19, DM23, DM25, DM27, DM29 and DM30.*

**Item 4.2 (DR/18/21/) Bradwell Quarry, Church Road, Bradwell, CM77 8EP, and land south of Cuthedge Lane.**

Page 189

Heading – Location: should read

Bradwell Quarry, Church Road, Bradwell, CM77 8EP, and land south of Cuthedge Lane.

Page 193

RECOMMENDED

Replace point ii) And conditions as set out in Appendix 1.

With

ii) And conditions as set out in Appendix 1, which incorporate changes to conditions and reasons taking into account best practice and changes in policy since the original resolution.

Page 204

RECOMMENDATION – APPENDIX 1 CONDITIONS AND REASONS

Condition 22

Delete third paragraph as quoted below. This requirement is addressed in planning permission ESS/03/18/BTE for Site A5.

*In addition the frequency of monitoring shall be increased in the following circumstances:*

- a) *during periods of operations within Site A5 that are within 475 to 590m (Amber Zone on drawing 1 dated 11 July 2018 Ref.B3910) from Sheepcotes Farm noise levels shall be monitored on a monthly basis and the results submitted to the Mineral Planning Authority within 2 weeks of the date of monitoring.*
- b) *during periods of operations within Site A5 that are less than 475m (Red and Black zone on drawing 1 dated 11 July 2018 Ref B3910) from Sheepcotes Farm noise levels shall initially be monitored on a fortnightly basis and the results submitted to the Mineral Planning Authority within 1 week of the date of monitoring*
- c) *during periods of the construction and removal of New Field Stockpile (the area of which is defined on drawing 20/01/07 Rev B) noise levels shall be monitored at two monthly intervals and the results submitted to the Mineral Planning Authority within 2 weeks of the date of monitoring.*

Such Condition 22 now reads

Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at the closest noise sensitive properties to operations on site, the particular noise sensitive locations to be monitored shall have

been agreed with the Mineral Planning Authority prior to noise monitoring being undertaken.

In addition the frequency of monitoring shall be increased to monthly during periods of operations within Site A7 that are within 300m of Scrip's Farm and when operations are less than 6.2m below original ground level and the results shall be submitted to the Mineral Planning Authority within 2 weeks of the date of monitoring.

The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations during the working day. The frequency of monitoring may be reduced if the noise monitoring demonstrates that the operations are compliant with the noise limits set out in condition 19, subject to approval in writing by the Mineral Planning Authority. If the results of monitoring show non-compliance with the maximum limits set out within conditions 19 and 20, then noise reduction measures as approved within the noise monitoring management plan agreed under condition 23 shall be implemented.

#### Page 209

#### RECOMMENDATION

Delete condition 41 and replace with

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'. No movement of soils shall take place between November and March unless a field assessment has been undertaken and it has been agreed with the MPA that the soils are in a "suitably dry soil moisture condition"

"Suitably dry soil moisture condition" is determined by a field assessment of the soil's wetness in relation to its lower plastic limit. The field 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.

#### Page 208 & 215

#### RECOMMENDATION

Delete Condition 36 and condition 67 and replace with revised merge wording for condition 36.

Within 3 months of date of commencement of the development hereby permitted as defined by condition 1 a Landscape and Ecological Management Plan (LEMP) for the Site shall be submitted to for approval in writing of the Mineral Planning Authority. The LEMP shall include:

- a) A description and evaluation of features to be managed and proposed enhancement measures for Protected and Priority Species, in particular for stag beetles, skylarks and bats;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management including reference to the Mineral Site Restoration for Biodiversity Supplementary Planning Guidance June 2016;
- d) Appropriate management options for achieving the aims and objectives;
- e) Locations of proposed enhancements measures by appropriate maps and plans
- f) Prescriptions for management actions;
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- h) Details of the body or organisation responsible for implementation of the plan;
- i) On-going monitoring and remedial measures
- j) Details of initial aftercare

The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity and landscape objectives of the originally approved scheme.

The LEMP shall be implemented in accordance with the approved details.

*Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the NPPF and s40 of the NERC Act 2006 (Priority habitats & species). and in accordance with MLP policy DM1 and BDLPR policies RLP 80, RLP 81 and RLP 84.*