

**MINUTES OF A MEETING OF THE DEVELOPMENT AND REGULATION
COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON 27 FEBRUARY
2015**

Present

Cllr R Boyce (Chairman)
Cllr J Aldridge
Cllr K Bobbin
Cllr M Ellis
Cllr J Lodge

Cllr M Mackrory
Cllr M Maddocks
Cllr Lady Newton
Cllr J Reeves

1. Apologies and Substitution Notices

Apologies were received from Cllr J Abbott, Cllr C Guglielmi (substituted by Cllr Maddocks), Cllr J Jowers and Cllr S Walsh.

2. Declarations of Interest

Cllr Lady Newton declared a personal interest in agenda item 5a, Rivenhall Airfield, as Chair of the IWMF Site Liaison Committee.

3. Minutes

The Minutes and Addendum of the Committee held on 23 January 2015 were agreed and signed by the Chairman.

4. Identification of Items Involving Public Speaking

One person was identified to speak in accordance with the procedure for the following item:

Consideration of report DR/07/15, relating to the removal of certain conditions attached to planning permission ESS/41/14/BTE, the permission being in respect of an Integrated Waste Management Facility at Rivenhall Airfield, Coggeshall Road, (A120), Braintree.

Reference: ESS/55/14/BTE

Applicant: Gent Fairhead & Co Ltd

Public Speaker: David Whipps speaking for.

5. Rivenhall Airfield, Braintree

The Committee considered report DR/07/15 by the Director for Operations, Environment and Economy.

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

The Committee noted that this application sought solely to remove two conditions from an existing permission.

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:

- Determination of the application and Principle of the development
- Justification for the removal of conditions restricting the source of Solid Recovered Fuel and waste paper and card
- Highway issues, Environmental impact and Impact on local amenity
- Nature of Solid Recovered Fuel
- Recycling
- Future planning applications.

In accordance with the protocol on public speaking the Committee was addressed by David Whipps, a partner at Holmes & Hills LLP, representing the applicant. Mr Whipps said:

- The actual design of the facility is being finalised, according to the latest technology, but no significant changes are envisaged. If any changes are ultimately sought, they will be submitted to the County Council in the normal fashion
- There is no intention to seek to vary either the existing number of permitted lorry movements or the total volume of waste, refuse derived fuel or paper being processed at the site
- The applicant will shortly be seeking an Environmental Permit, which will control actual operations on the site
- This is a needed and appropriate site, which has been recognised under the existing plan and which will be developed as an IWMF in accordance with existing planning approval
- The policy background has changed, since permission was first granted; the basis of county and/or regional self-sufficiency has been abolished. Now waste should be taken to appropriate facilities – of which Rivenhall could be one
- The cost of transporting waste is a crucial factor, which will restrict the geographical range of the import of material. At present, waste is transported through the county, *en route* for Harwich, and then on to be processed overseas. Lifting these conditions could mean some of this material being processed at Rivenhall, saving in transport costs.

In response to questions raised by Members, it was noted:

- The Department of Local Government & Communities had made no response to the proposal
- If these conditions are lifted, the authority will have no means of controlling or restricting the number of transport miles. However, the restrictions on the number of vehicle movements and the amount of waste will remain and the pure economics of transporting material will keep distances reasonable.
- When the conditions were originally imposed, in 2010, there was a regional policy in place, which required self-sufficiency based on geographical limits. This backed up the County's own policy along similar lines. This regional policy is no longer in place and under the European Waste Directive, waste should be treated at the "nearest appropriate

facility". If a decision not to approve this application was challenged, the case would be considered against current policy

Two further points were made by Members:

- There is concern among some local people that such changes as those proposed represented a form of "Planning Creep", which achieves major changes over time
- Local residents have still not had the opportunity to assess the facility's impact locally, as it has not yet become operational.

The resolution was proposed and seconded. Following a vote of six in favour and none against, it was

Resolved

That planning permission be **granted** and conditions 28 and 30 be deleted from the planning permission subject to:

- 1) All other conditions of ESS/41/14/BTE being re-imposed
- 2) An informative to be added to the permission clarifying that references to Solid Recovered Fuel (SRF) are considered to be the same as Refuse Derived Fuel (RDF) for the purposes of the planning permission.
- 3) A deed of variation to ensure the new planning permission remains subject of the obligations of the original s106 associated with Ref. APP/Z1585/V/09/2104804 (ECC ref ESS/37/08/BTE) and ESS/41/14/BTE.

Village Green

6. Willingale Glebe, Willingale

The Committee considered report DR/08/15 by the Director for Essex Legal Services to consider an application made by Willingale Parish Council under the provisions of Section 15(2) of the Commons Act 2006 ("the 2006 Act") as amended, to register land at Willingale Glebe, Willingale (also known as Willingale Cricket Field) as a Town or Village Green.

The Committee noted:

- There has been no public inquiry on this application, as the landowner (The Chelmsford Diocesan Board of Finance), which initially lodged an objection, has withdrawn it, effectively leaving the application unchallenged
- The pavilion shown within the application site is not included in the application
- The support of the local member for the application, shown in the Addendum.

Following the presentation, which included photographs and detailed maps of the application land and surrounding area, the recommendation to accept the application was moved and seconded, and, following a unanimous vote in

favour, it was

Resolved:

That, in accordance with the powers set out in Section 15(2) of the Commons Act 2006:

The application as amended is accepted and the land shown on the report to the Committee be added to the Register of Town and Village Greens.

9. Periodic Reviews of Mineral Planning Permissions

The Committee considered report DR/09/15, by the Director of Operations: Environment and Economy, on the programme of Periodic Reviews of Old Mineral Planning Permissions.

The Members of the Committee noted the contents of the amended Appendix, as found in the Addendum attached to these minutes.

The Committee **NOTED** the report.

10. Statistics

The Committee considered report DR/10/15, Applications, Enforcement and Appeals Statistics, as at end of the previous month, by the Director of Operations, Environment & Economy.

The Committee **NOTED** the report

11. Dates of Future Meetings

The Committee considered report DR/11/15, listing the proposed Committee meeting dates to April 2016.

The Committee **NOTED** the report.

12. Date and time of Next Meeting

The Committee noted that the next meeting will be held on Friday 27 March 2015 at 10.30am in Committee Room 1.

There being no further business the meeting closed at 11.31 am.

Chairman