

**MINUTES OF A MEETING OF THE DEVELOPMENT AND REGULATION
COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON 26 FEBRUARY
2016**

Present

Cllr R Boyce (Chairman)
Cllr J Aldridge
Cllr K Bobbin
Cllr M Ellis
Cllr I Grundy
Cllr C Guglielmi

Cllr J Jowers
Cllr J Lodge
Cllr M Mackrory
Cllr Lady Newton
Cllr S Walsh

1. Apologies and Substitution Notices

Apologies were received from Cllr J Abbott and Cllr J Reeves (Cllr Grundy substituted).

2. Declarations of Interest

Cllr Bobbin declared a personal interest in agenda item 5b, in respect of Hovefields, as local member. (Item 6 below refers.)

Cllr Guglielmi declared a personal interest in agenda item 7a, in respect of Martell's Quarry, as local member. (Item 8 below refers.)

Cllr Jowers declared a personal interest in agenda item 7a, in respect of Martell's Quarry, as a member of Colchester Local Plan Panel. (Item 8 below refers.)

Cllr Lady Newton declared a personal interest in agenda item 5a, in respect of the Rivenhall IWMF, as local member and as portfolio holder at Braintree District Council for Planning and Housing. She added that Braintree District Council objected to this application but by delegated function. She also knows Mr Whipps, who is acting for the applicant, as he has acted on behalf of Braintree District Council in the past. (Item 5 below refers.)

3. Minutes

The Minutes and Addendum of the Committee held on 22 January 2016 were agreed and signed by the Chairman.

4. Identification of Items Involving Public Speaking

Persons to speak in accordance with the procedure were identified for the following item:

Consideration of report DR/05/15, relating to the amendment of condition 2 attached to planning permission ESS/55/14/BTE, and to secure discharge of certain conditions, in respect of an Integrated Waste Management Facility at Rivenhall Airfield, Coggeshall Road (A120), Braintree CO5 9DF.
Reference: ESS/34/15/BTE

Applicant: Gent Fairhead & Co. Ltd

Public Speakers: Nick Unsworth speaking against
David Whipps speaking for.

Minerals and Waste

5. Rivenhall IWMF

The Committee considered report DR/05/16 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 to amend the permitted plans for the Waste Facility, as set out in Condition 2, and to discharge a number of the pre-commencement conditions attached to ESS/55/14/BTE.

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:

- Nature/type of application
- Principle and Need for the IWMF and Acceptability of the Proposed Changes
- Height of the Stack, Emissions and Health Impacts
- Traffic and Highways
- Public Rights of Way
- Water Environment
- Landscape and Visual Impact
- Ecology
- Historic Environment and Archaeology
- Residential Impact – noise, dust and odour
- Cumulative Impact
- Legal Agreement
- Commencement of Development.

In accordance with the protocol on public speaking the Committee was addressed by Nick Unsworth, Chairman of Coggeshall Parish Council. Cllr Unsworth said:

- The design is not detailed enough – changes will be required before the Environment Agency Permit will be granted, so there is too much uncertainty about what will actually be in place. A good example is the height of the stack, which will have to be much higher (normally these are over 65 metres)
- There have been hundreds of objections, many of which have not been included in the report.
- Application is not a minor variation
- 400 documents still rely on 2010 data

- When recycling is hard, the application would result in waste moving down the waste hierarchy, rather than up. It cannot be seen as sustainable, when it fails to meet the definition of R1 recovery
- There will be effluent discharge into the River Blackwater, which is nitrate sensitive and there is no excess availability
- An original condition required the plume to be invisible; it now will be visible for 30% of the year
- The SRF contracts will cost the County money, rather than produce savings; and the increase in CHP will lead to wasted heat
- The proposals have always been supported by the minerals department and so the report is not impartial
- A projected gas dispersal model diagram (shown to the meeting) demonstrated the presence of benzene, which is highly carcinogenic and has a recommended tolerance of zero.

David Whipps, a partner at Holmes & Hills LLP, representing the applicant, also addressed the Committee. Mr Whipps said:

- The proposed facility has evolved to some extent over time, not only because of changing waste practices, but there was always some flexibility built into the permissions
- Permission already is in place; this application seeks to vary a condition and discharge some pre-commencement conditions
- The details are very similar to what was previously approved, and the principle has already been accepted by both Planning Committee and the Secretary of State and there has been no change in circumstance so there is no opportunity to review
- The provision of such a facility at Rivenhall accords with the provisions of both existing and emerging replacement waste local plans
- There is a proven need for such a facility in Essex. It will ensure some waste is treated further up the waste hierarchy; and it will lessen both the need for landfill and for SRF/RDF to be transported abroad for disposal. It will allow Essex to be more self-sufficient in dealing with its waste
- It will generate employment opportunities, both in construction and when operational
- It will require an environmental permit to operate; this will be subject to the Environmental Agency's assessment and subsequent monitoring
- At the inquiry it was proven that a 35 metre stack would work – but this is an issue for the Environmental Agency to resolve.

In response to points raised, it was noted:

- There is nothing in the planning permission that would prevent the implementation of the development before the granting of an Environmental Permit, but if any commencement before a permit is issued would be at the operator's risk
- The plume management was considered acceptable by the County's air quality consultant
- Any surplus heat and steam generated will not be wasted but will be utilised in the waste water treatment plant and in the management of the plume
- The decision on whether the stack height should increase would lie with the Environment Agency, although any change would necessitate a

separate planning application.

Members made several observations:

- The principle has already been established, so the degree of impact of these changes needed to be considered
- There is a movement toward deriving energy from waste, rather than burying it; this can be seen as a benefit to the county
- No objections have been received from statutory consultees; the land use principle has been established for over 15 years
- Local residents rightly have concerns about visual impact, increased traffic flow and emissions
- The visual impact on the surroundings seems to have been mitigated very well (apart from the stack)
- Modern incinerators are highly sophisticated in reducing emissions; and they are also highly regulated, so their impact on their surroundings is closely monitored.

The Committee noted the amendments set out in the Addendum. The motion was proposed and seconded. Following a vote of ten in favour and none against, with Cllr Lady Newton abstaining, it was

Resolved

That planning permission be **granted**, subject to the following:

1) A deed of variation to be completed within 3 months prior to issuing of the planning permission to address the following:

- 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), ESS/41/14/BTE and ESS/55/14/BTE.
- to amend the obligation with respect to liaison group requiring minutes to be produced shortly following the meeting
- to make provision for an education and waste minimisation officer at the IW MF
- to amend the requirement for the contribution towards highways works associated with the de-trunking of the A120 such that it shall be required prior to beneficial use of the IW MF.

2) Condition 2 be updated to refer to the submitted amended plans

3) The details submitted to discharge conditions 6, 13, 14, 17, 18, 20, 22, 23, 24, 37, 43, 45, 50, 53, 54, 57, 59, 60, 61, 62 and 63 be approved and the details included in the planning permission,

4) Additional conditions to address the following

65. There shall be no use of the access road to the IW MF accept by traffic associated with the IW MF, Bradwell Quarry or to access adjacent agricultural land for agricultural purposes.

66. That should the IWMF not be brought into use within 5 years of commencement the operator will submit a plan of action for an alternative use or scheme of rehabilitation.

67. Obtain a bat licence from Natural England prior to commencement of works affecting Woodhouse Farm & Buildings.

68. Woodhouse Farm and buildings to be refurbished to a visitor/education centre within 6 years of commencement of the IWMF development

69. Upon finalisation of the details of plant as required by condition 19 an updated noise assessment shall be submitted.

5) Any other conditions where details have been previously been discharged the approved details are to be incorporated into the planning permission.

6) All other conditions of the planning permission ESS/55/14/BTE to be re-imposed.

7) Condition 15 to be amended to require submission and approval of design details and construction materials prior to construction of the main IWMF building.

6. Hovefields, Basildon

The Committee considered report DR/06/16 by the Director for Operations, Environment and Economy.

The Members of the Committee noted the contents of the Addendum attached to these minutes including the changes to Conditions 3 and 4. They also noted the proposed change to Condition 13, amending the permitted lighting hours to reflect the changes to the operating hours under Condition 3.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues that were:

- Principle of Development
- Residential Amenity
- Highways and Access
- Human Rights.

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

- There will be no increase in permitted HGV movements
- The access point is 7.1 metres wide, which compares favourably with the 6.75 metre requirement for 2 HGVs to be able to pass each other on a highway
- Much consideration has been given to this application, particularly with regard to noise, because of the proximity of this and other waste facilities to Hovefields Caravan Park. However, this is designated an industrial area, in line with the local waste policy, and this application has been

considered on its own merits. The County Council intends to deal with the concerns of both residents and Basildon Council; there is a Liaison Group in place and efforts are being made, particularly by the Tovi Eco Park, to help lessen the impact on residents.

The Committee noted the amendments set out in the Addendum and the consequent change to Condition 13, as specified. The motion was proposed and seconded. Following a vote of nine in favour and one against, with Cllr Bobbin abstaining, it was

Resolved

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

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the Waste Planning Authority within 7 days of such commencement.
2. The development hereby permitted shall be carried out in accordance with the details of the application dated 14.08.2015 together with:
 - Planning Supporting Statement dated August 2015 reference 34545;
 - Email RE: Hovefields Avenue dated 24.08.2015 (Sent 11:38);
 - Email RE: Hovefields Avenue – Additional Information Needed dated 14.09.2015 (Sent 10:12)
 - Email: Planning Application ESS/39/15 Total Waste Management Hovefields Noise Measurements and Noise Assessment Update dated 15/02/16 (Sent 19.28);
 - Drawing 34545/LON/CVD/001/A dated 13/09/2013;
 - Drawing 34545/LON/CVD/002/A dated 13/09/2013
 - Drawing 34545/LON/CVD/003/B dated 13/07/2015;
 - Drawing 34545/LON/CVD/004/A dated 07/10/2013;
 - Noise Survey dated 23rd December 2015.

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: -

3. Operations authorised by this permission shall be restricted to the following durations:
 - 06:00 to 20:00 hours Monday to Friday; and
 - 07:00 to 18:00 hours SaturdayAnd shall not take place on Sundays, Bank or Public Holidays.
4. The total number of *HGV* (for the avoidance of doubt a heavy goods vehicle shall have a gross vehicle weight of 7.5 tonnes or more) movements associated with the development hereby permitted shall not exceed the following limits:

144 movements (72 in and 72 out) per day (Monday to Friday)

144 movements (72 in and 72 out) per day (Saturdays)

No HGV movements shall take place outside the hours of operation authorised in Condition 3 of this permission.

5. The free field Rating Level (L_{Ar}), calculated in accordance with the method provided in BS 4142:2014, attributable to the operation of all fixed and mobile plant used at the premises, shall not exceed the existing background noise level, L_{A90,T}, at Hovefields Caravan Park.
6. Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at noise sensitive properties to be agreed in advance in writing by the Waste Planning Authority. The noise monitoring shall include measurements to establish representative background noise levels at Hovefields Caravan Park. The results of the monitoring shall include L_{A90} and L_{Aeq} 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 of 30 minutes separated by at least 1 hour during the working day and the results shall be submitted to the Waste Planning Authority within 1 month of the monitoring being carried out. The frequency of monitoring shall not be reduced, unless otherwise approved in writing by the Waste Planning Authority. The proposed compliance noise monitoring approach shall be agreed in writing with the Waste Planning Authority.
7. No beneficial occupation of the development hereby permitted shall take place until the parking areas indicated on drawing reference 34545/LON/CVD/003/B dated 13/07/2015 have been clearly laid out to a minimum dimension of 2.9m by 5.5m for car parking and clearly marked out for the parking of lorries and any other vehicles that may use the site, including motorcycles, bicycles and provision for the mobility impaired. The parking areas shall be retained and permanently maintained for parking and shall be used for no other purpose
8. No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and/or machinery shall be maintained in accordance with the manufacturer's specification at all times.
9. No materials shall be stockpiled or stored at a height greater than 6 metres when measured from adjacent ground level and shall then only be in the locations identified on drawing reference 34545/LON/CVD/003/B dated 13/07/2015.
10. No plant and/or machinery shall be erected, installed or operated above the site's ground level as defined on plan reference 34545/LON/CVD/003/B dated 13/07/2015.
11. Any tree or shrub forming part of a landscaping scheme approved under planning reference ESS/53/13/BAS/11 that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development (operations) shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the Waste Planning Authority.

12. No development shall take place until details of the location, height, design, luminance and operation of fixed lighting have been submitted to and approved in writing by the Waste Planning Authority. The details shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate. The details shall also include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways. Lighting shall thereafter be erected, installed and operated in accordance with the approved details.
13. Fixed Lighting shall not be illuminated outside 06:00 hours to 20:00 hours Monday to Friday and 07:00 hours to 18:00 hours Saturday and at no time on Sundays, Bank or Public Holidays (save for security lighting activated by unauthorised entry by persons or vehicles).
14. Any fuel, lubricant or/and chemical storage vessel (whether temporary or not) shall be placed or installed within an impermeable container with a sealed sump and capable of holding at least 110% of the vessel's capacity. All fill, draw and overflow pipes shall be properly housed within the bunded area to avoid spillage. The storage vessel, impermeable container and pipes shall be maintained (for the life of operations on site/the development hereby permitted).
15. No waste other than those waste materials defined in the application details shall enter the site.
16. No deposition, loading, storage, processing, handling or transfer of waste shall take place at the site outside of the approved area defined on drawing 34545/LON/CVD/003/B dated 13/07/2015.
17. No development shall take place until a scheme to minimise dust emissions has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development (during construction and operation at all locations within the site identified on plan 34545/LON/CVD/003/B dated 13/07/2015). The development shall be implemented in accordance with the approved scheme with the approved dust suppression measures being retained and maintained in a fully functional condition for the duration of the development hereby permitted.
18. No salvaging operations, including the de-polluting and dismantling of end-of-life vehicles, shall take place outside of the building shown on drawing reference 34545/LONCVD/003/B, dated 13.07.2015.
19. Vehicles and component parts shall only be stored within the area marked 'bays' on drawing reference 34545/LONCVD/003/B, dated 13.07.2015 and such storage shall not exceed a height of 4 metres when measured from ground level.

Village Green

7. Land near Warish Hall Road, Takeley

The Committee considered report DR/07/16 by the Director for Legal Services to consider an application made by Highways England Company Limited ('HECL') under Section 15(8) of the Commons Act 2006 ("the 2006 Act") as amended, to register land at Takeley as a Town or Village Green.

The Committee noted:

- The powers set out in section 15(8) of the 2006 Act allow an owner of land to voluntarily dedicate land as a town or village green by applying to have it included in the register of town or village greens
- The normal requirements relating to historical use of the land 'as of right' do not apply in such a case; the Committee need only be certain that the applicant owns the land and that relevant consents have been obtained
- The land was transferred from the Secretary of State for Transport to HECL (formerly the Highways Agency) on 1 April 2015
- The application area comprises 688 square metres and abuts VG259 which was added to the Register of Town and Village Green Land in 2015, on the latter's west side.

Following the presentation, which included photographs and detailed maps of the application land and surrounding area, the recommendation to accept the application in its amended form 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(8) 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, as VG 260.

Enforcement Update

8. Martell's Quarry, Ardleigh

The Committee considered report DR/08/16, relating to proposed minerals and waste development at Ardleigh Landfill Site, Slough Lane, Ardleigh.

There being no matters raised by Members, a resolution was proposed and seconded, and, following a unanimous vote in favour, it was

Resolved

That it is not considered expedient to take enforcement action, requiring the cessation of landfilling activities, subject to a valid planning application being received no later than 31 March 2016, provided no injury to amenity is caused by the unauthorised operations in the period the activity continues without the benefit of express planning permission.

Information Item**9. Statistics**

The Committee considered report DR/09/16, Applications, Enforcement and Appeals Statistics, as at end of the previous month, by the Director of Operations, Environment & Economy.

The Committee **NOTED** the report.

10. Dates of Future Meetings

The Committee considered report DR/10/16, listing the proposed Committee meeting dates to April 2017.

The Committee **NOTED** the report.

11. Date and time of Next Meeting

The Committee noted that the next meeting would be held on Friday 1 April 2016 at 10.30am in Committee Room 1.

There being no further business the meeting closed at 12.32 pm.

Chairman