
Minutes of the meeting of the Development and Regulation Committee, held in the Council Chamber, County Hall, Chelmsford, CM1 1QH on Friday, 26 April 2019**Present:**

Cllr C Guglielmi (Chairman)	Cllr S Hillier
Cllr J Aldridge	Cllr M Mackrory
Cllr M Durham	Cllr J Moran
Cllr M Garnett	Cllr J Reeves
Cllr M Hardware	Cllr A Wood

1 Apologies for Absence

Apologies were received from Cllr D Blackwell and Cllr I Henderson.

2 Declarations of Interest

With regard to the Brickhouse Farm Community Centre item, Cllr Durham declared a Code interest, as a Maldon District Councillor, and resolved to leave the Chamber during this item. (Minute 8 refers)

3 Minutes

The minutes of the meeting held on 22 February 2019 were agreed and signed.

4 Identification of Items Involving Public Speaking

Individuals to speak in accordance with the procedure were identified for the following items:

1) To consider Report DR/09/19, relating to:

1. Full planning application to increase stack height from 85m Above Ordnance Datum to 108m AOD (35m above existing ground levels to 58m above existing ground levels) of the Integrated Waste Management Facility.
Reference: ESS/36/17/BTE
2. Continuation of Integrated Waste Management Facility permitted by ESS/34/15/BTE without compliance with conditions 2, 14, 17 and 56 to amend details resulting from the increase in stack height.
Reference: ESS/37/17/BTE

Location: Land at Rivenhall Airfield, Coggeshall Road (A120), Braintree CO5 9DF

Public speakers:	Cllr Tom Walsh, speaking against Mr Nick Unsworth, speaking against Mr David Whipps, speaking for
Local Members	Cllr James Abbott, Witham Northern Cllr Robert Mitchell, Braintree Eastern

2) To consider Report DR/10/19, relating to the importation of inert material, installation and use of recycling plant to produce secondary aggregate and the final disposal of inert residues to facilitate restoration of the site to calcareous

grassland, together with the continued extraction of chalk reserve.
Location: Newport Chalk Quarry, Chalk Farm Lane, Newport, Saffron Walden.
Reference: ESS/42/18/UTT

Public speaker: Mr James Sutton, speaking for.

3) To consider Report DR/12/19, relating the creation of a flood storage area, inlet chamber, temporary construction access from Marlowe Close and associated minor works at land adjacent to Brickhouse Farm Community Centre. Relocation of existing children's play area.

Location: Brickhouse Farm Community Centre, Poulton Close, Maldon, CM9
Reference: CC/MAL/01/19

Public speaker: Mr David Chapman, speaking for.

Minerals and Waste

5 Land at Rivenhall, Braintree

The Committee considered report DR/09/19 by the Chief Planning Officer. Members noted the addendum to the agenda.

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 that a number of issues had been raised, following consultation, which were not directly related to the applications being considered. These were dealt under the following headings:

- Determination process and adequacy of the supporting environmental statement
- ECC and the IWMF facility
- Need for the increase in stack height
- Financing of the IWMF
- Recycling and energy from waste
- Ash residues
- Development of all or part of the IWMF.

Two sections dealt with consideration of the proposed changes to conditions 14 and 17 of ESS/34/15/BTE:

- Stack surface maintenance – Condition 14
- Plume abatement – Condition 17.

Further sections considered the proposals to amend the height of the stack, i.e. those that relate to both the full planning application and the amendment to condition 2 (applications details) and condition 56 (height of the stack):

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- Consistency with the Waste Local Plan
 - Principle of a waste management facility at Rivenhall Strategic Site Allocation of IWMF2 of the WLP
 - Policies 3 and 10 of the Waste Local Plan
 - Landscape and visual impact
 - Heritage impacts
 - Health impacts & air quality
 - Traffic & highways
 - Lighting
 - Noise
 - Ecological impacts
 - Water environment
 - Conclusion with respect to compliance with Policy 10 of the Waste Local Plan

Other sections considered material considerations:

- Need for the facility
- Consistency with national and local waste management objectives
- The fallback position
- UK need for energy from waste
- Scale of facility and stack height
- Climate change
- Balance of planning considerations.

The officer presentation focused on those subjects where most concern had been raised or pertinent to the determination of the application, these were:

- IWMF and ECC and financing of the IWMF
- Consideration of the application against policies of the WLP
- The consideration of landscape and visual impacts
- Heritage Impacts
- Health Impacts & Air quality
- Need for the facility and consideration of other material considerations

In accordance with the protocol on public speaking the Committee was addressed by Tom Walsh, representing Coggeshall Parish Council and opposing the application. Cllr Walsh made several points:

- The development does not preserve the setting of Woodhouse Farm, a Grade II listed building
- There would be an unacceptable impact on the quality and character of the landscape, countryside and visual environment. The presence of a quarry does not make this an industrial landscape
- Changing circumstances mean there is now no need for this facility. It would require importing waste into the plan area or diversion of local waste from further up the waste hierarchy
- The permission granted in 2010 was for a completely different facility to this one, with lower capacities; and the stack height was restricted then, to limit

impact on local amenity

- Over 5,000 representations have been made to the County Council on this, almost all of them opposing the scheme. This demonstrates how strongly the local community opposes this application.

Mr Nick Unsworth, representing local action group, PAIN, also opposing the application, then addressed the meeting and made several points:

- PAIN has always tried to address these issues rationally and is pleased to be able to agree with the officer's recommendations, as the application was neither in line with the original inspector's report regarding stack height nor met national planning guidelines
- There has been a lack of consultation between the applicant and the Environment Agency
- There is an existing communications tower on site, but the proposed stack would be 8-11 metres taller and would not be similar to it in any way. Its visual impact would extend to 10km, being visible from Witham, Halstead, Braintree and Marks Tey. This is a significant material consideration that would be unchanged by delay or deferment
- DEFRA statistics from 2016 and 2017 indicate current incinerator spare capacity running at 2.5 million tonnes per annum; and Essex would have to deal with 150,000 tonnes of toxic bottom and fly ash within the waste area
- There has been a paradigm shift in the attitude toward waste. Essex leads the way in respect of recycling and in future further legislation will be passed regarding reusable packaging
- This may end up as a white elephant - more energy could be produced by burning the 3 million litres of fuel required to transport the waste in an oil-fired power station.

Mr David Whipps, of Holmes & Hills LLP, representing the applicant, then addressed the meeting. He suggested the decision should be deferred for several reasons.

- Legal – additional reports have been produced by the applicant arising from public consultation. There is a legal obligation to consult on these and determination should be suspended until the consultation is over
- Regarding need, officers are misapplying the relevant policies within the waste plan, taking them out of context. There is no requirement to demonstrate need
- The timing is poor – being in the week before Easter has reduced the time available to the applicant to consider the report fully
- It would be better to defer the decision until there is more certainty about the licensing: the EA's decision on the shorter stack is expected within a few months. Decisions should be made promptly, but there would be no prejudice to any party in delaying this for a further period
- Local elections are about to be held within Braintree District and several of the protesters are standing as candidates. Were this a County Council election, pre-election period restrictions would apply and Members would not be asked to make such a decision.

Cllr James Abbott, local Member for Witham Northern, then addressed the meeting:

- This has a very long planning history, which has changed over the years, from originally landfill, to recycling to incineration, now with an increased capacity. No physical building has been constructed to date
- The Inspector's report on the 2009 application stated that the 'proposed stack [at 35m] would be an intrusive feature on the landscape'. The visibility of the existing radar tower gives some idea of how visually intrusive the higher stack would be, although it would be 11 metres taller than the radar tower. It would dominate views of the local area
- The suggestion that the presence of a number of electricity pylons locally industrialises the area; but this is not the case, as these pylons are located too far north
- The impact of the possible glare from the tower (6 metres taller than Nelson's Column) would also be alien to the area
- The applicant's intention is to build the incinerator first, but this would be contrary to Government policy; as would the importation of materials from outside the County.

Cllr Robert Mitchell, local Member for Braintree Eastern, then addressed the meeting:

- We have come a long way environmentally and scientifically, since the original permission for an integrated waste facility in 2009.
- It is not clear how this facility would be completed to make it 'integrated'
- The existence of a quarry involves a temporary industrial process but it does not convert a rural location into an industrial site
- The highly reflective surface can be dazzling and can be seen a long way away – a better option would be to use a colour banded matt finish
- Because of the height, the military and emergency services would need to be consulted about potential lighting, if the application were to be approved
- Given the high recycling rates in Essex, there is doubt about the need for this facility; and it would be very disappointing to see the added waste miles produced by the process of bringing materials onto the site from further afield.

Responses were made regarding two issues raised by Mr Whipps:

- Pre-election period. Paul Turner, as Monitoring Officer expressed his view that although Section 2 of the Local Government Act 1986 prevents the County Council from issuing publicity designed to affect a political party it does not prevent the Council from holding meetings as part of its normal business and there is no legal constraint on this.
- Suspending determination. Mr Greaves, as Chief Planning Officer, pointed out that the changes set out in the addendum addressed this issue and effected the suspension of determination until the end of the consultation period should permission be resolved to be refused.

Officers responded to Member's questions:

- The cladding material used for the stack was selected by the applicant, with the intention of providing an optical cloak
- A higher stack should provide a greater dispersal of particles
- The refusal of this application would not stop the implementation of extant permission – however, this would require the current Environmental Permit application to be approved and a decision on this was awaited from the Environment Agency
- Regarding the levels of pollution created by the lorries bringing waste into the site, it could only be confirmed that the permitted number of movements (404 per day) had not changed from the extant permission
- The facility was aimed at dealing with commercial and industrial waste, rather than demolition and construction waste
- New information had been supplied to the authority and the authority was obliged to suspend determination until a consultation period on this had expired, which would be on 16 May. The information related to air quality, which the authority did not believe was substantive, as refusal was not based on health grounds. Under the proposed amended resolution, if the applicant were to submit further information within this period, the Chief Planning Officer would be authorised to determine whether this further information was substantive. If he believed it was, he would bring it back to the Committee; if not, he would be able to make the determination after 16 May.

Several comments were also made by Members:

- A 35 metre high stack would be intrusive, but the extra height of stack sought in this application, being 23 metres higher, would make a significant increase to its visual impact
- There has been a huge change in attitude over the past 12 months to recycling and pollution, with a greater expectation of personal and commercial recycling and reuse of materials; and also in the development of new ways to process and use recyclable materials. This raised questions about the need for such a facility as this
- It would be unreasonable for such a structure not to be lit at night
- The report dealt comprehensively with all aspects of the application – the Chairman, on behalf of the Committee, commended Ms Tomalin for the quality of this and her presentation.

There being no further points raised, the resolution, as amended by the changes noted in the addendum, was proposed and seconded. Following a vote of nine in favour, none against, with one abstention, it was

Resolved

That:

Subject to the Chief Planning Officer (County Planning and Major Development) being satisfied that consultation responses relating to the addendum report (other

information) dated 15 April 2019 entitled 'Rivenhall IWMF Impact on Marks Hall Arboretum' do not raise concerns which he considers would be likely to alter the recommendation to the Committee, the Chief Planning Officer (County Planning and Major Development) be authorised to refuse planning permission for applications ESS/36/17/BTE & ESS/37/17/BTE for the following reasons:

1. The proposed development would cause (less than substantial) harm to the setting of a listed building as the development does not preserve the setting of Allshots Farm and Woodhouse Farm, Grade II listed buildings, contrary to S66 (1) of the Listed Buildings and Conservation Areas Act 1990 and it is considered that there are no material considerations to override the statutory presumption against granting planning permission for the development. The unacceptable adverse impact would be contrary to the NPPF, Policy 10 of the Essex and Southend Waste Local Plan 2017, Braintree Core Strategy (2011) policy CS9 and Braintree District Local Plan Review (2005) policy RLP 100.
2. It has not been demonstrated that the increase in stack height and the use of the reflective materials would not have an unacceptable impact on the quality and character of the landscape, countryside and visual environment contrary to the NPPF, Policy 10 of the Essex & Southend Waste Local Plan 2017, Braintree Core Strategy (2011) policy CS8 and Braintree District Local Plan Review (2005) policies RLP 80 and RLP 90.
3. It has not been demonstrated that there is a need for the waste treatment capacity of the IWMF, in Essex and Southend-on-Sea, beyond those shortfalls identified in Policy 1 of the Waste Local Plan and as such would be, likely to give rise to waste not being managed in accordance with the principles of the Waste Hierarchy, of achieving net self-sufficiency for waste management in Essex and Southend-on-Sea and the Proximity Principle, contrary to the NPPW and would undermine the strategic objectives of the Essex and Southend Waste Local Plan 2017.

Should any other information be submitted prior to the application being determined (i.e. a decision issued) the Committee hereby authorises the Chief Planning Officer (County Planning and Major Development) to determine whether such information is substantive information relating to the application and/or Environmental Statement and whether or not that information would materially alter the above recommendation. If, in the opinion of the Chief Planning Officer (County Planning and Major Development), the information would not materially alter the above recommendation, the Chief Planning Officer (County Planning and Major Development) is authorised to determine the application without unnecessary delay.

The Chairman adjourned the meeting at 11:56 am, to allow members of the public to leave the Chamber, and the meeting was reconvened at 12:01 pm.

6 Newport Chalk Quarry

The Committee considered report DR/10/19 by the Chief Planning Officer. Members noted the addendum to the agenda.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Principle of Development
- Landscape
- Ecology
- Hydrogeology and Hydrology
- Amenity
- Transport

In accordance with the protocol on public speaking the Committee was addressed by James Sutton, representing Ingrebourne Valley Ltd (the applicant) and speaking for the application. Mr Sutton made several points:

- Ingrebourne Valley Ltd (IVL) is a reclamation specialist company with a good track record in the management of site restoration –recently receiving praise for restoring a site at Bishops Stortford on behalf of Hertfordshire County Council
- IVL propose to recycle a proportion of the reclamation materials imported to produce secondary aggregate, and improve the quality of the restoration, with it suggested that 20-30% of material would be recoverable
- The scheme would provide new woodland and hedgerow planting as well as a calcareous grassland habitat; it will also remove evidence of the former quarry
- IVL will keep the local community aware of progress through contact with the Parish Council.

Officers responded to Members' concerns:

- It is suggested that the average number of daily HGV movements associated with the development would be 54 (27 in and 27 out). The applicant has however sought permission for up to 80 movements (40 in and 40 out) to allow for fluctuations in market conditions
- The B1383 has a right-turn lane. The road is already part of the main road network and is used as a route to take HGVs to Saffron Walden avoiding a low bridge. This development is unlikely to change the nature of the road significantly
- The provision and use of a concrete crusher has been considered as part of the submitted noise assessment and conditions proposed in respect of noise levels include the use of such plant. The nearest dwelling is Chalk Farm, about 300 metres away
- Details of the wheel wash will have to be submitted before development commences and there is a condition seeking to ensure that no mud or debris is deposited onto the public highway.

There being no further points raised, the resolution, as amended by the additional wording noted in the addendum, was proposed and seconded. Following a

unanimous vote of ten in favour, it was

Resolved

That:

Subject to the completion, within 6 months, of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) requiring restoration of the site, as per the approved details, within 10 years of commencement; aftercare following restoration of the site; and a financial contribution of £19,200 (index linked from the date of this recommendation but subject to conditions/limitations of use) to fund the design and implementation of a traffic management scheme in the vicinity of the site;

planning permission be granted subject to the following matters:

1. The development hereby permitted shall be begun before the expiry of 3 years. Written notification of the date of commencement shall be sent to the Waste Planning Authority within 7 days of such commencement.

Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 'Application Plan', drawing no. 1425/A/1 v1, dated 04/07/2018; 'Site Plan (as existing)', drawing no.1425/S/1 v2, dated 25/10/2018; 'Progressive Operations Plan', drawing no. 1425/PO/1 v4, dated 05/12/2018; 'Illustrative Restoration Scheme', drawing no. 1425/R/1 v2, dated 25/10/2018; 'Illustrative Cross Sections', drawing no.1425/CS/1 v2, dated 25/10/2018; 'Illustrative Detail of Typical Office & Weighbridge', drawing no. Gen./02 v3, dated 20/02/2017; and 'Illustrative Detail of Typical 12m Office / Messroom, drawing no. Gen./03 v3, dated 23/11/2016 and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Minerals Planning Authority, except as varied by the following conditions:

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and to comply with policies S5, S7 and S12 of the Essex Minerals Local Plan (2014); policies 1, 3, 10, 11, 12 and 13 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN1, GEN3, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP1, SP10, SP11, SP12, TA1, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

3. The development hereby permitted shall be limited to a period of 10 years, from the notified date of commencement of the development, by which time the site shall be restored in accordance with the approved restoration scheme.

Reason: To ensure development is carried out in accordance with submitted details, to minimise the duration of disturbance from the development hereby permitted and to comply with policies 10, 12 and 13 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN1, GEN4, GEN7 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, EN7, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

4. Any building, plant, machinery, foundation, hardstanding, roadway, structure, plant or machinery constructed, installed and/or used in connection with the development hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed. In any case this shall not be later than 10 years from the notified date of commencement, by which time the land shall have been restored in accordance with the approved restoration scheme.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to enable the Waste Planning Authority to adequately control the development and to ensure restoration of the site within the approved timescale and to comply with policy S12 of the Essex Minerals Local Plan (2014); policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN4, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, EN7 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

5. Except in emergencies (which shall be notified to the Waste Planning Authority as soon as practicable) the development hereby permitted shall only be carried out during the following times:

07:00 to 18:00 hours Monday to Friday

07:00 to 13:00 hours Saturday

and at no other times or on Sundays, Bank and/or Public Holidays

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

6. The total number of heavy goods vehicle movements* associated with all operations undertaken from the site (inclusive of mineral extraction) shall not exceed the following limits:

80 movements (40 in and 40 out) per day (Monday to Friday); and

40 movements (20 in and 20 out) per day (Saturdays)

No movements shall take place outside the hours of operation authorised by this planning permission.

** For the avoidance of doubt a heavy goods vehicle shall have a gross vehicle weight of 7.5 tonnes or more*

Reason: *In the interests of highway safety, safeguarding local amenity and to comply with policies 10 and 12 of the Essex and Southend Waste Local Plan (2017); policies GEN1, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12, TA1, EN15 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

7. A written record shall be maintained at the site office of all movements in and out of the site by heavy goods vehicles; such records shall contain the vehicle registration number and the time and date of the movement and shall be made available for inspection by the Waste Planning Authority within seven days of written request.

Reason: *To allow the Mineral Planning Authority to adequately monitor activity at the site and to ensure compliance with permitted levels of intensity and to comply with policies 10 and 12 of the Essex and Southend Waste Local Plan (2017); policies GEN1, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12, TA1, EN15 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

8. All vehicle access and egress to and from the site shall be from Widdington Road, as indicated on drawing titled 'Application Plan', drawing no. 1425/A/1 v1, dated 04/07/2018. No importation shall nevertheless take place until details of a scheme of signage; driver instruction sheet and enforcement protocol has been submitted to the Waste Planning Authority for approval in writing in respect of vehicle routing to the site. The aforementioned shall seek to ensure all vehicular traffic arrives from and departs towards the B1383 (London Road) and not towards Widdington via Widdington Road, unless serving the village itself.

Reason: *In the interests of highway safety and to comply with policies 10 and 12 of the Essex and Southend Waste Local Plan (2017); policies GEN1, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12, TA1, EN15 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

9. No commercial vehicle shall leave the site unless its wheels and underside chassis have been cleaned to prevent materials, including mud and debris, being deposited on the public highway.

Reason: *In the interests of highway safety, safeguarding local amenity and to comply with policies 10 and 12 of the Essex and Southend Waste Local Plan (2017); policies GEN1 and GEN4 of the Uttlesford District Council Local Plan (2005); and policies SP12 and TA1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

10. Only non-contaminated inert waste material, which has been detailed and

defined within of the approved application details, shall be imported to the site for the purposes of recycling/processing, land raising and restoration.

Reason: To ensure that there are no adverse impacts on the local amenity from the development not assessed as part of the application details and to comply with policies 1, 3, 10 and 13 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP11, SP12, EN7, EN14 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

11. The development shall be undertaken on a phased basis, as indicated on the submitted drawing titled 'Progressive Operations Plan', drawing number: 1425/PO/1 v4, dated 05/12/2018. Operations shall commence in phase 1 and progress in numerical and stage order.

Reason: In the interests of ensuring a phased restoration, local amenity and to comply with policies 3, 10 and 11 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN3, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

12. Following notified commencement of the development, every six months a progress report shall be submitted to the Waste Planning Authority for review and comment. The report shall detail how much waste has been imported to the site (over the preceding six months) together with a breakdown of how much material has subsequently been exported. For every alternate submission (so annually) and upon completion/restoration of each phase (1-4 inclusive), a land level survey shall also be submitted to evidence progress/achievement of phased restoration. In addition to the land level survey a short statement on progress and operations to be undertaken/completed within the forthcoming 12 month period shall be submitted.

Reason: In the interests of ensuring a phased restoration, local amenity and to comply with policies 3, 10 and 11 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN3, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

13. In the event of a cessation of operations hereby permitted for a period in excess of 12 months, prior to the achievement of the completion of the approved scheme, which in the opinion of the Waste Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990 (as amended), a revised scheme of restoration and aftercare shall be submitted to and approved in writing by the Waste Planning Authority. Within six months of the 12 month period of cessation of operations the revised scheme of restoration and aftercare shall be submitted to the Waste Planning Authority for approval in writing. The

development shall subsequently be implemented in accordance with the revised scheme of restoration and aftercare.

Reason: To secure a satisfactory alternate restoration of the site in the event of a cessation of operations, in the interest of local amenity and the environment and to comply with policy S12 of the Essex Minerals Local Plan (2014); policies 10 and 13 the Essex and Southend Waste Local Plan (2017); policies S7, GEN3, GEN4, GEN7, ENV3, ENV8 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

14. No vehicles and/or mobile plant used exclusively on site shall be operated unless they have been fitted with white noise alarms (or equivalent) to ensure that, when reversing, they do not emit a warning noise that would have an adverse impact on residential or rural amenity.

Reason: In the interests of local amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

15. The free field Equivalent Continuous Noise Level (LAeq, 1 hr) at the below noise sensitive properties/locations shall not exceed the following limits:

Chalk Farm: 52dB LAeq 1hr
Bowker Close: 45dB LAeq 1hr
Debden Road: 51dB LAeq 1hr

Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

16. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at Chalk Farm, Bowker Close and Debden Road shall not exceed 70dB LAeq 1hr. Temporary operations shall not exceed a total of eight weeks in any continuous duration 12 month duration. Five days written notice shall be given to the Waste Planning Authority in advance of the commencement of a temporary operation.

Reason: In the interests of amenity and to comply with policies policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

17. Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at the four location points shown in Figure 1 (Site Location and Noise Monitoring Position) of the Noise Assessment, undertaken by LFAcoustics, dated 21/11/2018. 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 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 one month of the monitoring being carried out. Should an exceedance in the maximum noise limits secured by condition be noted, appropriate justification/commentary and/or a scheme of additional mitigation shall be presented to the Waste Planning Authority for review and approval in writing, as appropriate. The frequency of monitoring shall not be reduced unless otherwise approved in writing by the Waste Planning Authority.

Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

18. No development shall take place until a Construction Method Statement and Construction Environmental Management Plan have been submitted to and approved in writing by the Waste Planning Authority. The Statement and Plan shall provide for:

- The parking of vehicles of site operatives and visitors during initial site set up and then during operations;
- The proposed location of the site office and weighbridge during operations;
- The proposed detail/specification of any wheel and underbody vehicle washing facilities;
- A scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during operations;
- Risk assessment of potentially damaging activities;
- Identification of “biodiversity protection zones”;
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during operations/each phase (may be provided as a set of method statements) including those outlined within Tale 6.2 of the Extended Phase 1 Habitat Survey Report;
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works; and
- Responsible persons and lines of communication

Reason: For the avoidance of doubt as to the general layout of the site during operations, in the interests of highway and site safety, ecology and amenity and to comply policies 10 and 12 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN1, GEN3, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, TA1, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

19. No fixed lighting shall be erected or installed on-site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the Waste Planning Authority. That submitted 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 submitted shall 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 spill to adjacent properties, highways and/or any features/habitat of ecological interest/value. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to the surrounding area and environment and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN4 and GEN7 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, EN7 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

20. 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 dust management scheme/plan shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development (and all operations undertaken on the site). 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.

Reason: To reduce the potential for dust disturbance from the site on the local environment and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policy GEN4 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN15 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

21. No development shall take place until a detailed layout plan for the proposed recycling area (phase 2) as detailed on 'Progressive Operations Plan', drawing no. 1425/PO/1 v4, dated 05/12/2018 has been submitted to and approved in writing by the Waste Planning Authority. The layout plan shall seek to show the proposed layout of this area including indications of all plant and machinery (together with specification) and location and maximum heights for stockpiles. For the sake of completeness, no materials shall be stockpiled on-site unless within the recycling area (phase 2) or chalk processing area (phase 4) as indicated on the submitted drawing titled 'Progressive Operations Plan', drawing number: 1425/PO/1 v4, dated 05/12/2018.

Reason: For the avoidance of doubt as to the layout and machinery/plant approved, in the interests of amenity and to comply with policy S5 of the Essex

Minerals Local Plan (2014); policies 1, 3 and 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN3, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

22. No stripping or handling of topsoil or subsoil shall take place until details of any and all temporary stockpiles/holding bunds and a scheme of machine and soil movements for the stripping and replacement of soils has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall:
- a) Be submitted at least three months prior to the expected commencement of soil stripping and detail how soils will be handled, maintained and re-spread for restoration;
 - b) Define the type or machinery to be used to strip and replace soils; and include
 - c) Confirmation that soil will only be stripped and handled when in a dry and friable condition*; and that no area of the site traversed by heavy goods vehicles or machinery (except for the purpose of stripping that part or stacking of topsoil in that part) unless all available topsoil and/or subsoil has been stripped from that part of the site.

The development shall be implemented in accordance with the approved scheme.

**The criteria for determining whether soils are dry and friable involves an assessment 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 less than 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.*

Reason: *To ensure the retention of existing soils on the site, to minimise structural damage and compaction of the soil to aid final restoration works, in the interests of amenity and to comply with policy S12 of the Essex Minerals Local Plan (2014); policies 10 and 13 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN4, GEN7, ENV3, ENV8 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, EN7 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

23. No existing topsoil or subsoils shall be removed from the site.

Reason: *To ensure any soils stripped from the site are re-used as part of the restoration, to reduce the amount of material needing to be imported, in the interest of amenity to comply with policy S12 of the Essex Minerals Local Plan (2014); policies 10 and 13 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN4, GEN7, ENV3, ENV8 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, EN7 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

24. No waste shall be accepted at or deposited until a scheme showing the levels of the final base of the excavation in all proposed phases, the provision of a restoration cap (if required), and side and basal liner for each landfill cell has been submitted to and approved in writing by the Waste Planning Authority. No waste shall be deposited in any phases unless the side and basal liner has been completed in accordance with the approved scheme and no restoration soils shall be replaced unless the clay capping (if required) has been completed in accordance with the approved details. The development shall be undertaken in accordance with the approved scheme.

Reason: To ensure that that the development does not give rise to undue groundwater impacts, that the water environment of the Debden Water SSSI is not impacted by contaminants and to comply policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN3, GEN7 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP12, EN7, EN10, EN11 and EN14 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

25. No development shall take place until a scheme for monitoring groundwater and surface water quantity and quality throughout each of phases of the development (including an implementation timetable) has been submitted to and approved in writing by Waste Planning Authority. In respect of this:
- No development shall take place until all of the water monitoring devices relied upon by the approved scheme are provided in their entirety and are operational.
 - Working phases 1-4 shall only be implemented entirely in accordance with the approved monitoring scheme.
 - Monitoring shall be carried out in accordance with the timetable within the approved scheme.
 - The Waste Planning Authority shall be advised in writing of all significant changes when they arise and of details of any mitigation measures, including a timetable for implementation, shall be submitted to and approved in writing by the Waste Planning Authority.
 - Monitoring results and details of any necessary mitigation measures shall be submitted to and approved in writing by the Waste Planning Authority no less than annually, in accordance with the timetable contained within the approved scheme.
 - All approved mitigation measures shall be implemented in their entirety in accordance with the approved details and timetable.

Reason: To ensure that that the development does not give rise to undue groundwater impacts, that the water environment of the Debden Water SSSI is not impacted by contaminants and to comply policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN3, GEN7 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP12, EN7, EN10, EN11 and EN14 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

26. No development shall take place until a surface water drainage scheme,

management and maintenance plan for the development (site) has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include, but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure.
- Limiting discharge rates to 37l/s for the 1:1, 83l/s for the 1:30, and 129l/s for the 1:100 year storm event.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Storage should half empty within 24 hours wherever possible. If the storage required to achieve this via infiltration or a restricted runoff rate is considered to make the development unviable, a longer half emptying time may be acceptable. An assessment of the performance of the system and the consequences of consecutive rainfall events occurring should be provided. Subject to agreement, ensuring the drain down in 24 hours provides room for a subsequent 1 in 10 year event may be considered acceptable.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings (including cross sections) of each component of the drainage scheme inclusive of specified depths and grading of surface water bodies proposed.
- Planting arrangements for the attenuation pond, to obscure access to the water by waterfowl.
- A final drainage plan which details exceedance and conveyance routes, ground levels and location and sizing of any drainage features.
- Maintenance arrangements including responsibility for different elements of the surface water drainage system, activities/frequencies proposed and details of recording for work undertaken.
- A written report summarising the final strategy and highlighting any minor changes from that suggested at the application stage.

The scheme and plans shall be implemented in accordance with the approved details.

Reason: To ensure that that the development does not give rise to undue groundwater impacts, that the water environment of the Debden Water SSSI is not impacted by contaminants, prevent flood risk, ensure the effective operation and maintenance of drainage features and to comply policies 10 and 11 of the Essex and Southend Waste Local Plan (2017); policies GEN3, GEN7 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP12, EN7, EN10, EN11 and EN14 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

27. No development shall take place until a scheme for groundwater and surface water monitoring, post restoration, has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall be implemented in

accordance with the approved details.

Reason: To ensure that that the development does not give rise to undue groundwater impacts, that the water environment of the Debden Water SSSI is not impacted by contaminants and to comply policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN3, GEN7 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP12, EN7, EN10, EN11 and EN14 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

28. The top metre of the infill shall consist of either overburden or clean fill and shall not contain any objects larger than 150mm in any dimension.

Reason: To ensure appropriate restoration to a condition suitable for use as grassland, protection of groundwater from infiltration of surface water run-off and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN3, GEN7, ENV3 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP12, EN7, EN11, EN14 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

29. No development shall take place until a revised hard and soft landscaping and boundary treatment plan/scheme has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include detail of all existing trees and vegetation together with areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall be implemented within the first available planting season (October to March inclusive) on the basis of the approved programme of implementation. The landscape scheme shall be implemented in full and maintained therefore in accordance with conditions attached to this permission.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), on the basis that insufficient detail is contained on the submitted plan, to improve the appearance of the site in the interest of visual amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7, ENV3 and ENV8 of the Uttlesford District Council Local Plan (2005); and policies SP10 and SP12, D1, EN7, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

30. Any tree or shrub forming part of a landscaping scheme approved in connection with the development that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development 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 Mineral Planning Authority.

Reason: In order to maintain the appearance of the site, in the interest of visual amenity and to comply policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7, ENV3 and ENV8 of the Uttlesford District Council Local Plan (2005); and policies SP10 and SP12, D1, EN7, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

31. No development shall take place until a revised restoration plan has been submitted to and approved in writing by the Waste Planning Authority. The restoration plan shall seek to detail final land levels both pre and post settlement; provide details of geological faces proposed to be retained including elevations and sections and a supporting engineering/stability report for the exposed face; and be updated to reflect any changes made to drainage features and landscaping, as secured by other conditions attached to this decision notice. The plan shall furthermore be amended to reflect the removal of the access track to the site from Widdington Road and the subsequent restoration of this land. The development shall be undertaken and the site restored in accordance with the approved revised restoration plan.

Reason: For the avoidance of doubt as to the restoration levels proposed, in the interests of landscape and visual amenity and to comply with policy S12 of the Essex Minerals Local Plan (2014); policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7, ENV3 and ENV8 of the Uttlesford District Council Local Plan (2005); and policies SP10 and SP12, D1, EN7, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

32. No development shall take place until a Landscape and Ecological Management Plan (LEMP) (aftercare scheme) has been submitted to and approved in writing by the Waste Planning Authority. The plan/scheme shall include:
- Steps that are necessary to bring the land to the required standard for the intended use (calcareous grassland) including a plan/statement detailing how and where sufficient chalk would be retained on-site to be spread on all relevant phases as restoration progresses;
 - Description and evaluation of features to be managed;
 - Ecological trends and constraints on site that might influence management;
 - Aims and objectives of management;
 - Appropriate management options for achieving aims and objectives inclusive of details of all ecological 'enhancement' measures proposed including specification and location on-site (with reference to measures referred in section 6.5 of the Extended Phase 1 Habitat Survey Report);
 - Prescriptions for management actions;
 - Preparation of a work schedule for the five year aftercare period (together with a general annual work plan capable of being rolled forward over long term);
 - Details of the body or organisation responsible for implementation of the plan; and
 - Ongoing monitoring and remedial measures.

Whilst the formal aftercare period for the site shall be five years, the LEMP shall seek to cover a minimum of 25 years and include details of any legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery. The plan 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 objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure the satisfactory restoration of the site, safeguard for the long term and to comply with in accordance with the details submitted and deemed to comply with policy S12 of the Essex Minerals Local Plan (2014); policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7, ENV3 and ENV8 of the Uttlesford District Council Local Plan (2005); and policies SP10 and SP12, D1, EN7, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

33. There shall be no retailing or direct sales of soils, aggregates and/or chalk to the public from the site.

Reason: To ensure that there are no adverse impacts on the local amenity or highway network from the development not assessed as part of the application details and to comply with policies 10 and S12 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN1, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP10 and SP12, TA1, EN17, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

34. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no building, structure, fixed plant or machinery and/or gate, except as detailed in the development details hereby approved or otherwise approved pursuant to conditions, shall be erected, extended, installed or replaced on the site without the prior approval or express planning permission of the Waste Planning Authority.

Reason: To enable the planning authority to adequately control any future development on-site, assess potential accumulation and minimise potential impacts on the local area, landscape, amenity and environment in accordance with policies contained within the Essex Minerals Local Plan (2014); Essex and Southend Waste Local Plan (2017); Uttlesford District Council Local Plan (2005); and Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

Cllr Aldridge left the meeting at this point.

7 Land at Rayne Quarry, Braintree

The Committee considered report DR/11/19 by the Chief Planning Officer.

As background to the report, the resolution made by the Committee in December 2017 was noted.

The proposed amendment, concerning the creation of a Permissive footpath

instead of a Definitive footpath, was noted.

There being no particular points raised, the resolution was proposed and seconded. Following a unanimous vote of nine in favour, it was

Resolved

That:

Subject to the prior completion of an appropriate legal agreement within 6 months of the date of this resolution, to provide for:

- Landowner to enter into an appropriate licence/agreement to secure the proposed route as a Permissive footpath following its creation and to a specification comprising:
 - (i) Minimum 2 metre minimum width;
 - (ii) On a firm and even surface;
 - (iii) To contain no structures or limitations (e.g. stiles, gates etc.) which would prevent or frustrate disable access and to otherwise comply with DDA requirements;
 - (iv) To be provided in perpetuity.
- Management and funding for the care and maintenance of the afteruse and features of the application land as depicted on the Drwg No M15.131.D.004B entitled "Concept Restoration Proposals" dated December 2016 for a period of no less than 25 years following the completion of restoration;
- Provision of a site liaison group, and;
- works to be undertaken in association with the construction of the site access onto the public highway and any future works affecting the public highway regarding the maintenance and removal of the access.

Planning permission be granted subject to the conditions listed in the December 2017 officer report (Appendix 1) as updated by the addendum (December 2017 – Appendix 2).

Cllr Durham, having declared a Code interest in the next item, left the meeting at this point.

County Council Development

8 Brickhouse Farm Community Centre, Maldon

The Committee considered report DR/12/19 by the Chief Planning Officer. Members noted the addendum to the agenda.

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:

- Need and Flood Risk
- Impact on Recreational Amenity
- Impact on the Natural Environment
- Impact on Historic Environment
- Impact on Residential Amenity & Highways.

In accordance with the protocol on public speaking the Committee was addressed by David Chapman, representing Essex County Council and speaking for the application. Mr Chapman made several points:

- The development has been 2 years in the planning; and this site was chosen over a number of others, as it will bring the most benefits to the area and the scheme will bring additional improvements, such as with planting of vegetation and the improved play area
- The Maldon Plan recognised this as a risk area. An impact of climate change is increased flood risk and it is important for Essex as Lead Local Flood Authority to manage this risk where possible
- The statistics: 295 properties in this area are at risk of a 1% chance annual rainfall event in each year; 114 properties at risk of a 5% event. And there is a history of flooding in the area
- This scheme brings the tangible benefit of flood protection and gives residents greater peace of mind. Other benefits will be improving the highway drainage system and the Anglian Water pipes as well.

Officers responded to Members' comments:

- A landscaping plan will be drawn up to ensure appropriate replacement trees
- Essex County Council recommended a public consultation. This did not begin till after the application process had started, so representations submitted after the deadline were still accepted
- Local residents had conflicting views – some saying there was no evidence of flooding, with others agreeing there was. However, the information used was based on that of the Environment Agency
- The structure is open to the elements. However, it will not retain any standing water, as it is designed to drain completely after 10 hours
- Maldon DC already has responsibility for the site, and it will sign a memorandum of understanding to maintain its upkeep.

There being no further points raised, the resolution was proposed and seconded. Following a unanimous vote of eight in favour, it was

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 begun before the expiry of 3 years from the date of this permission.

Reason: *To comply with section 91 of the Town and Country Planning Act 1990 (as amended).*

2. The development hereby permitted shall be carried out in accordance with the details of the application dated 19 December 2018 and validated on 9 January 2019 together with:
 - Preliminary Ecological Appraisal version 1.4 prepared by Place Services dated 10 December 2018
 - Archaeological Desk Based Assessment prepared by Place Services dated April 2017
 - Planning Statement dated 19 December 2018
 - Arboricultural Impact Assessment and Draft Method Statement prepared by Place Services dated 14 December 2018
 - Drawing Number MAL2_00 Rev A (Proposed Landscape Plan) dated 9 February 2019
 - Drawing Number 5154071-ATK-MC-DR-T-102 Rev PO1 (Site Plan) dated 14 December 2018
 - Drawing Number 5154071-ATK-MC-DR-T-103 Rev PO1 (Proposed Works General Arrangement (Block Plan) dated 14 December 2018
 - Drawing Number 5154071-ATK-MC-DR-T-104 Rev PO1 (Proposed Cross Section) dated 14 December 2018
 - Drawing Number 5154071-ATK-MC-DR-T-101 Rev PO1 (Location Plan) dated 14 December 2018
 - Email from Marc Inman dated 11 April 2019 15:04

Reason: *For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with Policy S1 (Sustainable Development), Policy D1 (Design Quality and Built Environment), Policy D2 (Climate Change & Environmental impact of New Development), Policy D5 (Flood Risk and Coastal Management), Policy N1 (Green Infrastructure Network), Policy N2 (Natural Environment, Geodiversity and Biodiversity) and Policy N3 (Open Space, Sport and Leisure) of the Maldon District Local Development Plan July 2017.*

3. No development shall take place until a landscape scheme has been submitted to and approved in writing by the County Planning Authority. The scheme shall include details of areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall be implemented within the first available planting season (October to March

inclusive) following completion of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with Condition 4 of this permission.

Reason: *To comply with Section 197 of the Town and Country Planning Act 1990 (as amended) to improve the appearance of the site in the interest of visual amenity and to comply with Policy D1 (Design Quality and Built Environment) and Policy N2 (Natural Environment, Geodiversity and Biodiversity) of the Maldon District Local Development Plan July 2017.*

4. Any tree or shrub forming part of a landscaping scheme approved in connection with the development (under Condition 3 of this permission) that dies, is damaged, diseased or removed within the duration of 5 years following planting 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 County Planning Authority.

Reason: *In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Policy D1 (Design Quality and Built Environment) and Policy N2 (Natural Environment, Geodiversity and Biodiversity) of the Maldon District Local Development Plan July 2017.*

5. No development or preliminary groundworks shall take place until a written scheme and programme of archaeological investigation and recording has been submitted to and approved in writing by the County Planning Authority. The scheme and programme of archaeological investigation and recording shall be implemented prior to the commencement of the development hereby permitted or any preliminary groundworks.

Reason: *To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Policy D1 (Design Quality and Built Environment) and Policy S1 (Sustainable Development) of the Maldon District Local Development Plan July 2017.*

6. No soils or materials shall be imported to the site for the purpose of constructing the Flood Storage Area as shown on Drawing Number 5154071-ATK-MC-DR-T-103 Rev P01 (Proposed Works General Arrangement (Block Plan) dated 14 December 2018).

Reason: *To ensure that there are no adverse impacts on local amenity from the development, not assessed in the application details, and to comply with Policy D1 (Design Quality and Built Environment) of the Maldon District Local Development Plan July 2017.*

7. No development shall take place, including any ground works or demolition, until a Construction Management Plan has been submitted to and approved in writing by the County Planning Authority. The plan shall provide for the following all clear of the highway:

- Safe access into the site
- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Wheel and underbody washing facilities

The Plan shall additionally provide details for the management of the exportation of soils from the site, dust management, commitment to no handling or movement of soils unless they are in a dry and friable condition, maintenance of access to Marlowe Close during the proposed drainage improvement works and working hours.

The development shall take place in accordance with the approved Plan.

Reason: *To ensure that during the construction period, on-street parking of vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety, to ensure the protection of amenity during the construction period and in compliance with Policy D1 (Design Quality and Built Environment) of the Maldon District Local Development Plan July 2017.*

8. Within 3 months of the date of this permission details of the signage and safety equipment to be installed around the perimeter of the flood storage area hereby permitted shall be submitted to and approved in writing by the County Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: *In the interests of public safety and visual impact and in accordance with Policy D1 (Design Quality and Built Environment) of the Maldon District Local Development Plan July 2017.*

9. No play equipment shall be erected or installed in the relocated play area as shown on Drawing Number 5154071-ATK-MC-DR-T-103 Rev PO1 (Proposed Works General Arrangement (Block Plan) dated 14 December 2018 until details of the play equipment including heights have been submitted to and approved in writing by the County Planning Authority.

Reason: *To ensure that there are no adverse impacts on the neighbouring residential properties by way of overlooking or loss of privacy and in accordance with Policy D1 (Design Quality and Built Environment) of the Maldon District Local Development Plan July 2017.*

10. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Place Services, December 2018) as already submitted with the planning application and agreed in principle with the County Planning Authority prior to determination.

Reason: *To conserve and enhance Protected and Priority species and*

allow the County Planning Authority to discharge its duties under the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and in accordance with Policy S1 (Sustainable Development), Policy N2 (Natural Environment, Geodiversity and Biodiversity) and Policy D1 (Design Quality and Built Environment) of the Maldon District Local Development Plan July 2017.

11. Within 3 months of the date of this permission a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the County Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- Purpose and conservation objectives for the proposed enhancement measures
- Detailed designs to achieve stated objectives
- Locations of proposed enhancement measures by appropriate maps and plans
- Persons responsible for implementing the enhancement measures

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

Reason: *To enhance Protected and Priority species/habitats and allow the Country Planning Authority to discharge its duties under s40 of the NERC Act 2006 (Priority habitats & species and in accordance with Policy S1 (Sustainable Development), Policy N2 (Natural Environment, Geodiversity and Biodiversity) and Policy D1 (Design Quality and Built Environment) of the Maldon District Local Development Plan July 2017.*

Cllr Durham returned to the Chamber at this point.

Enforcement Update

9 Enforcement of Planning Control

The Committee considered report DR/13/19, updating members of enforcement matters for the period 1 January to 31 March 2019 (Quarterly Period 4).

The Committee NOTED the report.

Information Item

10 Applications, Enforcement and Appeals Statistics

The Committee considered report DR/14/19, applications, enforcement and appeals statistics, as at the end of the previous month, by the Chief Planning Officer.

The Committee NOTED the report.

11 Date of Next Meeting

The Committee noted that the next meeting would be held on Friday 24 May 2019, at 10.30am in Committee Room 1, County Hall.

There being no further business, the meeting closed at 1:11 pm.

Chairman