

Report to the LDF Cabinet Committee

Report reference: C-004-2009/10
Date of meeting: 9 November 2009



Portfolio: Leader

Subject: Essex County Council Consultation – “Minerals Development Document: Site Allocations – Issues & Options Paper”

Responsible Officer: Amanda Wintle (01992 564543)

Democratic Services Officer: Gary Woodhall (01992 564470)

Recommendations/Decisions Required:

To consider and agree the proposed key issues to be contained in the consultation response to Essex County Council in respect of their current consultation document.

Executive Summary:

Essex County Council has published a consultation document as part of the process of considering further sites for mineral extraction across the County. Two potential sites in Epping Forest District have been identified.

The sites are both considered unsuitable for a number of reasons including impact on the Green Belt, local landscape, the local road network and flooding implications. Officers also consider that the site selection process is flawed.

Reasons for Proposed Decision:

The potential sites for mineral extraction identified in this District would have detrimental impacts on the Green belt, the character of the countryside and the road network, and it is therefore vital that the Council submits a response.

Other Options for Action:

To not submit a response to the consultation.

Report:

Background

1. The current Minerals Local Plan was adopted by Essex County Council in November 1996. A new Minerals Development Document (MDD) is now being prepared to replace the existing plan, and to set out the policies for mineral extraction over the period 2007 – 2026.
2. The MDD will establish the vision, objectives, strategy and new sites to meet the need for sand, gravel, silica sand and brick clay aggregate across Essex. It has been identified that an additional 39.025 million tonnes (mt) is required to meet the requirements of the East of England Plan. Essex County Council has previously undertaken consultation on the

following documents:

- (i) MDD: Site Allocations – Issues & Options Paper (December 2005);
- (ii) MDD: Additional Site Allocations – Issues & Options Paper (March 2006); and
- (iii) MDD: Further Issues & Options Paper (January 2009).

3. None of these documents identified any extraction sites in Epping Forest District. In considering the strategic distribution of sites across Essex, the County Council has made it clear that it considers there is a lack of provision in both the south and west of the District, and has therefore focused its most recent “call for sites” in these areas.

Current Consultation

4. The consultation document identifies two potential sites for sand and gravel extraction in the district, at Shellow Cross, Willingale and Patch Park Farm, Abridge. Copies of the maps enclosed in the consultation document are attached at Appendix 1 for information. The current consultation runs between 17 September and 12 November 2009. In consultation with the Leader and the Environment Portfolio Holder, EFDC officers will submit a response prior to the deadline. ECC officers have confirmed that the further views of the Committee can be submitted following this meeting. The consultation document asks specific questions of each of the potential sites:

- (a) Do you support this potential site for sand and gravel extraction?
- (b) Do you object to this potential site for sand and gravel extraction?
- (c) If b, are there any changes that could be made to this proposal that would make it acceptable to you?
- (d) Is the proposed after-use acceptable to you? If not, what do you consider to be appropriate to this location and why?

5. The sites in Willingale and Abridge have been identified as a result of the final “call for sites” outlined in paragraph 3. The consultation document makes clear (paragraph 2.1) that neither Essex County Council nor the British Geological Survey hold sufficient detailed geological data for the county to identify all potential extraction sites themselves. This is particularly disappointing as there are large “inferred spreads of sands and gravel” in Epping Forest District. This suggests that the process by which potential sites are being identified is flawed. It does not seem that all possible alternative options will have been identified and properly assessed if a comprehensive survey of the county (and particularly this District) has not been undertaken.

6. The County Council has stated in the consultation document (pages 6 and 7) that a detailed site assessment will be undertaken in accordance with a standard approach. This assessment will then be used to inform the preparation of the preferred site options document.

Shellow Cross, Willingale

7. The potential site at Shellow Cross lies across the administrative boundary with Chelmsford Borough Council, with approximately a third of the site being in Epping Forest District. The details of the potential site are contained in Appendix 1.

8. Officers **object** to the identification of this site for sand and gravel extraction. The site is wholly within the Metropolitan Green Belt. PPG2 (paragraphs 3.11-3.14) states that mineral extraction is not necessarily harmful to the Green Belt. However processing plant will be required on the site (suggested for the northern parcel of land, within Chelmsford Borough Council area), which by definition will be harmful to the openness of the Green Belt and should therefore be resisted.

9. The Forward Planning team has commissioned a Landscape Character Assessment to inform the preparation of the Local Development Framework. This research is not yet complete, but the initial findings can be drawn upon to determine the extent of any harm to the landscape of the potential working of this site. The Willingale area is predominantly rural in character, and there is a strong sense of remoteness and tranquillity throughout. The presence of a network of mature hedgerows in the area is key to the character, and should be protected and enhanced where possible. The Assessment considers that this area has a moderate to high sensitivity to change. Clearly, the impact of a mineral extraction facility in this location will be detrimental.

10. The details of the site refer to an area of woodland in the centre of the potential extraction site. This area is also a designated Local Nature Reserve. It is claimed in the information provided that this will not be disturbed. However, no information is given about how this wooded area would be protected, and officers are doubtful that this area can be properly protected from harm.

11. The route of the access road is only indicative at this stage, and suggests all traffic will be routed via the A1060, rather than the more rural Skreens Park Road. No information is provided about the potential number of lorry movements that would result if the site becomes operational, and therefore the traffic impact cannot be assessed from the available information.

12. Flood risk does not appear to have been considered at this stage. This council's Land Drainage engineers have made a brief initial assessment of the site and have identified a number of areas of concern. These include the lack of information provided, the presence of a number of waterways within or near to the potential extraction area and the presence of a natural spring in the centre of the site which suggest a complex groundwater environment. Significant changes in this area could affect the flow of water in the area, and cause a detrimental impact on local habitats, as well as local well users.

13. It is not considered that any changes could be made to this proposal that would make it acceptable.

14. The method of restoration proposed is partly at lower levels within in-situ clays and spoils, and part to former levels using inert infill. Inert infill is defined as "construction, demolition and excavation waste, a high percentage of which comprises mixed soils.". It is not proposed at this stage that the site will be used for domestic landfill. There is no suggestion of how long the restoration period will be following the extraction period (23 years), but as it is proposed that the site will be partially filled with material which will need to be delivered to the site, this suggests a further traffic impact over a longer time period. Notwithstanding the unsuitability of this site for sand and gravel extraction in the first instance, the proposed method of restoration is probably the "least worst" scenario as only some of the material required to return the land to former levels would need to be delivered to the site. The land would be returned to agricultural and nature conservation use, and it is possible that with appropriate partnership working, enhancements to the local landscape could be achieved.

Patch Park Farm, Abridge

15. The potential site described as Patch Park Farm, Abridge lies to the north of Ongar Road opposite Patch Park (formally Crowther's) Garden Centre. The site details are contained in Appendix 1.

16. Officers **object** to the allocation of this site for sand and gravel extraction. Similarly to the potential site at Shellow Cross, the land is entirely within the Metropolitan Green Belt and there are potential impacts on the openness of the Green Belt caused by the processing plant. During the 1960s and 70s planning applications were made for sand and gravel extraction on this land. All were rejected, primarily on grounds of the harm that would be caused to the Green Belt. There is nothing to suggest that there has been a significant change in circumstances in this area to warrant a site now being allocated, particularly in relation to the opening admission of the consultation document that a full survey of the County has not been undertaken.

17. The Landscape Character Assessment referred to above concludes that this area also has a moderate to high sensitivity to change. This is due to the generally open views along the river corridor and strong sense of intervisibility between the valley corridor and the adjacent arable and pastoral fields. There are no identified areas of nature or biodiversity significance within or adjacent to the potential extraction site, but a full assessment must be undertaken to determine that no significant harm will be caused to biodiversity or habitats that exist nearby.

18. The indicative access point is shown to the east of the main extraction area, joining onto the A113 (Ongar Road). No details of potential lorry routes have been provided, or the number/frequency of trips, so there are significant concerns about the impact sand and gravel extraction, and site restoration, would have on the local road network.

19. A high pressure gas pipeline runs alongside the northern side of the A113, and a small part of the potential site falls within the protective buffer zone. No acknowledgement of this gas pipeline is given, nor any assurance that sand and gravel could be safely extracted in the southern part of the site.

20. The potential site is entirely within Flood Zone 3, and the brief information given in the consultation document suggests that the County Council is aware of the significance of the flood risk in this area. There is a short reference to the possibility that flood alleviation works will be required in the short term. However, there are no details of how the "de-watering" of the site will be achieved and what impact this may have on surrounding land and property.

21. Progressive restoration is proposed using imported pre-treated inert waste. This would cause a more intensive pattern of lorry movements during the period the site is operational, but should not significantly extend the period over which lorry movements visit the site. Depending on the type of material used to fill the created void, there may be a further risk associated with the nearby airfield and an increased risk of bird strike. There is a history of flooding in the area, and it is disappointing to see that no permanent flood alleviation measures are proposed as part of the restoration of the site. However, even if such measures were incorporated, there would still be a number of other issues to be addressed before an operational site in this location could be considered acceptable.

Resource Implications:

None.

Legal and Governance Implications:

None relevant.

Safer, Cleaner and Greener Implications:

None relevant.

Consultation Undertaken:

Report will be considered by Planning Standing Scrutiny Panel - 10 November 2009.

Background Papers:

Minerals Development Document: Site Allocation – Issues & Options Paper August 2009.

Impact Assessments:

Risk Management

None relevant

Equality and Diversity:

Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties, reveal any potentially adverse equality implications? **Yes** **No**

Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken? **Yes** **No**

What equality implications were identified through the Equality Impact Assessment process? This document is being prepared by Essex County Council, and the responsibility for preparing an Equality Impact Assessment falls to that authority.

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?