

Report to Planning Services Scrutiny Standing Panel



SCRUTINY

Date of meeting: 13 September 2011

Portfolio: Planning and Technology



**Subject: Essex County Council Minerals Development
Document – Further Site Allocations Issues & Options Paper**

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Committee Secretary: Mark Jenkins (01992 564607)

Recommendations/Decisions Required:

- (1) To note the potential impacts of the new proposal for a Strategic Aggregate Recycling Site (SARS) at Weald Hall Commercial Centre within Essex County Council's Minerals Development Document Further Site Allocations Issues & Options Paper;**
- (2) To agree the proposed response to the only relevant consultation question (no. 4);**
- (3) To agree that any amendments to the final response necessary following receipt of comments from Land Drainage officers are agreed with the Planning and Technology Portfolio Holder and the Chair of Planning Scrutiny Standing Panel; and**
- (4) That the procedure agreed at Overview and Scrutiny Committee on 24 January 2011 (Minute 70) is used to ensure that the Panel's recommendations meet the consultation deadline.**

Report:

Background

1. Essex County Council (ECC) is responsible for preparing the County level Minerals and Waste Development Framework (MWDF). As part of this framework, ECC is working towards a new Minerals Development Document (MDD) to replace the existing Minerals Local Plan (1996). The MDD is required by Government to plan for a steady and adequate supply of minerals in Essex to meet the County's current and future needs to 2028. It will identify suitable sites for mineral extraction, aggregate recycling, and mineral transportation.
2. Several stages of consultation have taken place since 2005. The Issues & Options stage(s) identified many potential new sites, two of these were within Epping Forest District (site A40: Land at Shellow Cross Farm, Elm Farm and Newland Hall Farm, Willingale, and site A41: Patch Park Farm, Abridge). Members received reports at these previous stages, and the Council submitted a formal response objecting to these sites.
3. The next stage of consultation, the 'Preferred Options' in 2010 whittled the proposals down to ECC's 'preferred' sites. Site A40 was removed from the proposals, but site A41 remained in the document. The next opportunity to comment on site A41 will be the Submission consultation to be held in 2012, if it remains in the consultation at this stage.

4. As part of the Preferred Options, ECC invited consultees to suggest any other potential sites which had been overlooked. It is now consulting on the five new site suggestions received. The consultation closes on 20 October 2011.

The new site proposed within Epping Forest District

5. The only new site suggestion within Epping Forest District is at Weald Hall Commercial Centre, on Weald Hall Lane, between Thornwood and North Weald. The proposal is that this site becomes a 'Strategic Aggregate Recycling Site' (SARS). For the purposes of this document, 'aggregate' is defined as 'crushed rock, or sand and gravel, used in civil engineering work in a bound (as concrete) or unbound condition'. The plan of the site included within the consultation document is included at Appendix 1.
6. It is proposed that the facility would recycle construction, demolition and excavation waste from construction sites. This would involve screening (separating particles of different size), crushing (breaking up materials, e.g. concrete) and washing (washing fine materials off coarser gravels etc.). The estimated annual throughput (the amount of material to be recycled at the site) is 100,000 tonnes.
7. Only one of the new proposed sites is within, or anywhere near, Epping Forest District. Thus it is suggested that only the question relating to this site is answered in the Council's response.
8. The County Council recommends considering certain criteria in formulating a response. Each criterion is addressed in turn below, with respect to the Weald Hall Commercial Centre site:
 - i. *Mineral resource and timetable.* It is proposed that the site is used for recycling existing construction, demolition and excavation waste; nothing would actually be extracted from the ground on the site. However it is suggested that the site would be a permanent facility, lasting beyond the current plan period.
 - ii. *Planning history / background.* This site is currently in employment use (it comprises many commercial business units, occupied by various businesses) although it is not designated as an employment site within the Local Plan. The Council's general policy seeks to safeguard existing employment sites. Usually, a change of use of the land would only be permitted if it had been shown that the site was unsuitable for employment, there were conflicts with adjoining land uses, the premises were unsuitable for a modern business, or there was a demonstrable lack of market demand for the site in its current use. It would also have to be shown that there were very significant development or infrastructure constraints making the site unsuitable for employment purposes. It appears that no consideration has been made of whether the existing businesses could partly remain on site, or could be relocated locally.
 - iii. *Landscape.* The site is entirely within the Green Belt. ECC propose to use the existing buildings for the recycling process, and that outside storage would be minimal. Planning Policy Guidance note 2: Green Belts requires, among other things, that the re-use of buildings within the Green belt '*does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it*'. The use of this site for aggregate recycling could have a materially greater impact, through increased HGV vehicle movements bringing material to and from the site. The emerging National Planning Policy Framework, which will replace existing Planning Policy Guidance notes and Planning Policy Statements (PPS), has a similar approach to Green Belt policy.

This Council's Landscape Character Assessment (2010) identifies the area of this proposal as being within 'F5 Ridges and Valleys (North Weald). It states that '*Sensitive key characteristics and landscape elements within this Landscape*

*Character Area include hedges, hedgerow trees and species-rich verges.....overall this Landscape Character Area is considered to have **moderate** sensitivity to change. Guidelines within the document seek to 'Conserve the landscape setting of North Weald' and 'Maintain characteristic open and framed views across the area'. While this proposal is not for new buildings, it would involve the external storage of materials and increased vehicle movements, which could oppose these aims.*

- iv. *Ecology and Designations.* Officers are not aware of any ecological issues, or designations other than those answered in other points.
- v. *Historic environment.* Weald Hall Farmhouse, which is on the proposed site, is a Grade II listed building. Planning Policy Statement 5: Planning for the Historic Environment states that when considering applications which will not make a positive contribution to the setting of a listed building, one should '*weigh any such harm against the wider benefits of the application*'. Again, the emerging National Planning Policy Framework has a similar approach. Although the building is already in close proximity to buildings in employment use, the Conservation Officer feels that the setting of this listed building could be adversely affected due to the likely increase in traffic movements and the type of vehicle likely to be used (HGVs). Outside storage of aggregate materials could also put further pressure on the listed setting.
- vi. *Agriculture.* It is not thought that the proposal would cause significant impacts on local agriculture, as the land is not currently in agricultural use.
- vii. *Proximity to sensitive uses.* The entrance to the site is directly opposite two residential houses, and within 130 metres of Weald Hall Nursing Home. The use of the site for aggregate recycling could potentially be disruptive to residents in these buildings. The hours of operation would need to be reasonably restricted. Furthermore, the site is directly adjacent to North Weald Airfield (see criterion (x)).
- viii. *Water / hydrology / flood risk.* Views have been sought from the Land Drainage team on potential issues, however the lead in time for this report was too short to allow a reply to be made. An oral update on any comments received will be made at the panel meeting.
- ix. *Traffic and transportation.* As noted in criterion (iii), the proposal could result in a significant increase in vehicle movements to and from the site, mostly by HGVs. The proposal is to use the existing (thought to be private) access road to the north east of the site, which leads up to Canes Lane (the A414). This small road is unlikely to be suitable for the amount of traffic likely to ensue. Furthermore, the traffic would join a busy stretch of the A414, without an adequate junction. It is considered that a protected right hand turn lane would be required.
- x. *Recreation.* North Weald Airfield, directly adjacent to the site, is currently used for recreational rather than commercial flights, and is also home to a flight school, as detailed in the recent Halcrow 'North Weald Airfield Intensification Study'. The amenity of these various uses could potentially be affected by the proposal. Please see criterion (xi) for more comments.
- xi. *Amenity and Pollution.* The proposal would involve screening (separating particles of different size), crushing (breaking up materials, e.g. concrete) and washing (washing fine materials off coarser gravels etc.) of aggregate materials, which could give rise to pollution in the air, which may affect the use of the adjacent airfield. Similarly, the HGVs transporting material to and from the site could cause air pollution. There is also a form of clubhouse on the airfield, on the southern boundary of the proposed site, whose amenity could be adversely affected by the increase in noise. However, it is possible that this would not be significant, as the existing use of the airfield must

generate significant noise, however, hours of operation would need to be reasonably restricted.

The Contaminated Land Officer reported that the site has been identified as a potentially contaminated site due to its former use as a farmyard, its use by various industrial units, the presence of made ground and bunds, and the presence of backfilled ponds and a moat (the moat is shown on 1799 2" OS map, the County Series 25" and 6" maps from the 1860s until the 1940s and appears to still be present on the RAF 1945 Aerial Photography, although the photograph of the airfield has been altered by the RAF for security purposes, so may be of archaeological interest. The archaeological team at Essex County Council would need to be consulted about any works to this site.). There is also the potential for enemy bombs that targeted the airfield during WWII to have landed on site and also for munitions waste to have been buried on the site if Weald Hall was used by the military at that time (a dropped bomb was unearthed by EFDC contractors putting in a water pipe at the airfield and cases of buried phosphorous grenades were unearthed when the new access road was put in by EFDC at the airfield).

PPS23 specifies military and industrial use as potentially contaminating uses and made ground as a potential source of contamination and advises that where any of these are identified that an appropriate land contamination risk assessment is submitted with any planning application.

- xii. *After-use and Restoration.* It is not thought that this criterion applies in this case, as the proposal is that the site would be permanent. However, should the site cease in the proposed use, it will remain in the Green Belt and any subsequent use must be in accordance with this and other relevant policy.
- xiii. *Other potential benefits of the site.* Officers are not aware of any 'other potential benefits'.

Suggested response to consultation questions

- 9. Only question 4 relates to the Weald Hall Commercial Centre site. It is not proposed that answers are given to the other five questions, four of which are specific to sites far outside the district, and one of which is a general 'any other comments' question.
- 10. Question 4 has three parts as below. The proposed answers to these parts are shown in bold:
 - a) *Do you support this potential Strategic Aggregate Recycling Site?*
No
 - b) *Do you object to this potential Strategic Aggregate Recycling Site?*
Yes

This is an unsuitable location for a Strategic Aggregate Recycling Site. This site is currently in commercial employment use, and the proposed use is likely to create/sustain fewer jobs by comparison. This Council would seek to safeguard this site as an existing employment location.

The site is entirely within, and encircled by, the Green Belt. Planning Policy Guidance note 2: Green Belts requires that the re-use of buildings within the Green Belt 'does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it'. The use of this site for aggregate recycling could have a materially greater impact, through significant HGV vehicle movements transporting aggregate. The

emerging National Planning Policy Framework, which will replace existing Planning Policy Guidance notes and Planning Policy Statements (PPS), has a similar approach to Green Belt policy. This Council's Landscape Character Assessment (2010) identifies the area of this proposal as being within 'F5 Ridges and Valleys (North Weald), and to *'have moderate sensitivity to change'*. The Council is concerned that the proposal would impact negatively on the landscape character of the area, through the external storage of materials and the increased vehicle movements.

Weald Hall Farmhouse, which is on the proposed site, is a Grade II listed building. Planning Policy Statement 5: Planning for the Historic Environment states that when considering applications which will not make a positive contribution to the setting of a listed building, one should *'weigh any such harm against the wider benefits of the application'*. Again, the emerging National Planning Policy Framework has a similar approach. This Council feels that the setting of this listed building could be adversely affected by the proposal, especially by increased vehicle movements and the outside storage of aggregate materials. ECC's Archaeological team should be consulted regarding the former moat on the site, which is thought to have been backfilled around WWII. The Council is aware that the site could potentially be contaminated due to former uses. PPS23 specifies military and industrial use as potentially contaminating uses and made ground as a potential source of contamination and advises that where any of these are identified that an appropriate land contamination risk assessment is submitted with any planning application.

The entrance to the site is directly opposite two residential houses, and within 130 metres of Weald Hall Nursing Home. The use of the site for aggregate recycling could harm the amenity, visual and otherwise, of residents of these buildings. The hours of operation would need to be reasonably restricted. Furthermore, the site is directly adjacent to North Weald Airfield, currently used for recreational commercial flights, a flight school, and is home to a clubhouse. This Council would want to be assured that the proposed screening, crushing and washing of aggregate materials would not lead to poor visibility on the airfield due to particulates in the air, or to a loss of amenity for these existing uses.

The proposal seeks to use the existing (private) access road to the north east of the site, which leads up to Canes Lane (the A414). This small road is unlikely to be suitable for the amount of HGV traffic likely to ensue. Furthermore, the Council is concerned that the traffic would join a busy stretch of the A414, without an adequate junction. It is considered that a protected right hand turn lane would be required.

It is not thought that after use and restoration applies in this case, as the proposal is that the site would be permanent. However, should the site cease in the proposed use, it will remain in the Green Belt and any subsequent use must be in accordance with this and other relevant policy.

This Council is very concerned that this proposed site is not included in the Sustainability Appraisal and Strategic Environmental Assessment Statement. The consultation document states that 'All SARS sites will be included in the SA/SEA Environmental Report which will accompany the MDD: Submission Draft'. It is far too late to consider the sustainability and environmental affect of a proposal only once the Submission stage of consultation is reached. The impact of such a proposal should be assessed from the start of the process, as with all the other proposed sites. Potential SARS sites suggested in the

Preferred Options stage of the MDD were discounted for various reasons, as listed in the MDD Preferred Options Appendices Volume 1 document - Appendix D. Several of the reasons apply equally to the Weald Hall Commercial Centre site (within the Green Belt, concerns over access), and yet no assessment has been carried out.

It appears that the site may meet one of the County Council's criteria for SARS sites, in that it is near to a Key Centre for Development and Change (Harlow) as designated by the East of England Plan. However, the Government has made it very clear that once the Localism Bill is enacted later this year; all such Regional Spatial Strategies will be revoked. Therefore Harlow will cease to be a Key Centre for Development and Change, and will not necessarily be the focus of the amount of development that has been mooted in the past.

c) If [you answer yes to] b), are there any changes that could be made to this proposal that would make it acceptable to you?

No

Reason for decision:

To respond on the proposals within the consultation document, in order to ensure that Epping Forest District's interests are considered as County level minerals development proposals are refined.

Options considered and rejected:

Not to respond to the consultation, however, this would risk any potential impacts of the proposed development on Epping Forest District being overlooked by Essex County Council.

Consultation undertaken:

The consultation document has been discussed by Forward Planning officers, and is being brought to the Scrutiny Standing Panel for consultation with Members.

Resource implications:

Budget provision:

Not applicable, as Essex County Council is responsible for Waste and Minerals matters for the area of Epping Forest District.

Personnel:

Not applicable for the purposes of this report; the consultation document was prepared by Essex County Council staff.

Land:

The potential use of the site at Weald Hall Commercial Centre could affect land owned by the Council, as it is directly adjacent to North Weald Airfield.

Community Plan/BVPP reference:

None relevant.

Relevant statutory powers:

Planning and Compulsory Purchase Act 2004

Minerals Policy Statement 1: Planning and Minerals and Planning (MPS1)

Background papers:

[Essex County Council Minerals Development Document – Sites Allocations \(further\) Issues & Options \(August 2011\)](#)

[Essex County Council Minerals Development Document – Sites Allocations \(further\) Issues & Options Paper – Sustainability Appraisal & Strategic Environmental Assessment \(August 2011\)](#)

[Essex County Council Minerals Development Document – Preferred Approach \(December 2010\)](#)
[Report to Planning Services Scrutiny Standing Panel 10/01/11 \(item 58\)](#)
[Report to Local Development Framework Cabinet Committee 09/11/09, LDF-004-2009/10](#)
[Planning Policy Guidance note 2: Green Belts](#)
[Planning Policy Statement 5: Planning for the Historic Environment](#)
[EFDC Landscape Character Assessment](#)
North Weald Airfield Intensification Study (Halcrow)

Environmental/Human Rights Act/Crime and Disorder Act Implications:
Use of the Weald Hall Commercial Centre site for Strategic Aggregate Recycling could have significant local environmental impacts, caused by the recycling itself, and by increased HGV movements on local roads.

Key Decision reference: (if required)
Not applicable.