

6.7 Case Officer: Mr S McAdam

EXPIRY DATE: 26.09.06

Site: Land at Middlewick Ranges, Mersea Road, Colchester, Essex

Application No: M/COL/06/1401

Date Received: 14th August 2006

Agent: Essex County Council

Applicant: Eco Aggregates Ltd

Development: Erection of recycling plant for inert materials and ancillary development. (ESS/41/06/COL).

Ward: Harbour

Introduction

This application has been submitted to Essex County Council as the Local Planning Authority, with observations from Colchester Borough Council having been requested.

The application seeks to relocate an existing recycling plant and ancillary operations (that are currently part of the Garrison development) to this site at Middlewick ranges. The purpose of the plant is to ensure that the maximum of 'waste' materials from the Garrison development can be recycled. The imported material will be sized and washed at the plant to produce an aggregate product. The existing operations at Circular Road South comprises mainly excavated materials from the foundations of buildings, through to sands and gravels as a result of the excavation, footings and trenches. All materials will be inert, with the only waste product being the silt/clays that are produced as a result of the filter press. Currently this 'waste' is reused within the Garrison development but there may be a need for disposal to an appropriate landfill site or top a reclamation scheme. The current application is for a period of 10 years after which the area will be reinstated to existing levels and returned to grassland. Thereafter, it will be subject of a 5-year aftercare scheme.

Site Description

The application site is part of an open grass field which lies to the south and west of Abbot's Road and to the east of Mersea Road. The areas bounded by these roads are residential in character. There is an extensive tree belt which runs along a significant part the southern boundary, which separates the site from the Middlewick Ranges. An electricity line with two pylons, traverses the site. The area is currently used for informal recreation, walking, jogging etc.

The applicant has submitted a detailed Supporting Statement, a Traffic Assessment Report (by Richard Jackson Plc) and a Noise Monitoring Survey (by Springfield Technical Services), which are to be made available in the Members Room. Appendix 6 of the supporting statement includes an ecology study, carried out by RPS to assess any protected species or habitats of interest within the site. A brief synopsis of the supporting statement is provided in the following paragraphs.

Access to the site will be shared with the existing access to the Middlewick Ranges which is located on a bend on Mersea Road, to the south of the site. An internal road will be constructed leading north to the recycling area. The road will be hard surfaced for its entire length (approximately 200 metres) to ensure that no mud will be carried onto the highway.

The anticipated throughput of the plant is 100,000 tonnes per annum which is based on expected maximum output from the Garrison project. This is based on the expected maximum output from the Garrison project which generates 40 vehicle movements (20 in, 20 out) and relates to the delivery for material for recycling. Further movements of the recycled material for re-use is anticipated to be 60 (30 in, 30 out). It is noted that the facility may attract other 'waste' for recycling that arises in the locality. The maximum capacity of the plant is 150,000 tonnes annually which would result in the average number of vehicle movements of 100 (50 in and 50 out).

In order to mitigate the impact of the proposal, the plant is located in the centre of the site (although it is noted that the plan in the noise assessment report differs from that in the supporting statement). The plant is surrounded by a grassed bund (3.5 metres in height along the north, east and west sides and 2 metre high to the south). An area will be retained around the perimeter of the site for informal access and the existing footpaths that cross the site will remain open until a temporary diversion has been agreed. Once the development commences, two alternative routes will be available to the west and north, to link with the rights of way network.

Although the majority of the operational plant is approximately 6 - 7 metres in height, the water storage tanks and filter press will be 12 metres high. The surface of the operations area will be lowered by 2-3 metres to reduce direct views of the activities although the upper part of the plant which includes the water storage tanks and silt press will be visible above the bunds.

The proposed hours of operation are 07.00 - 18.00 hours, Monday - Friday; and 07.00 - 13.00 hours on Saturday. No operations will take place on Sunday.

Land Use Allocation

Country Wildlife Site (SINC G31).

Relevant Planning History

There is not relevant planning history related to the site.

Principal Policies

Adopted Review Local Plan - March 2004

Development Control Considerations - DC1

Pollution (General) - P1

Rural Resources - CO1

Landscape Features - CO4

Habitats - CO5

Informal Recreation - L13

Public Rights of Way - L14

Human Rights Implications

In the consideration of this developments impact on Human Rights particularly, but not exclusively, to:

Article 8 - The right to respect for private and family life,

Article 1 of The First Protocol (Protection of Property) - The right to peaceful enjoyment of possessions,

it is considered that:

The proposal will have such an impact on an individual's human rights, such as not to be balanced by any advantage to the general interest of the public or a requirement of planning, and is therefore considered unreasonable.

Community Safety Implications

Help to reduce the fear of crime
 Help to reduce the occurrence of crime

Positive	Negative	Nil Effect
	3	
	3	

The development would be expected to achieve 'secured by design' in terms of its layout

Yes	No	Not Applicable
		3

Consultations

Environmental Policy has not responded at the time of writing the report. Any response received will be reported to the planning committee.

The Council's Curator of Natural History has responded as follows:-

“The area under consideration forms part of the County Wildlife Site (SINC G31) as identified in the Borough Plan. Middlewick Ranges is one of the premier wildlife sites in the Borough of Colchester, particularly important for its invertebrate populations. In the past English Nature has suggested that the site could qualify for SSSI status. The use by MOD as a firing range has doubtless protected this area of semi-natural acid grassland from development in the past. The importance of the site is shown by the wealth of species data held in the Museum site file going back over several decades,

Historically, most of the recording of flora and fauna has been carried out in the area to the south – east occupied by the butts, because the specialised sandy conditions attract a wide range of fossorial (ground nesting) species of insect and the short sward attracts other specialized invertebrates. However, recent studies have indicated that the area of the ranges under consideration in the north-western part of the site is also of value for nature conservation. It is also likely that invertebrates from the butts area use this area for foraging. The RPS ecological survey, carried out under unspecified weather conditions on a single day, completely ignores the County conservation designation and merely hints at the possibility of the wealth of biodiversity present on the site.

Protected Species - Common lizards (*Lacerta vivipara*) definitely occur (last sighting August 2005), Badgers are known to have a sett in the vicinity and nesting birds (including skylark) are certainly present in season. Bats use the area for foraging, although no roosts are currently known. As pointed out in the survey, the flora is also of interest and in addition several local species of insect were recorded on a brief survey in August 2005.

In summary, as a point of principle the siting of such a facility on a County Wildlife Site, even on a temporary basis, surely goes entirely against planning guidance. On biodiversity grounds it is unsustainable for such a facility to be located on one of the Borough's premier wildlife sites.

In addition, acid grassland accounts for less than 1% of the Borough land area, protected reptile and mammal species as well as several bird species”

The Council's Landscape Officer has highlighted that the Councils 'Landscape Capacity of Settlement Fringes in Colchester Borough' (LDF technical document) identifies the landscapes capacity for change as 'limited' with a 'moderate' degree of sensitivity, i.e. the area may be able to accommodate the particular type of change with some degradation of character and value, but mitigation measures would be required to address potential landscape/environmental issues'. Details of these mitigation measures should accompany the application for agreement, to ensure that development retains the distinctive nature of the landscape when experienced from both the settlement edge and firing range (particularly the network of footpaths criss-crossing it). The development and any associated mitigation proposals should also clearly demonstrate that they have fully address the sensitivities and requirements of sites SINC status. In conclusion, a full assessment of the proposals and the effect on the local landscape must be submitted. Refusal of the application is recommended as currently proposed, subject to revision/additional information.

The Highway Authority has no objection subject to suitable conditions to achieve the following:-

- A vehicle access point to be installed to current County Council Policy standards and constructed in a permanent stable and free draining material for at least the first 10 metres from the highway boundary (in addition to the wheel wash facility detailed in the submission). The access to remain as the access to the firing range following termination of the recycling facility
- No commencement of development until such time as an order has been made to temporarily divert the public footpaths numbered 159, 160, 161 and 162 which currently cross the proposal site. Following termination of the development the footpaths to revert to their original position

The Council's Archaeological Officer has no objection to the proposal.

The Council's Environmental Control Team has objected to the proposal for the following reasons:-

- The area is residential with no other industry; this proposal would introduce a new noise of different characteristics in a generally peaceful part of town.
- The vehicle movements, 50 per day rising to 100 per day would have a significant impact on the soundscape and traffic conditions, average 1 lorry every 5 minutes in an 8 hour working day on an already busy road. We would not be able to control this once it is in place.
- Site noise, machinery, reversing horns from the dumpers, scraping and tipping from diggers and earth moving equipment, work force shouting etc, we do not consider a 3^m bund would be sufficient to reduce the impact to an acceptable level, noise or visual.
- The existing plant at Abbey Field is audible up to half a mile away.

- Dust would also be a consideration, the assumption that the earth would be fresh dug and therefore damp would not be realistic, the earth is going to be stockpiled before and after sorting, in sustained hot dry weather this would lead to airborne dust. Dust is produced at the present site.
- There is also the potential for pollution from earth brought in from sites that have not been fully inspected.
- This area is one of the few remaining open spaces in Colchester and is well used and well loved by local residents and others who travel to it. If this development were to take place complaints, both immediate and sustained would be anticipated. Such an installation would likely have BPM defence and would therefore be difficult to control.

The Environment Agency has not responded at the time of writing the report. Any response received will be reported to the planning committee.

Essex Wildlife Trust has responded as follows:-

“Essex Wildlife Trust raises an **objection** to this proposal as there are potential adverse impacts on nature conservation interests. This area of MOD land is recognised as a Local Wildlife Site (formerly known as SINC or County Wildlife Site) due to the presence of unimproved acidic grassland and a good assemblage of invertebrates. These significant factors are not reported or considered in the planning application.”

The response acknowledges the one day walkover assessment which was carried out by RPS on 24th May 2006. It is acknowledged that no baseline desk study was undertaken, although no reason is given for the omission. As a result the report fails to identify that the site is designated in the Local Plan as a Local Wildlife Site. EWT considers the ecological assessment to be incomplete and further ecological surveys should be undertaken at the appropriate time of year before the application is determined. A deferral of determination is requested pending the findings of these ecological surveys.

A copy of the consultation response is appended to this report (Appendix 1).

Street and Leisure Services has no objection to the proposal subject to appropriate conditions relating to security and to further surveys to establish information on protected species and habitats.

Representations

54 Letters of objection have been received in respect of the application, including responses from Colchester Natural History Society and North East Essex Badger Group. Colchester Natural History Society has commented thus:-

- Middlewick Ranges is a designated County Wildlife Site (SINC) and as such should under no circumstances be subject to any development.
- Middlewick Ranges is an unusual habitat and one of the top Colchester Borough sites for wildlife and is of enormous importance locally and regionally.
- A number of nationally protected species occur on the proposed development area and the site as a whole has large numbers of Red Data Book, national and local notable species.

To permit such a development would make a nonsense of Wildlife legislation, National, County and Local Biodiversity Action Plans and Local Planning Guidance and create a precedent that would place every other County Wildlife Site at risk from development.

North East Essex Badger Group has commented that there is considerable badger activity in the area and that there is a badger sett located to the rear of the butts on MOD land which the MOD is aware of. While not directly affected, the badgers and their sett may need to be taken into consideration under PPS9.

Other objections received are summarised thus:-

- Increased traffic and associated noise and dust; highway safety (access); operating times will add to traffic problems especially with commuter traffic and to the school
- D K Symes Associates report states that no traffic counts have been made on Mersea Road and that it is not considered to be heavily used. This is contradicted by the report by Springfield Technical Services
- Detrimental impact on visual amenity (bund and plant)
- Loss of habitats and impact on wildlife including badgers, birds, nesting barn owls, fox's, bats and deer. There is also a recorded presence of a scarce stag beetle *Spathocera dahlmanni*, recorded at Middlewick Ranges.
- Loss of an area of open space used for recreational use such as walking, jogging, flying kites etc. The proposal is in contradiction to Para. 10.50 of the Adopted Local Plan which states that the Council will seek the co-operation of the Ministry of Defence to ensure the continuance of arrangements for the public to use the Middlewick Ranges
- Noise and dust from the plant
- The hours of operation are unsuitable for an established residential area
- Loss of green belt
- Inappropriate development in residential area
- The plant will be dealing with waste from the Hythe and Cuckoo Farm as well as the Garrison
- 10 years is more than temporary
- Site selection - this is the wrong site for the plant; the location of the plant should have been included in the overall plan for the Garrison or at another more appropriate site. The supporting statement states that the alternative site 'may be required' for future military use. This is a weak point
- Negative impact on property values
- There is a discrepancy in the summary of the proposals which states that the expected throughput of the plant. The lorry movements vary from 40 per day (Para. 3.2.3) to 100 per day (Para. 3.2.5).
- The location of the proposed plant within the application site in the Springfield Technical Services document is different to that in D K Symes Associates document
- Health and safety issues such a storage of fuel and potential fire hazards
- Why is the proposed use acceptable when public access is restricted during the flying of red flags
- This area is popular with children, What assessments have been carried out to ensure their safety outside operating hours
- Light pollution during winter months
- Will the WW2 Pillbox at the entrance to the site be protected
- The development will affect a right of way
- Health issues

Report

It falls to Essex County Council as the appropriate Waste Management Authority to determine this application.

There is clear support from a sustainability point of view for this type of scheme. Indeed, Structure Plan Policy MIN8 encourages the use of recycled and waste materials as substitutes for primary aggregates provided that there would not be a material adverse impact on local communities or the environment. There are no policies within the Adopted Local Plan which relate directly to recycling.

The MoD is committed to providing an alternative site that can serve the Garrison development. However, there has been a difficulty in finding an alternative site within the Garrison due to the phased release of plots which is critical to meet the housing market demand. Whilst there are areas of land within the Garrison that could be temporarily used for short periods, they are of insufficient size and are not available for a reasonable period of time. Another major consideration is the time and cost implications associated with relocating the plant and associated modular units, connections to services, weighbridge, wheel washing etc.

An alternative site location was identified adjacent to Berechurch Hall Road but was discounted because:-

- the land may be required for future military use;
- access links between the development and the site are poor;
- the area is subject to an agricultural tenancy;
- the area is restricted by overhead lines; and
- the impact on an ecologically sensitive area.

The main issues to be considered in the determination of this application are:

- Impacts on residential amenity (noise, dust etc.)
- Highway issues
- Landscape features, visual amenity and nature conservation
- Loss of informal recreational area and public access

Members are respectively reminded that issues such as health and safety and property values are not material planning considerations.

Local Plan Policy DC1 is relevant and states that such development will only be permitted where:

- (a) It will not cause unacceptable harm through pollution to land, air and water or to people or natural resources;
- (b) The highway network, either as existing or to be developed within the county roads hierarchy, will be able to accommodate safely the extra traffic the proposal will generate;
- (c) It will not lead to the loss or degradation of important cultural, historic, ecological or rural resources, unless alternative compensatory provision acceptable to the Council will be provided.

Impacts on residential amenity

With regard to the amenity/noise pollution and dust issue, members will note from the consultation section above, that Environmental Control has raised concerns with: the introduction of an industrial use into a residential area; vehicle movements (which could not be controlled once in place); and site noise. Furthermore it is highlighted that the existing plant at Abbeyfield can be heard up to half a mile away; that dust would be a consideration as the earth would be stockpiled which would lead to airborne dust in sustained hot dry weather; that there is potential for pollution from earth brought in; and that this is one of the few remaining open spaces in Colchester which, it is anticipated, would be the subject of complaints which would be difficult to control if approved. It is therefore considered that the development will have a significant impact upon the amenity of the nearby residents and would be contrary to Policies DC1(a) and P1 of the Adopted Local Plan which seek to prevent development that will cause unacceptable harm to the amenities of nearby residents.

Highway issues

Concerns relating to the movement and control of heavy goods vehicles have been received and are acknowledged. A Traffic Assessment has been submitted with the application and has been duly considered by the Highway Authority. The Highway Authority has no objection to the proposal, subject to conditions to ensure a satisfactory access, wheelwash and right of way diversion prior to commencement of development. This would appear to be at odds with the views expressed by the Council's Environmental Control Team which has raised issues about the number of vehicle movements and the potential for noise and disturbance.

Landscape features, Visual Amenity and Nature Conservation

Para. 5.6 of the Adopted Local Plan recognizes landscape as an important and highly valued characteristic and the importance of its contribution in terms of its diversity. Landscape character can range from the distinctive landscapes found around the Borough and sensitive wildlife and ecological habitats to the landscape in terms of the natural features and their relationship with historic settlements and the built environment, including archaeological remains. Policy CO1 seeks to protect the open countryside in the Borough for its own sake and to resist development that may have an adverse impact upon existing landscape character and rural qualities, such as nature conservation and attractive landscapes.

Policy CO4 deals with landscape features seeking that any allowed development should protect such features as trees, hedges, ponds and asking for additional planting to enhance these features. Policy CO5 deals with Nature Conservation which seeks to protect wildlife habitats including important hedgerows. Any proposal would have to be judged against these policies, together with the other environmental criteria and the overall development control policy DC1.

One of the key objections relates to the designation of the area as a county wildlife site. A full and detailed response from the Curator of Natural History which suggests that the siting of such a facility on a County Wildlife Site, even on a temporary basis, is in contradiction of planning guidance and that *"on biodiversity grounds it is unsustainable for such a facility to be located on one of the Borough's premier wildlife sites."*

Further details have been requested by Essex Wildlife Trust and the Council's Landscape officer in order to fully assess the implications on habitats and the landscape and appropriate mitigation measures. Notwithstanding the above, it is your officers opinion that the principle of the development on this Greenfield site is considered to be detrimental to visual amenity and out of character with the area.

Loss of informal area

Considerable use is made of the Middlewick Ranges area for walking, jogging etc. which is due to the generosity of the Ministry of Defence in allowing public access when the areas are not in use for military purposes. Members will be aware that public access to the area will be maintained outside the area of the plant itself, while footpaths will be diverted to ensure continued access. The supporting statement highlights the opportunity to create a viewing platform on top of the bund in the north-west with an appropriate path to it, should this be considered of interest.

Summary and conclusions

Your officers, whilst supportive of the principle of the recycling, considers that the development will have an adverse impact upon residential amenity, particularly from vehicular activity and environmental pollution (noise, odours and dust). Consequently, the proposal raises serious issues over the acceptability of the site, in principle, for the development. It has not been demonstrated to the satisfaction of the Council, that the need for the development outweighs the need to safeguard the substantive nature conservation interests on the site. It is therefore considered that this development on a main thoroughfare into the town on a greenfield site, would be alien to the character of the area and an inappropriate location for such a use.

In light of the above points it is therefore recommended that the response to the County Planning Officer states that whilst this authority is committed to the principle of recycling and in particular to the extraction and re-use of materials from the Garrison, this is an inappropriate site for such a development and would object to the application on the grounds of:-

- Impacts on residential amenity (noise, dust etc.) from both the plant and associated vehicle movements
- Impact on Landscape features and nature conservation
- Impact on visual amenity

Background Papers

ADRBLP; NLR; HH; TL; PP; CU; HA; NR; EN

Recommendations

The Development Control Manager, Essex County Council, be advised that Colchester Borough Council objects to the provision of this recycling plant. Such a proposal would be contrary to Policy MIN8 of the Structure Plan and Policies DC1(a), (c), P1, CO4 and CO5 of the Adopted Local Plan.

