

Essex County Council County Planning E2, County Hall Chelmsford Essex CM1 1QH	Richard Williams Chalk End House Chalk End Roxwell Chelmsford CM1 4LG
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Planning App.: Ref. ESS/77/20/CHL

Proposal/Application Description: Sand and gravel quarry and associated works/development including formation of new access and mobile plant area; together with the importation of inert material to facilitate site restoration

Address/Location: Land south of A1060 (Salt's Green), Chalk End, Roxwell, Chelmsford, CM1 4NJ

Applicant: H R Philpot & Son (Philpot)

Agent: Strutt & Parker (S&P)

Summary

- I can confirm I wish this submission to be shown on the Essex CC website as my response.**
- The current pandemic combined with the one month's notice to respond does not allow residents to engage with each other and in particular to employ professional assistance.**
- The whole A40 site was proposed as a single 14 year project whereas this application could turn this into a project of 50+ years. The key reason for Essex CC selecting site A40 was to serve the west of Essex. This application states it will mainly serve Chelmsford.**
- This application by Philpot is clearly a precursor to them hoping to bring the whole A40 site forward on their terms with no consideration for the residents in the area. In our view Essex CC should be protecting the residents and communities it serves.**
- The proposed access point is completely inappropriate for such traffic and is in an extremely dangerous position in relation to user visibility and proximity to other joining roads**
- If this application is allowed to proceed the siting of the access point east of Chalk End away from residential developments and the road junctions will be crucial for both safety and amenity enjoyment to current residents. We believe this will become even more important in future as it is highly likely to be developed as the subsequent entry and exit point for the whole A40 site.**

- This application does not take into account (or measure) the concentration of exhaust emissions, dust and noise at their proposed access point. By definition there will be a very significant adverse impact on health, amenity and quality of life of the local community.
- The proposed access point goes completely against Essex CC's strategy policy (page 17 Planning Statement) S10 states "*Protecting and enhancing the environmental and local amenity; Applications for mineral development shall demonstrate that appropriate consideration has been given to public health and safety, amenity, quality of life of local communities.....*".
- We require Farmbridge End Road at Chalk End to be legally excluded in the Routing Plan.
- We propose the quarry operating hours are limited to 8.30 a.m. to 5.00 p.m. Monday to Friday and no operations on weekends and Bank Holidays.

Essex CC claims "*Essex Works for a better quality of life*". If this is not to be just words, we now wish to see this work in action.

1. Essex Minerals Local Plan 2014 - Site A40 (this is not what was proposed)

- 1.1 Philpot and S&P state the excavation and site restoration of this one half of a field south of Chalk End Wood will take 10 years to complete. Essex CC has earmarked the whole field and the much larger area south of this site (which is 7 times the size) for quarrying. If this application is permitted this could be repeated over and over with 10 years becoming 50 years or longer (as we have seen at the current Roxwell site at Boyton Cross). **The whole A40 site was proposed as a single 14 year project not a rolling project of 50+ years.**
- 1.2 The A40 site was selected to provide sand and gravel for the west of Essex, particularly Harlow, whereas this application states that they intend to sell gravel and sand to the east of the site in Chelmsford. The A40 site was excessively weighted by 6 points to increase the likelihood of it being selected as a quarry because of the so called need for sand and gravel in west Essex not central Essex. The Council said at the time of the consultation for A40 that Chelmsford can be supplied by other quarries.
- 1.3 This site requires infill to bring it back to the correct levels after completion. This area within the A40 proposal is meant to be restored by soil from the southern part of the A40 site. This infill process will require a significant increase in vehicle movements with the risk of illegal infill being introduced during the process. The Applicant's proposed exit road from the site has already been a target for illegal dumping.

- 1.4 Within the Planning Statement and supporting documents we are told continuously this is not an application for the A40 site, however, the Ardent Transport Assessment clearly assesses the access road for its suitability for the whole A40 site. The access point in the MPL A40 was to be finally determined at the planning stage so all references to “keeping to the A40 access road” are spurious and just used to support the cheapest option.
- 1.5 Residents of Roxwell were predominantly opposed to the A40 site but accept it became the adopted plan of Essex CC. Essex CC must now reject this application as it rides roughshod over the A40 plan by trying to take a piecemeal approach to the site which must by definition extend the lifetime of the quarrying by significantly more than the 14 years agreed in Essex CC’s own plan.

2. **Access point to A1060**

- 2.1 The Planning Statement refers to Chalk End as a small hamlet consisting of 7 properties. It would not have taken much research by Philpot and S&P to realise there are 17 homes with well over 40 permanent residents in Chalk End all of which are seriously affected by the potential for the road access at the Applicant’s proposed point. The Planning Statement makes no reference to Hope Cottage which lies north west of the site and within Chalk End on the A1060 overlooking the site.
- 2.2 During the consultation held in the Roxwell Memorial Hall by Philpot and S&P (2 October 2019) regarding this application a high number of the residents stated they would only tolerate this application or an application for the whole A40 site if the proposed access point onto the A1060 was moved. This is not reflected in the Statement of Community Involvement, the Planning Statement and is certainly not reflected in Ardent’s Transport Assessment. The access point required by residents is approximately 0.38 miles eastwards to the point which was the very original proposed access point in the Essex CC consultation for the A40 site in 2011. This is between the eastern junction to Chalk End, Farmbridge End Road and Newland Hall. This access point is not as near to residential properties and would therefore reduce the noise, vehicle fumes and diesel particulates, air pollution, dust and other environmental impact on local residents. This route was discussed with the Applicant and S&P at the Community Consultation Meeting and at the time they agreed it was feasible. The land for this route is within the ownership of the Applicant and it is around the area the Applicant uses to enter and leave the field for agricultural purposes.
- 2.3 Between the Site Allocations Issues and Options Paper (August 2011) and the Site

Assessment Report (Nov 2012) the access point was revised by the site promoter (the Applicant) to that now shown in the adopted version of the MLP. Our understanding of the reason for this change was because the Applicant assumed they could run a haul road across Newland Hall land which was not supported by Newland Hall. At the consultation in Roxwell Memorial Hall Philpot and S&P acknowledged that a haul road could be run eastwards through the Applicant's own field (which we think is called Big Tom Healey) just north of Chalk End Wood (not crossing Newland Hall land). It would then turn northwards to the A1060 to form a junction around about that proposed in 2011.

2.4 *Paragraph 6.57* of the Planning Statement refers to "very limited dwellings adjacent to the site which would be impacted by the vehicle movements". I contest that all homes at Chalk End and all residents of homes both east and west on the A1060 will be affected by the situation of the extremely dangerous junction and traffic movements. Moving the junction east to the point which is not between two other road junctions and not near residential developments improves safety and goes some way to meeting the strategy policy S10 requiring applicants to "*demonstrate that appropriate consideration has been given to public health and safety, amenity, quality of life of local communities...*" is being met. The fanciful and theoretical "*tree belt along rear boundaries of their gardens*" does not exist and the overgrown shrubbery on local authority land is not in any way sufficient protection from the vehicle exhaust, dust, noise and the detrimental environmental effect of the quarry. This overgrown shrubbery is also under the control of the Council and could be removed at any time.

2.5 No doubt the Applicant will state it has considered other access points within its reports. The reference to the Access Arrangements in the S&P "Environmental Statement Non-Technical Summary" is farcical as it pays lip service to consultees asking for a different access point (circa 0.38 miles) east of Philpot's proposed point and then considers two other access points which are within a few hundred yards of Philpot's proposed access point. The Environmental Statement 4.30 states "*At the public exhibition, some of the residents of Chalk End did ask for consideration of option 3, in order to minimise impact upon neighbouring residential amenity.*" **Option 3 was not requested by anyone.** Access point 2 remains right behind residential property (as does access point 1) and access point 3 is extremely close to the road junction with Farmbridge End Road. Little wonder they managed to conclude the access point they wanted in the first place is appropriate for their

requirements. They completely and deliberately fail to assess the access point the residents require.

- 2.6 We hear Chris Philpot of H R Philpot & Son has stated (not directly to me) that they and Strutt & Parker tried to get the access point considered at the position we as residents of Chalk End have asked. It is further reported that Chris Philpot says Essex CC will not consider another access point other than the indicated point in the MPL 2014 for A40. When checking this with Essex CC we were informed *“the principle of the access point being where it has been proposed as part of this application is therefore to some degree established. That said, this is if you like only an option which has at a very high level has potentially be deemed workable/acceptable. The MLP does not explicitly state that this is the sole access point which would be considered acceptable from the A1060. Saying that the applicant is under no obligation to explore alternative or a range of access points, unless of course this is prompted by the Council as part of determination in the identification of concerns about the access and/or its design as proposed.”* The Applicant has apparently taken this as an opportunity not to bother asking for the access point which would go some way to satisfy residents’ concerns. Why were Essex Highways not asked to assess the feasibility of the access point required by residents? **We now ask Essex CC to demand the access point between Farmbridge End Road and Newland Hall is the agreed access point for this application and the A40 site if and when it comes forward.**
- 2.7 The Applicant’s preferred access point onto the A1060 is completely unsuitable. Fully loaded HGVs joining the A1060 at the proposed point will immediately be progressing uphill whether they turn east or west. This will have dangerous consequences for traffic already on the A1060. The access point joining the A1060 is between two bends. The proposed access point is also between two other roads which join the A1060 from the north (both being Farmbridge End Road). These are 0.18 miles west and 0.14 miles east of the access point making it dangerous when joining the traffic flow for both lorries and more so the oncoming traffic.
- 2.8 The Transport Assessment refers to accident statistics which we as residents know do not reflect the number of “incidents” which occur due to speeding and overtaking on this dangerous section of road. The most common problem on this road is drivers’ willingness to try and overtake slower moving vehicles even on blind bends. Introducing a large number of slow moving HGVs at the proposed point will significantly increase the risk of accidents. On the 14 June 2020 I was hit by such an overtaking manoeuvre at the junction of the A1060 and Farmbridge End Road at the

west end of Chalk End. I was turning into Chalk End and a car tried to overtake on this blind bend and hit my offside front while I was turning and signalling right. This is among the type of accidents we expect will occur with slow moving lorries on this 60 mph section of road.

- 2.9 The proposed access point has a steep incline at the point it joins the A1060. This will increase vehicle noise and pollution at the access point. Light pollution will increase in the hours of darkness as lorry headlights will be beamed upward towards the housing at Chalk End when vehicles are leaving the site.
- 2.10 The Transport Assessment shows an average speed of circa 56 mph which reflects that a high number of vehicles must exceed the 60 mph speed limit at this point. We live here and we know the high speeds at which both cars, motor bikes vans and lorries travel along this section. Moving the access point east approximately 0.38 miles will significantly reduce risk. **The Applicant's proposed access point is completely inappropriate for such traffic and is in an extremely dangerous position in relation to user visibility and proximity to other joining roads.**
- 2.11 **The proposed access point goes completely against Essex CC's strategy policy (page 17 Planning Statement) S10 states** *"Protecting and enhancing the environmental and local amenity; Applications for mineral development shall demonstrate that appropriate consideration has been given to public health and safety, amenity, quality of life of local communities....."*. This application certainly does not try to meet this strategy.
- 2.12 **The siting of the access point east of Chalk End away from residential developments and the road junctions is crucial to residents as it is very likely to be the subsequent entry and exit point for the whole A40 site.** This is in the control of Philpot and Essex CC and would go some way to mitigate the effects of the quarry on the local community.

3. **Farmbridge End Road at Chalk End**

- 3.1 The road which runs in front (on the north side) of some houses in Chalk End is called Farmbridge End Road. Wherever the access point is finally situated we wish to legally exclude Farmbridge End Road at Chalk End from site traffic through the Section 106 agreement. The S&P responses to consultees after the meeting in Roxwell Memorial Hall state *"All HGV movements will be programmed so they arrive and leave the site without having to wait on surrounding roads. All HGV drivers and site personnel will be told not to park in Chalk End and if necessary temporary low-level signage will be installed at either end of Chalk End."* We understand that this

does not form part of the Planning Statement so even this is not enforceable. **This is not sufficient. We require this road to be specifically legally excluded within the Routing Plan.**

3.2 We currently have considerable problems with large and small vehicles parking and dumping rubbish in Farmbridge End Road at Chalk End. The quarry vehicles will use it a cut through or turnaround if not legally excluded.

4. **Operating hours**

4.1 These are proposed to be 7.00 a.m. to 6.00 p.m. Monday to Friday and 7.00 a.m. to 2.00 p.m. Saturdays. This will have a direct impact on public health, safety, amenity and quality of life of the local community.

4.2 A Transport and Access Appraisal report we commissioned in 2011 assessed the vehicle movements for the whole of the then proposed A40 site. This report was provided by Waterman Boreham now Waterman Group. An extract shows the following -

“Traffic Generation

In order to provide an indication of the number of vehicle movements likely to be associated with the proposed minerals extraction a calculation based on the extraction volume has been undertaken based on 3.5 million tonne estimated yield and 14 year life time of extraction, as follows.

<p><i>250,000 tonnes of extraction per year</i></p> <p><i>20 tonnes payload tipper trucks</i></p> <p><i>12,500 lorry loads per year</i></p> <p><i>50 week operation = 250 vehicles per week</i></p> <p><i>5 day operation = 50 vehicle loads per day</i></p>

On the above basis a total number of HGV movements per day could be 50 empty vehicles in and 50 full vehicles out i.e. 100 daily HGV movements.”

This shows there is ample time over 10 years (8 years of excavation) for such a small proportion of the A40 site for the Applicant to work more acceptable hours and on weekdays only.

4.3 If the scheme is to proceed operating hours need to be significantly reduced to no more than **8.30 a.m. to 5.00 p.m. Monday to Friday and no operations on weekends and Bank Holidays.** The time allowed for the quarrying is 10 years

which is exceptionally long for such a small site. Our proposed hours of operation can easily be accommodated within the 10 year period.

- 4.4 We believe it is inevitable that vehicles will queue somewhere to be able to access the site from earlier in the mornings and these operating hours should be the first entry and last leaving times for the site.

5. **Dust and exhaust emissions**

- 5.1 The Planning Statement's reference to the impact from dust and exhaust emissions (6.115) is in language which is completely biased towards Philpot and does not reflect reality of living near the road access and the quarry. Each aspect is in their opinion a 'small' or 'medium' (their quotation marks) or insignificant e.g. S&G are generally extracted wet (except when it is not). We know that dust can travel from the Sahara so we have no doubt very high amounts of dust will travel to local communities from this site.

- 5.2 At 6.115 because the applicant believes their own Transport Assessment that vehicle movements will "*have a negligible material effect on highway traffic.*" it concludes that exhaust emissions have not been considered. **This does not take into account the concentration of exhaust emissions and noise at their proposed access point. By definition there will be a very significant adverse impact on amenity and quality of life of the local community.**

- 5.3 Dust and exhaust emissions will pollute the air and noise levels will be high. Transport on the A1060 will increase, 81% of the increased traffic will be HGV. The new application does not plan to protect the northern side of the site which is nearest to the A1060. More protection (acoustic bunding or acoustic fencing) is required.

- 5.4 Dust from the site must be reduced. Homes around the site are going to be directly affected by the vast amounts of dust produced by the quarrying. This can be reduced by moving the processing plant further away from residential properties.

6. **Light pollution**

- 6.1 Light pollution will be dramatic in the hours of darkness. The current fields have no light pollution except during harvesting which is acceptable. As well moving the access point to remove lorry headlights being beamed upward towards the housing at Chalk End. Strict restrictions on the lighting used on the site must be enforced to limit any light pollution.

7 **Public footpaths**

- 7.1 Public Footpaths need to be protected and kept useable. The application suggests it will protect the footpaths which run across the field proposed for quarrying. The footpath which crosses the field will be adjacent to the bund and quarry. HGVs will cross footpaths at three points. All this makes using the footpaths unsafe and very unattractive which we have no doubt is the intention.
- 7.2 The footpath from the current agricultural access point on the A1060 is adjacent to a badly kept farm road (the applicants proposed access road) which has all forms of rubble and metal including steel reinforcement protruding from the track. This makes it very difficult for walkers and is not a good sign of how the proposed footpaths will operate.

8. **Noise**

- 8.1 The Planning Statement at 6.110 states the residents at Chalk End currently have road traffic noise therefore should be happy to accept the additional road traffic noise from the HGV traffic combined with the noise directly from the site. How can the Applicant make this subjective statement about what residents are “used to”? We are sure the other residents south (Mountneys), east (Newland Hall) and north west (Hope Cottage, Chalk End which has not been acknowledged as existing in these reports) will not be happy with the additional noise levels at “Observed Adverse Effect” (6.113). Removal of the access point to a position at least 0.38 miles east of the current proposed point to join the A1060 between Newland Hall and the Junction of Chalk End will assist the reduction of noise levels significantly. The noise of HGVs joining the A1060 will be of considerable disturbance to residents and not something residents will get used to.
- 8.2 6.111 refers to modelling worst case scenarios which does not take account of screening from buildings or fences. Which buildings or fences? We assume it means our own homes. The “*range of mitigation measures*” do not look to protect properties north of the site and will not reduce noise to tolerable levels all around the site.
- 8.2 We cannot rely solely on 6.112 “*other measures consist of best practice techniques*” to manage noise levels. We would have expected Essex CC to insist that best practice is to be followed anyway. Suggestions that the operator will maintain the haul road to avoid excess revving and limit the speed of HGVs, etc., looks extremely nonspecific and a weak proposal for protecting residents against the so called, “*unlikely*” event of exceeding the unacceptable noise level specified in the report.

As well as moving the access point away from residential homes we would expect additional acoustic bund or acoustic fencing on the north side of the site.

- 8.3 6.114 states “The proposed excavation will be limited by hours of operation and vehicle movements....” As stated in 4 above the proposed hours of operation are completely unreasonable and, in our opinion, hardly limited.

9. **Conclusion**

- 9.1 **We believe we are entitled to rely on our Council to defend and support us as local people wishing to maintain the quality of life that Essex CC publicly promotes. Our community does recognise the need for sand and gravel to be made available but we feel the Council should insist on mitigating measures in respect of this application.**
- 9.2 **We cannot understand the reluctance of the Applicant to respect our way of life and our right to continue enjoying our way of life. Locating the access point to a safer point will still permit the commercial activity but will also significantly reduce the noise and other pollution for us as a community.**
- 9.3 **Similarly, the reduced hours of operation would allow us to enjoy the amenity we so value. We contend that the proposed hours of operation, noise and pollution would not be permitted in town or city locations and that it is therefore discriminatory for the Council to accept this level of disturbance or disruption for our community.**