

Dear All,

This is a report regarding the hearing of the three Appeals by the contractor Norwood Construction Group Ltd (Norwood) against:

1. Enforcement Notices issued by Essex County Council (ECC)) Appeal A,
2. Refusals by ECC for a change of use of the land at Boro Farm for the construction of a recycled aggregate production facility – Appeals B and C.

The hearing was held at the Essex Records Office in Chelmsford on the 13 and 14 February 2024 before Planning Inspector H. Higenbottam (the Inspector).

Appeal References: ESS/109/22/UTT/APP, ESS/20/22/UTT/APP and ENF/1159/APP.

During the hearing Appeal B was formally withdrawn.

Attending were representatives from (I) the Appellant Norwood, their barrister and planning consultant, (II) GCPC and their planning consultant, (III) Ickleton PC and residents, and (IV) ECC planning department. Neil Gregory attended for the morning session on Day 1. A Norwood noise/ acoustic expert joined on Day 2.

Attached: is an agenda of issues prepared by the Inspector.

Hearing 13 and 14 February 2024

A large part of the morning on Day 1 was spent with the inspector sorting out logistics and paperwork. She had not seen a number of documents nor been informed of some background issues. The Inspector confirmed that all the letters of objection received for both the planning applications and appeals had been read.

It was only Norwood and ECC that were parties to the hearing. GCPC and IPC (and residents) were interested parties. The format for the hearing was that each issue as listed below was discussed with each party able to make submissions and question the other's statements. The Inspector went to great lengths to ensure that parties were heard. ECC stated in the opening that it was their view that the Boro farm site was unsuitable.

Over days 1 and 2 the following issues were discussed, many on more than one occasion as clarifications were required:

1. The existing layout and operations at the site. This was important as the Enforcement Notice has to reflect existing operations. During this discussion, it was stated by Norwood that whilst the planning applications were for 5 trucks on site and 50 movements /day the actual present operations involved 11 trucks from Norwood operating on the site and parked overnight plus a number of non Norwood deliveries. It was suggested to Norwood that up to 110 truck movements/day might be more accurate and this was not denied. Norwood also stated that an environmental licence had been

applied for to increase storage in site from 40,000mt to 50,000 and throughput 75,000mt to 125,000mt.

2. Applicable policies – including the GCNP 4a, 4b, 5 and 8. Stated that 4a would be breached with this site.
3. Previous use of the site (or parts of it)
4. Noise, noise management and monitoring
5. Traffic movements in and out of the site via the layby.
6. Air quality
7. Dust
8. Need for recycled aggregate production facilities
9. Ecology
10. Countryside amenity and views
11. Flooding
12. Impact on River cam (as a protected chalk stream)
13. Scheduled monument
14. Highway/railway
15. Statement of common ground – this addresses not just issues but matters that are agreed between the main parties as either areas of agreement or disagreement. This allows for the Inspector to appreciate the key topics and to narrow the debate. Conditions can be included within it but need not be. A draft was discussed between the parties and did include some conditions.
16. Conditions – as part of the hearing procedure (see para 4 of the Inspector's agenda) there was an attempt by way of the statement of common ground to set out conditions that could be imposed by the Inspector **IF** she was minded to allow the appeals. These discussions in relation to conditions are without prejudice – that is - even agreeing conditions is not a concession that the other party might be right. It was ECC's position that conditions could not be agreed in any form in relation to: impact on air quality, protecting priority habitats and species and the River Cam, and flood risk. The inspector requested that all parties (including GCPC) discuss the issue of conditions further
17. Site visit – this has been set for 25 March 2024. The intention is to complete on that day or following the discussions in relation to conditions, any outstanding matters and closing statements. It was emphasised that there can be no lobbying of the Inspector during the site visit.

At the end of the session on Day 2, both PCs and residents were given the opportunity to make a statement (Neil Gregory has given a statement on Day1). For GC residents there was emphasis placed on the main issues that arose in the letters of objection including: noise, dust, HGV movements, diesel fumes, visual impact and the River Cam. The Inspector was informed of the frustration felt by residents about the procedural delays following Norwood having been on site since late 2021 without planning permission and remaining on site following the refusal of the planning application by ECC in July 2022, an Enforcement Notice which took effect in September 2022 and another taking effect on the 31 October 2023 and the numerous subsequent procedural hurdles. The Inspector acknowledged and noted this frustration.