

# **Theydon Bois and Abridge Action Group**

Response to Blunts Farm Estates Ltd  
Enforcement Notice Appeal  
July 2006

**2010400**

**2010384**

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Version: 3.26  
Date: 7 July 2006

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## **Introduction**

The Theydon Bois and Abridge Action Group was formed primarily to ensure that the villages and environs of Theydon Bois and Abridge would not be damaged and that villagers would not be adversely affected by the commercial activities of developers. The group has been particularly concerned with the Blunts Farm development. For the past 2.5 years our two villages have been plagued by an average of more than 250 heavy lorries, making daily return trips, delivering landfill to the Blunts Farm site. These lorries have endangered families, and severely damaged private and public property including listed buildings. The traffic congestion, noise and pollution they have created has been intolerable and the surface of the B172 is now so bad that 30 mph signs have been posted along the entire length from Abridge to the entrance to Parsonage Golf course. In addition, the Green Belt has been compromised and local residents have been further affected by the smell and the health dangers resulting from the dumping of unwanted and suspect materials.

This has all taken place because a developer has persuaded the local district council to grant permission for the construction of a golf course necessitating the importation of hundreds of thousands of cubic metres of landfill. This has allowed millions of pounds in profits to be made, with no resulting benefit to the community.

Even so the developer has imported considerably more than was envisaged in the planning application and rather belatedly enforcement notices have been served prohibiting the importation of any further landfill.

## **Statement of purpose in opposing this appeal**

Whilst another golf course will be of little / no value to the local communities, in the interests of expediency, the Theydon Bois and Abridge Action Group urge that the golf course be completed but strongly object to the importation of further filling materials.

Theydon Bois and Abridge Action Group urge the Planning Inspectorate to insist that Blunts Farm Estates Ltd complete the construction of the golf course at Blunts Farm, Theydon Bois, using only materials already on site.

We would like the opportunity at the Public Enquiry to speak. We would like to demonstrate that this development has caused serious damage to the environment and roads. It has also caused considerable anguish to the people of Theydon Bois and Abridge.

## **Individual responses to defence document evidence by numbered points**

### **E. GROUNDS AND FACTS.**

#### **(a) 1: Completion of the Course**

THE GOLF COURSE ON THE LAND IS LARGELY COMPLETE AND REQUIRES ONLY A FEW MONTHS WORK TO COMPLETE IT.

Appendix 1 provides evidence demonstrating that Blunts Farm Estates Ltd has blatantly, continuously and repeatedly lied to residents, Epping Forest District Council, Inspectors etc. in order to continue profiting from importing spoil into this and their other sites Blakes Golf formerly Ongar Park in North Weald.

Blunts Farm Estates have taken 2.5 years to reach the current situation at Parsonage Golf, Theydon Bois. The Planning Inspectorate will appreciate that as already noted above; the golf course is still far from completion.

See Appendix 1

#### **(a) 2: Completion of the Golf Course will benefit the area.**

THE COMPLETION OF THE GOLF COURSE COMPLIES WITH ALL RELEVANT PLANNING POLICY AND WILL BE OF BENEFIT TO THE AREA.

The imported 'spoil' to construct the golf course has far exceeded the levels agreed by Epping Forest District Council. The developer would not have constructed the golf course without the income (now estimated to be over £10 million) from spoil. The method of construction appears to be a ruse to circumnavigate landfill legislation.

The number of heavy lorries delivering spoil to the site from 6am each day- (averaging more than 250 per day x 6 days a week x 51 weeks per year x 2.5 years) has been extremely detrimental to the environments of Theydon Bois and Abridge. These lorries have created excessive noise, pollution and damage to private and public property including listed buildings. In addition, the materials imported to the site have polluted the land and atmosphere. There is no benefit to the area. The site is in the centre of an area awash with golf courses. There are 20 golf courses within a radius of 5 miles.

See Appendix 2

Local residents should get an opportunity to speak at the enquiry. Essex Police and a representative of The Highways Department should also comment.

#### **(a) 3: Breaches of Planning Control**

THE MATTERS ALLEDGED TO CONSTITUTE BREACH OF PLANNING CONTROL REPRESENTS ONGOING OPERATIONS ON SITE AND NOT THE COMPLETED DEVELOPMENT. INSOFAR AS THERE MAY HAVE BEEN ANY

DEPARTURE FROM THE PLANNING PERMISSION (WHICH IS DENIED) SUCH VARIATION IS MINIMAL AND SHOULD BE PERMITTED.

The developer has already greatly exceeded the topographical limits agreed with Epping Forest District Council and imported at least 50% more spoil than indicated. The plans agreed by Epping Forest District Council only requested raising parts of the area. The developer has already dumped spoil on the entire area, raising the whole landscape by a minimum of 2 metres.

There is already sufficient topsoil on the site to complete construction. In fact the methodology statement states that extra topsoil will not be required for completion.

There is no reason why the developer should be permitted to import further landfill to the danger and disadvantage of local residents.

See Appendix 3

**(a) 4: How the development affects the character of the green belt.**

THE RESULTING DEVELOPMENT WILL ACCORD WITH THAT PERMITTED AND WILL NOT HARM THE CHARACTER AND APPEARANCE OF THE LANDSCAPE AND LOCALITY AND WILL BE APPROPRIATE TO THE GREEN BELT AND IN ACCORDANCE WITH PLANNING POLICY.

The natural landscape of the site was rolling countryside. The dumping to date has already changed the natural lie of the land. The base levels of the entire area have been raised by at least 2 metres. Streams, hedgerows and public footpaths have been damaged and compromised. The current high points already look most unnatural.

It is not planning policy to allow golf course constructors to flout landfill legislation. Neither is it appropriate to the green belt to bury it under millions of tons of building rubble.

See Appendix 4

**(a) 5: The Developers have misled the Council and residents.**

THE APPLICANTS HAVE HAD MANY SITE MEETINGS AND DISCUSSIONS WITH COUNCIL OFFICERS WHOSE ADVICE THEY HAVE FOLLOWED IN CARRYING OUT THE DEVELOPMENT TO DATE

The developers have misled the council and residents regarding the development of both the Blunts Farm site and their North Weald golf course, Blakes Golf formerly Ongar Park. They sought and obtained planning permission for the latter at much the same time as that for Blunts Farm. This also subjected the residents to the dangers and inconvenience of hundreds of lorries importing spoil on a daily basis.

The developer did not start work until planning permission was granted for both sites. Epping Forest District Council struggled to control the developer's activities in North Weald and voted to issue Enforcement Notices against Blunts Farm Estates Limited in March 2005. The developer has often ignored the instructions and requests of Epping Forest District Council. This is at least the third project by this developer using this methodology; they were also involved in Stapleford Abbots golf course construction at Tysea Hill.

See Appendix 5

**(a) 6: Advice on other grounds.**

SUCH OTHER GROUNDS AS THE APPLICANT MAY ADVISE.

No other grounds have been advised.

**(b) 1: Levels exceeding permitted limits.**

THE LEVELS ON THE LAND AND VOLUME OF FILL MATERIAL HAVE NOT EXCEEDED THOSE PERMITTED

Epping Forest District Council has proof that the developer has exceeded the volume of fill permitted.

In notes supporting the original planning application Swan Golf the developer's agents stated '*there will be between two and three lorry movements per hour.* Material accompanying this response proves that there has been an average of at least 25 return trips an hour over the past 2.5 years.

See Appendix 6

**(b) 2: Inaccurate measurement of site levels.**

LEVELS ON THE SITE AS MEASURED BY THE COUNCIL ARE INACCURATE HAVING REGARD TO ORIGINAL SITE LEVELS.

The original levels and current levels of the land are clearly evident by visiting the site. The land height has already been raised generally by 2 metres and in some places by over 4 metres.

See Appendix 7

**(b) 3: Importation of 'suspect' materials.**

NO FILL MATTER OTHER THAN AS PERMITTED HAS BEEN BROUGHT ONTO THE LAND.

The Environment Agency deactivated the Waste Management Licence Exemption on 11th January 2006 at 4pm. Blunts Farm Estates Limited were informed that they were not allowed to accept any more waste at the site as of

Thursday 12th January 2006, although lorries continued to dump illegally from 6.41am to 9.07am.

We feel that excessive dumping at the site has caused:

1. risk to water, air, soil, plants or animals
2. nuisance through noise or odours
3. an adverse effect on the local countryside and places of special interest

Appendix 8 includes photographs of oil drums, metal, plastic, tarmac, large plastic liquid containers, tyres and vast quantities of what we believe to be sewerage 'sludge'. We have evidence that 'sludge' was delivered to the site by South Herts Waste Management. Thames Water is currently carrying out an internal investigation confirming that Prior, their contractor, has appropriately disposed of their 'sludge'.

These photographs demonstrate what we feel to be, a risk to water, soil and plants. This pollution has had a serious adverse impact on the local countryside and a place of special interest to residents.

The sewerage sludge has caused nuisance through odour and has attracted millions of seagulls.

The lorries themselves did cause a nuisance through noise, pollution and vibration damage to property thundering through Abridge from 6.30 in the morning 6 days per week. The impact that this development has caused on the local countryside is incalculable.

The water filled pits on the site have been 'bubbling' for months and appear to be a novel feature in the methodology of golf course construction.

See Appendix 8

A representative for the Environment Agency and from HM Customs and Excise Environmental Taxes Team should speak at the public enquiry.

**(c) 1: The development has sufficient materials to be completed immediately**

THE DEVELOPMENT IS IN THE COURSE OF CONSTRUCTION AND NOT COMPLETE.

It is unarguable that the fill imported has greatly exceeded that permitted. It would be unreasonable and disastrous to accept an argument for completing the course and then measuring the spoil imported. The developer clearly believes that if they blight the area and harm the residents with tens of thousands of additional lorries, the authorities will not force them to remove the excess spoil and further disadvantage residents.

See Appendix 9

**(c) 2: Operations not carried out in accordance with approved details/methodology**

THE OPERATIONS ON SITE HAVE BEEN CARRIED OUT IN ACCORDANCE WITH THE PERMISSION AND APPROVED DETAILS INCLUDING METHODOLOGY STATEMENT.

As previously stated and proven the operations have not been carried out in accordance with the permission and approved details. The methodology statement was misleading.

See Appendix 10

**(d) no comment**

**(e) no comment**

**(f) Proposed importation of further material**

THE STEPS REQUIRED EXCEED WHAT IS NECESSARY TO REMOVE OR ALLEVIATE ANY INJURY. ANY BREACH MAY BE APPROPRIATELY REMEDIED BY ALTERNATIVE MEANS OF IN FILLING AND/OR LANDSCAPING OR GRASSING OF THE LAND.

The Theydon Bois and Abridge Action Group wish for the construction of the golf course to be completed. However more than enough infill material has already been imported and the developer should be instructed to use what is already there to complete the project.

The developer should not be allowed to import further materials in the belief that he will not be forced to remove them. There is also the risk that if he were forced to remove excess materials the developer might wind up the operation having made a vast profit from flouting landfill legislation. Any materials thought to be a 'danger' to the general public should be removed.

**(g) 1: Notice period given was sufficient**

7 DAYS NOTICE TO CEASE IMPORTATION OF FILL IS INSUFFICIENT NOTICE TO CONTRACTORS.

The developer had more than sufficient warning. The developer was aware that approval of enforcement notices had been voted on and agreed on 9<sup>th</sup> March 2005 at the Area Plans Sub Committee 'B', it would appear that they have had nine months notice.

**(g) 2: Void filling materials.**

A 2 YEAR PERIOD TO CONSTRUCT LAND IS TOO SHORT IN THE EVENT THAT THE COUNCIL STIPULATES THE FILLING OF VOIDS FROM SOURCES SUCH AS PROPOSED MOTORWAY OPERATIONS YET TO TAKE PLACE.

The Planning permission does not stipulate the source of void filling materials.

This plea contradicts the developer's statement in A1 that "*only a few months further work is required.*" Clearly the developer is attempting to create a situation from which he can further profit from the long-term importation of fill.

Can the developer please explain *proposed motorway operations yet to take place*'?

It should also be noted that an application, EPF/0493/06, by Trek Highway Services Ltd for a Proposed Traffic Management Depot. At Blunts Farm, Coopersale Lane, CM16 7NT was refused planning permission on 12<sup>th</sup> April 2006. Trek Highway lease the land from Blunts Farm Estates Limited.

## APPENDIX 1

**(a) 1 The golf course on the land is largely complete and requires only a few months work to complete it.**

**31<sup>st</sup> August 1995 GUARDIAN DUMPED! Farmer fumes as scheme for soil disposal rejected**

*A TORY councillors plans for a major landscaped soil dumping scheme which would change the face of Theydon Bois have sparked an environmental row. Epping Forest District Councillor Jim Axon, pictured above, want to turn over nearly 20 acres of his farm off Coopersale Lane to the disposal of waste soil and clay from engineering projects in three large landscaped mounds up to 25ft high. He claims the mounds – which would be heavily planted – would improve the environment by shielding the M11-M25 motorway junction and helping to cut traffic noise. But the scheme has infuriated many Theydon Bois residents and conservation groups and on Friday Essex County Councils Development Control Committee refused planning permission. Alan Gillies chairman of Theydon Bois & District Rural Preservation Society, denied the scheme would improve the area. He said, "It will completely alter the contours and appearance of the land. It is definitely not the sort of thing we should be doing in the Green Belt." **The county received petitions and 439 letters of objection and the Council for the Protection of Rural Essex also opposed the landscaping scheme, which it argued was merely an excuse to justify dumping. But Epping Forest District Council raised no objection and more than 100 people wrote in support. Cllr Axon said he was angry those making the decision had not visited the farm to see how the motorway scarred the landscape. A total area of 60 acres would be planted with 7,000 trees and more than 40,000 shrubs. He argued: "I think looking at trees in a large woodland would be a major improvement on what we have there now. Its totally spoilt by motorway." **County planners said there were no special circumstances to justify such a project on Green Belt and approval would set a dangerous precedent, that there were adequate dumping facilities elsewhere in Essex, and that it would create traffic problems. An earlier application for mounds nearly 70ft high was thrown out in July last year.*****

The following news paper articles demonstrate that the developer's Philip Newman and Henry Smith of Blunts Farm Estates Limited have a history of misleading EFDC and residents with estimations of when works will be finished. The following relates to their other golf course Blakes Golf formerly Ongar Park in North Weald.

### **16<sup>th</sup> August 2001 GUARDIAN New golf course - four years away**

*WORK started two months ago on the new pay-and-play golf course in North Weald but it will be **four years** before the course is open to the public.*

*UK Golf and Leisure which built Stapleford Abbotts Golf Course in the late 1980s is behind the ambitious project which, when completed, will occupy 160 acres of the former Ongar Radio Station site off the A414.*

*The 18-hole, par 71 course has been designed by Howard Swan, who has designed courses around the world, and has Michael Howard, who was involved with the championship course at Hanbury Manor in Hertfordshire, as its project manager.*

*The course will be the third in North Weald following the members' club the other side of the Talbot roundabout off Canes Lane, and the pay-and-play par three course in Epping Road.*

*A spokesman for UK Golf and Leisure told the Guardian: "It won't be open for four years, we're talking summer 2005.*

*"The more in-depth you build a course, the more earth movements and the longer it takes to construct.*

*"It's a very good area. There's only one road round the actual site. There are some lovely views all over Essex there. When you look at the farmland, when you're actually on the site, the views you get are absolutely wonderful. The contours of the site are second to none.*

*"We're spending a considerable amount of money. It will be built to the highest specifications."*

*The access road off the A414 is well underway and two of the holes have been 'shaped'.*

*The spokesman said: "The area hasn't got really wonderful golf courses. You've got some nice ones, some really, really nice ones, but we're trying to achieve something really special."*

[http://www.eppingguardian.co.uk/search/display.var.42733.0.new\\_golf\\_course\\_for\\_years\\_away.php](http://www.eppingguardian.co.uk/search/display.var.42733.0.new_golf_course_for_years_away.php)

### **12<sup>th</sup> December 2002 GUARDIAN Golf course 'will not be a landfill site'**

*THE developer behind plans for a golf course at North Weald has dismissed a suggestion that **the company has no intention of building a course on the land, and instead will use it as a landfill site.***

*Serious concerns were raised regarding the construction of Ongar Park Golf Course during a special district council meeting, when members admitted they did not have a full grasp of what was happening at the site off the A414.*

*George Dilloway, director with developer UK Golf and Leisure, has told the Guardian the concerns are unfounded.*

*The most serious fears were raised by Moreton, Bobbingworth and the Lavers parish council clerk Colin Thompson who said: "It is my council's view the primary objective of this site is a landfill site and there's a very strong suspicion a golf course may not emanate.*

*"It's quite clear this very large amount of material has gone in without proper controls. Many of the (parish) councillors are convinced that contaminated soil is going on to the site."*

*But Mr Dilloway said: "We've invested something in the region of £700,000 to get where we are with irrigation, sand, greens, tees and almost completing seven holes."*

*He said work was currently underway filling the 160-acre site with tonnes of soil before it could be shaped into a championship-standard 18-hole golf course, hopefully by September next year.*

*The specially formed council committee heard concerns about the quality of the soil entering the site, an issue controlled by the Environment Agency.*

*Committee chairman Malcolm Woollard, who is worried about the safeguards, said: "I'm vaguely uneasy to find a site in our district where we have no ability to check and it is an outside agency which does the checking."*

*Councillor Norman Clark said: "It is important we can bring pressure on the Environment Agency to see that they do the job well."*

*Other concerns centred around the 100-odd lorries going in and out of the site each day and the route some of the trucks are taking through Epping High Street and North Weald High Road.*

*Mr Dilloway said: "The soil is definitely not contaminated. Every bit of soil that comes into the site is vetted. We check all the time; every lorry that comes in gets approximately six checks including visual checks."*

*Colin Levy, from the Environment Agency, said the checks would be upped only if officers were unhappy with the landfill material.*

*"We have not been unhappy with the contents of the landfill. I think they have come on one or two occasions a little bit close to the line but in the main the developers are actually maintaining clean and inert waste. We're satisfied that the firm is operating within its legal limitations."*

*Mr Dilloway said the 100 truck movements a day was the maximum with some days seeing just 50 movements.*

*He added: "It depends where material is coming from. Whenever possible they go on the M11 and come down the A414 the drivers do not want to go through the villages."*

*Epping Forest Council is to invite the Environment Agency to the next meeting of the panel and is also seeking a meeting with the site's developers.*

[http://www.eppingguardian.co.uk/search/display.var.254718.0.golf\\_course\\_will\\_not\\_be\\_a\\_landfill\\_site.php](http://www.eppingguardian.co.uk/search/display.var.254718.0.golf_course_will_not_be_a_landfill_site.php)

### **10th April 2003 GUARDIAN Developer dismisses golf course doubters**

*A DIRECTOR of the under-construction Ongar Park Golf Course has hit back at critics of the massive development and has promised the company will not be pulling out of the site.*

George Dilloway, from UK Golf and Leisure, which is building the championship-standard course off the A414 at North Weald, says everything possible is being done to minimise problems caused by the work.

Mr Dilloway spoke to the Guardian as councillors raised concerns about the material and high number of lorries driving to and from the site, and the route they are taking through North Weald.

Councillors questioned Mick Flynn, from the Environment Agency, over the inspections of the material. Mr Dilloway said every company taking soil had to submit a soil report which was checked and either rejected or accepted.

He said: **"Every lorry gets filmed for registration and load to make sure everything is above board."**

Mr Flynn told councillors monthly site checks had uncovered nothing of concern. He said two allegations had been made about contaminated material but visual inspections and records had shown these were unfounded.

Mr Dilloway added: "The majority of lorries carry the name of their company, and we have companies called Essex Waste for example, so I think people see a lorry with that name coming in and think they're dumping waste."

North Weald Councillor David Stallan said: "They (the lorries) are continuous and going through very early in the morning. These sort of lorries should not be driving through North Weald."

Councillors agreed to pursue a legal agreement with the developer to limit the number of lorries and set down preferred routes. Mr Dilloway said once the shaping was completed the lorry movements, which averaged 100 a day, would drop dramatically.

Councillors also agreed to ask the company to submit its plans including measures to prevent right turns from the site for the A414 access amid concerns about safety in relation to the nearby Little Chef Travelodge and Ashlyns Organic Farm entrances.

Mr Dilloway said: "I think we have a good relationship with the council but there has been a lot of speculation which the council needs to follow up. We're creating something spectacular, we're not going to walk away from that. It's one of the biggest investments this company has made."

**Work began on the 160-acre course in June 2001.** Seven of the 18 holes are shaped and the rest **should be shaped by September.** There is no opening date for the par-72 course as it is going to be left to mature for about a year once work is complete.

**Councillors hope the lessons learnt in the development will guide them when handling similar developments in future.**

[http://www.eppingguardian.co.uk/search/display.var.619481.0.no\\_go\\_for\\_abridge\\_lorry\\_plan.php](http://www.eppingguardian.co.uk/search/display.var.619481.0.no_go_for_abridge_lorry_plan.php)

### **5th June 2003 GUARDIAN Lorry agreement to be sought with Ongar Park Golf Course**

DISCUSSIONS are to be held to try and get a legal agreement with the developer of Ongar Park Golf Course to limit the number and route of lorries going to the site.

Despite reservations from district council officers, councillors on the Ongar Park Ad Hoc Committee said they felt that even at this late stage of the development,

an agreement would still be useful as many lorries were still going through North Weald.

Work began on the 160-acre course in June 2001, and it is hoped all earthworks will be done by September.

Despite this councillors asked officers to give further consideration to asking the developer to agree to a legal agreement restricting lorry movements as they are concerned the timetable could be delayed.

An officer's committee report said a legal agreement might not prove worthwhile. It stated: "The developers anticipate that all earthworks and grading will be finished by September. As the **soil importation and internal movement will last for only another four or five months**, the developers question whether a legal agreement could be satisfactorily concluded within this time period."

North Weald Councillor David Stallan said: "I still think it's important to try and do something. Once the site is prepared and finished we're still to have the construction of the clubhouse. The lorries continue to come through the village and that's why I would like to see the officers pursue some kind of agreement."

Fellow North Weald councillor Anne Grigg said: "We feel extremely concerned. There are not adequate controls and now we seem to be passing up the opportunity to try and do something.

"My experience has been that many projects are not finished on time and there could be circumstances which mean the importation of soil cannot finish."

The committee agreed to open negotiations again to try and get the developer to enter into an agreement. The committee is also drawing up a new form which any future developer will have to complete, seeking more details of lorry movements and soil importation.

**Councillors agreed future developers should be asked to enter into legal agreements before getting planning permission.**

[http://www.eppingguardian.co.uk/search/display.var.303235.0.lorry\\_agreement\\_to\\_be\\_sought\\_with\\_ongar\\_park\\_golf\\_course.php](http://www.eppingguardian.co.uk/search/display.var.303235.0.lorry_agreement_to_be_sought_with_ongar_park_golf_course.php)

### **11th December 2003 GUARDIAN Golf course designs bunkered by council**

THE developer behind work to create the Ongar Park golf course is being told it will get no more concessions. UK Golf and Leisure is still taking lorry loads of soil on to the site three months after councillors were told it would end.

Councillor David Stallan, chairman of a special district council committee set up to oversee the progress, **has blasted the company for "misleading" the council over the timescale for soil importation.**

At the last meeting councillors demanded an officer crackdown, not allowing any more concessions or **changes to the agreed plans**. Since then the developer has been **told to lower several areas at the site.**

However, company director George Dilloway maintains the council has known exactly the situation via regular checks, and has been happy until now.

Councillors maintain they were told the countless trucks taking soil to the site through Epping and North Weald and along the A414 **were going to stop on September 30**. Mr Dilloway said this deadline was **not meant to refer to soil needed to fill a large hole dug for clay excavation.**

Mr Stallan said: "I was very annoyed that despite the fact **they're still importing soil two months after we were assured they would be stopping**, they were

being given concessions on other areas. They knew what we wanted when we asked for that date at the end of September. They should have said **'we have to dig this hole'. I feel we were mis-led.**"

He added: "It's about time the district council said 'no more'. We still have not had the final plans for the access to the site and the developers seem to be holding off on that. It's about time the district council put its foot down."

A council spokeswoman said: "We can and are doing everything we can to speed this process up by ensuring in-filling stops the moment adequate levels are reached.

"Since the last meeting we've met developers, visited the site and written to them insisting on **the lowering of several areas**. We will also be regularly monitoring ground levels to ensure in-filling is brought to an end as soon as possible."

So far 14 holes and a further three sets of tees and greens are fully completed, including seeding. The complete course is scheduled to be finished by early spring. Half the course will be ready to be played by next summer and the remainder by 2005.

Mr Dilloway added: **"We've finished importing soil for the course but we needed the clay for capping (which we excavated on site) and we're just filling up that hole. We hope to finish as soon as possible."**

Mr Dilloway said because of nearby access points on the A414 they had been forced to go back to the drawing board over access plans on safety issues.

[http://www.eppingguardian.co.uk/search/display.var.441568.0.golf\\_course\\_designs\\_bunkered\\_by\\_council.php](http://www.eppingguardian.co.uk/search/display.var.441568.0.golf_course_designs_bunkered_by_council.php)

## 12<sup>th</sup> April 2004 GUARDIAN

LONG-suffering residents living near the Ongar Park golf course at North Weald only have **six more weeks to endure lorry loads of soil trundling past their homes.**

In-filling at the A414 site is still going on but UK Golf and Leisure director George Dilloway has told the Guardian they are almost finished. Epping Forest Council officers have been keeping an eye on the situation and they too have promised residents that only a few more lorry loads are required.

The site was raised to the correct levels by last October but **large amounts of soil were still needed to fill a hole, which had been dug at the site for clay.**

Mr Dilloway said all 18 holes had now been constructed and the company hoped to have half the course playable by the autumn and the remainder by 2005.

Dave Stallan, North Weald councillor and chairman of the district council's Ongar Park committee, said he was seeking an update and hoped to hold possibly the final meeting in April.

UK Golf and Leisure was slammed by councillors last year accusing the firm of **"misleading"** them over the timescale for soil importation. At the time, Mr Dilloway said **the timescale had never included filling the clay hole and said the rest of the in-filling had been completed on schedule.**

A council spokeswoman added: "It would not be in anyone's best interests to insist that in filling must stop on a certain date regardless, because it would result in an inadequate facility."

**30<sup>th</sup> December 2004 GUARDIAN**

***RESIDENTS who thought they had seen the end of heavy lorries trundling in and out of Ongar Park Golf Course, off the A414 at North Weald, have been told to expect up to 1,000 more lorry movements.***

*The bombshell came after it emerged that UK Golf and Leisure, the company building the course, has broken its planning permission and brought too much soil on to the site.*

*However UK Golf and Leisure manager George Dilloway said it had not taken in any more material than agreed and the store was going up soon, in accordance with the plans.*

*Epping Forest Council's area plans committee members voiced their anger and voted to take a hard line with the company and make it remove the material.*

*The meeting heard the **extra material would lead to a store building being five metres higher than agreed.***

*They had considered working with the company to spread out the extra material so it would not have too bad an impact on the height of the store building.*

*North Weald councillor Ann Grigg said: "The working group set up by the council attempted to work with this company and there was quite a lot of meetings, but at the end the group took a very hard line and said no more and now we find despite that they flouted it.*

*"A very hard line has to be taken."*

*Fellow village councillor Dave Stallan added: "The village has suffered enough for a number of years. I'm sure residents will not be happy with more lorries but we should be sending out a clear signal."*

*The council's assistant head of planning, Barry Land, said: "**About two to three weeks ago we received a number of complaints from local residents of a considerable number of lorry movements. We had been informed that all lorry movements have finished.**"*

***Councillors voted 6-2 to take enforcement action, despite voicing fears that the soil will simply be trucked through North Weald, Epping and Theydon Bois to the company's other golf course at Blunts Farm.***

*Mr Land confirmed this could mean between 600 and 1,000 lorry movements.*

*Mr Dilloway told the Guardian they would appeal against the enforcement notice, adding: "I would disagree. We bought in the material as agreed to finish the area off."*

***In the September 2005 issue of Theydon Bois Liberal Democrats FOCUS newsletter it was confirmed that Councillors Kay Rush and Janet Whitehouse had visited the Blunts Farm site in July 2005 and reported that **most of the lorry movements will be completed in about six months.*****

***That would have meant the work should have been completed in December 2005 and as we know there were still four vast craters there. More evidence of the developer misleading about finish times, how can we believe the project will be finished in a few months. Can the developer please define a 'few months'?***

**APPENDIX 2****(a) 2 The completion of the golf course complies with all relevant planning policy and will be of benefit to the area.**

The residents of Abridge and Theydon Bois have certainly not felt any 'benefit' from this developer thus far.

*„The village of Abridge lies on the historically important coaching route between London and Chipping Ongar and has been an important crossing point of the River Roding for many centuries.<sup>1</sup> The people of Abridge have suffered from very heavy traffic from 6am six days per week. The character and appearance of Abridge has been described as ‘that most picturesque little old town, of red brick gabled houses, with red tiled roofs standing all huddled together in a circle, as if there were once walls around it. A strangely quiet town.’<sup>2</sup> The lorries often mount the pavement in this Conservation Area. The village centre which dates back to the 12<sup>th</sup> century, is a Conservation Area, as defined by EFDC as ‘those parts of towns, villages or parishes which have special architectural or historic interest... A Conservation Area is designated to enable planning policies to be directed towards preserving or enhancing the character or appearance of the Area. The emphasis is on the quality and interest of the Area as a whole, rather than of individual buildings in the Area.’<sup>3</sup> Lorries have smashed down bollards, park on double yellow lines and have made walking safely along the pavements impossible. The lorries drive through the village Market Place past the Grade II listed early 19<sup>th</sup> century Blue Boar Inn, the Grade II listed medieval Roding Restaurant, The Grade II listed ‘Coach House’ which dates back to the 14<sup>th</sup> century, the 18<sup>th</sup> and the 18<sup>th</sup> century timber framed Malsters’ Arms. *The „Coach House is of exceptional interest because it is a rare survivor of a type of house, formerly common, in which the walls of the hall were no higher than the lower story of the crosswing (most were raised when a floor or chimney was inserted in the 16<sup>th</sup> century.)’<sup>4</sup> To join the B172 they have to turn sharply left at a pinch point, which brings the whole junction to a stand still. They cross over a Grade II listed red brick bridge, with limestone keystones that dates back to the late 18<sup>th</sup> early 19<sup>th</sup> century, which is not wide enough to take more than one lorry at a time. Residents have complained that the lorries exceed the speed limit, drive whilst on their mobile phones and drive without due care and attention, mounting pavements, and driving too close to others. How have the lorries that thunder through the ancient village of Abridge effected the structural integrity of the homes of Abridge residents?**

The following is a comment from Mr Andrew Welch, a resident of Abridge.

*We have just received a letter through our door with regard to the possibility of lorries returning, driving through Abridge. I find the possibility very disturbing. Our main worry is, in the past where they have been using London Road as a*

<sup>1</sup> EFDC publication Conservation Areas in Epping Forest District.

<sup>2</sup> From Abridge Conservation area an Epping Forest District Heritage and Environment publication, 1997.

<sup>3</sup> EFDC publication Conservation Areas in Epping Forest District

<sup>4</sup> EFDC publication Conservation Areas in Epping Forest District

*racetrack they have no care for the residents with the speed that they travel, on many occasions we have seen drivers on their mobile phones talking and texting which is against the law. Anybody else would have been fined for that. I find it very dangerous when we are walking the children to school, it is a very scary journey. It is only going to be a matter of time before somebody gets seriously hurt. The developer says that there are 66 lorries per day, which is utter rubbish and lies. In their hey day I counted 10 lorries go past us whilst we are walking to school, that is going one way and that is a 10-15 minute journey. The traffic this generates along London Road makes it an eternity to pull out of your driveway. Then there is the noise which, I add starts before 7am all well and good but what about the people who work nights the old people its just not acceptable. Then there is the house vibrating when these lorries drive past, you can tell us that there is no structural damage being done to our homes. Only last year one lorry clipped an electricity cable and put out our electric for over 12 hours, which was impossible as we had a new-born baby, and what happened to that driver? Nothing I bet he just carried on and went home to his house and did not have to suffer like we did. It seems to me there is one rule for the drivers and one for us, They are a menace to our society and should be stopped before it is too late.*

The following is from Steve Lazarus of Roding Hall Abridge.

*Thank you for your recent notice about the lorry traffic in Abridge and Theydon Bois. We live at Roding Hall and have suffered noise and disturbance since we moved there in August 2005. The lorry traffic was starting at 6.00am and going on until 5.00pm 5 days per week and starting at 7.00am until lunchtime on Saturdays. Apart from the noise levels of trucks bouncing off of the kerb sometimes hitting the actual building and often knocking down the posts opposite, we were also suffering vibrations to the building. The thought of them starting again is completely unacceptable.*

The following is from Corinne Elverson an Abridge resident.

*The lorries caused damage to the bridge at Abridge and the road was constantly dirty from the mud of the lorries. Why didn't they hose the lorries down on their exit from the site? The constant traffic to the site has caused the road surface to be badly damaged; the developer needs to contribute towards the costs of resurfacing this road. Why do we need yet another golf course in the area, there is no benefit to the local communities. The noise and air pollution that these lorries cause must exceed the limits set by the Environment Agency.*

The following is a comment from Miss Rea Smith London Rd Abridge

My reasons for objecting to the Blunts Farm Estate are as follows:

Noise created by the large lorries for 6 days of the week.

During the period when the lorries were active through Abridge they arrived as early as 5:30 and continued until early evening.

They often travelled in excess of the 30MPH speed limit with huge volumes of spoil being carried.

The vibrations caused by the lorries forced me to sleep downstairs in a makeshift bed.

My home is a 200 year old cottage and will not withstand the huge vibration caused by the lorries.

The lorries cause damage to the road, lifting kerbs and generally leaving the area dirty from the mud they drag from the site.

Abridge bridge has been damaged by the large lorries forcing themselves through narrow gaps.

The drivers are rude and ignorant and will often shout abuse if they are delayed on their journey.

I also believe that the average of 66 lorries per day provided by the developer to be grossly inaccurate, a more honest figure would be much higher. I have the following anecdotal evidence when the lorries were active:

On most days for every three vehicles that passed one would be a lorry.

On one occasion driving from the Log Cabin in Abridge to the Blunts Farm Estate site I noted ten lorries that passed in the opposite direction, that is a journey of less than five minutes.

The following are comments from Joan Goffin, London Road, Abridge

*„ I have cracks in my ceilings from the continuous rumbling past my door. The noise was deafening, they ignored the speed limit, loads were not covered and consequently shed bricks and lumps of clay around. The footpaths through Abridge are very narrow in many places and residents were nervous of using them. The contractor obviously has a mole in the council, as when we demonstrated on the bridge, only one lorry came through!*

**9<sup>th</sup> September 1999, GUARDIAN „ignore scare tactics Golf course development defended against „idiotic rumours**

*COMPLAINING residents in Theydon Bois are being told they have “nothing to fear” over an 18-hole golf course planned for Blunts Farm, Coopersale Lane. Plans with Epping Forest Council also include a clubhouse and car park, and an earth barrier (bund) to shield the site from motorway noise.*

*The bund would be formed with about 275,000 cubic metres of clean landscape construction material transported to the site, covered with topsoil and landscaped.*

*Leslie Jeman, of Coppice Row, said: “Thirty ton lorries will be going back and forth through the village for over two years. There will be six lorries and hour and 40 movements in a day. Its the perfect place to dump soil from unknown sources.”*

*A golf course was approved about five years ago, but that permission has now expired.*

*Theydon Bois and District Rural Preservation Society committee member Ralph Weston asked: “What do we want a golf course for? We’ve got bats already.”*

*He added: “The earlier scheme was opposed and this is the same plan but more ambitious. The same arguments apply. If it goes ahead, it will affect 5,000 people.*

*“We’re concerned about ancient wood land which is 500 years old. Those copses must be protected, yet the application shows some of the course will be in those copses.”*

Owner of the proposed site and former councillor Jim Axon said: "I'm being honest, I'm not hiding anything. Villagers have nothing to fear from lorry movements, their route or the earth bank. It's scaremongering tactics. People are lying if they say the site will be filled with household or hospital waste. Anyone who thinks that is an idiot because by law hospital waste must be incinerated." He added, "The soil will only come from approved sources. The bund will hide the motorway from the village. It will be grassed and landscaped with young trees planted for the good of future generations."

"As for lorries roaring through the village, there's a 7.5 ton restriction on Coopersale Lane bridge. Even an empty lorry wouldn't be able to use it. The lorries would come off the motorway as agreed last time."

He added: "Some people are object for the sake of it. If objections are sensible it would be fair enough, but some of this doesn't add up. A majority of people would be happy with the scheme if they were told the truth."

The proposal for the development was put forward by Kytone Properties of Woodford Green.

### **19<sup>th</sup> May 2005 GUARDIAN Construction Traffic is Killing Our Village**

LORRIES trundling through Abridge have left a mother afraid to take her baby outside and villagers adamant that their century-old bridge is being destroyed. They blame vehicles carrying soil to the new Parsonage Farm golf course development in Abridge Road Theydon Bois.

Sam Pickering, of Abridge Mews, said, "I won't take Harriette out of the front door now."

**„Last week I had just got her inside when one of these huge lorries turning on the bridge swung up over the pavement and knocked down a bollard, right where her pram had been standing. If it had been a few seconds earlier it would have been my baby.**

**„We have lorries going past all day. Something must be done. As proof of the problem she videoed 76 lorries using the bridge in just one hour.**

Sue McNally, who lives in the block beside the bridge said: „the residents have had enough. **The buildings shake and bricks are literally falling out of the bridge. They're destroying this little village.**

**„If it reaches a point where we have to lie down in the middle of the road to stop them, then maybe that's what we'll do-whatever it takes.**

Work on the championship golf course started last year, but while UK Golf and Leisure director George Dilboway told the Guardian he understood residents concerns he denied his firm's lorries were damaging the village. He said „Its a four year project, but we're working to finish the infilling as soon as we can to minimise any inconvenience. I'm sure the bridge will stand up to it. Its solid. He added „We're not the only people using the bridge. I doubt we have that many movements in a day and the lorries may be visiting other premises, local farms for example.

**Residents have reported their suspicions of structural damage to the bridge foundations to Essex County Council and officials are set to inspect the site in the next few weeks. While the bridge carries a 7.5-ton weight advisory, an official weight restriction has never been felt necessary.**

County Council Highways and transportation cabinet member Rodney Bass said „The issue has been brought to my attention by the local member and we must wait for the officers report.

#### **4<sup>th</sup> August 2005 GUARDIAN No go for Abridge lorry plan**

LORRIES making Abridge residents lives miserable cannot be re-routed because of Highways Agency bureaucracy, district council leader John Knapman says.

Mr Knapman blamed the agency for blocking a "sensible solution" to the problem of lorries, many carrying soil to the under-construction Parsonage Farm golf course development off Abridge Road, Theydon Bois, trundling through the village sometimes 80 times in an hour.

Mr Knapman said: "What I suggested was that the lorries should exit directly, at least between 6am and 9am, from the M11 on to the slipway joining with Coopersale Lane.

"They could access the Parsonage golf development that way, bypassing Abridge and Chigwell completely, to make residents lives a little easier. The Highways Agency has just refused.

"What they're now saying is that even if Essex Police were okay about it, and I had been led to believe at the top levels they were, they feel there would be safety issues allowing lorries to use that access road. They tell me it would require significant engineering works to allow them to do so. Now I am no expert, but I'm struggling to see how that it's the case.

"To be honest I'm reaching the end of my tether with the Highways Agency on this one - they seem to be putting so many hurdles in the way of what seemed a sensible solution."

A Highways Agency spokesman said: "The lane in question, Spur Lane, is not an off-slip road, but leads directly to one of the Highways Agency's depots. Private vehicles are not allowed to use this road. The police have also advised that we cannot allow contractors' vehicles to use Spur Lane for access between Coopersale Lane and the M11 for safety reasons."

Abridge resident Sam Pickering said: "**There are lorries going past all the time. It's terrible.** Everyone tells us they're looking for a solution but no one seems able to find one."

Mrs Pickering suggested that if the "ideal " of lorries using Spur Lane was not possible, a weight restriction should be imposed on the Abridge bridge to limit the size of lorries accessing the area Mr Knapman said he was exploring whether an agreement might be reached with developer UK Golf and Leisure to **prevent lorry movements before 7.30am.**

Mr Knapman has now raised the issue with Epping Forest MP Eleanor Laing and Brentwood and Ongar MP Eric Pickles.

He said: "I've asked them to use their influence to obtain a more positive response from the Highways Agency in order to help resolve the issue. If they can't achieve anything it means the entire system from local government up to parliament has managed to fail the people of Theydon Bois and Abridge, a situation I not only regret but find intensely annoying."

[http://www.eppingguardian.co.uk/search/display.var.619481.0.no\\_go\\_for\\_abridge\\_lorry\\_plan.php](http://www.eppingguardian.co.uk/search/display.var.619481.0.no_go_for_abridge_lorry_plan.php)

**10<sup>th</sup> September 2005 GUARDIAN *Fighting for their village***

*ABRIDGE residents' "lorry hell" could end thanks to a protest organised by two young girls.*

*Rosie, nine, and Jessica, ten, were the brains behind an hour-long rally on the Abridge Road bridge on Monday, to propel the plight of the village, plagued by HGVs delivering soil to the new Parsonage Farm golf course in Theydon Bois, into the spotlight.*

*Some dozen police officers were called out to keep order as up to 50 residents risked arrest to block the trucks' route. Protesters sat on the more than 200-year-old bridge, held banners and shouted "stop the lorries", as motorists hooted and waved their support.*

*Jessica said: "We have to stop the lorries. They're ruining the bridge and they're ruining our village. We organised the rally, made signs and went door to door canvassing, asking people to come out and support us."*

*Rosie said: "All our friends, parents, brothers, sisters and neighbours are here." And their efforts look to have paid off.*

*The Highways Agency has finally agreeing that an alternative route for the lorries, along the Coopersale Lane works unit sliproad directly off the M11, bypassing Abridge, may be possible.*

*District councillor Stephen Metcalfe, who turned out to support residents, said: "The girls called me last week to tell me what they were doing and, once I checked with their parents that they were aware of what was happening, I got on to Eric Pickles, the area MP.*

*"On Friday he finally managed to speak to someone high up in the Highways Agency and progress has been made. The girls have put this well and truly back on the agenda. This protest shows the strength of feeling on this issue. The girls should be congratulated for having courage in their convictions."*

*Mr Pickles said: "What the really big sticking point has been is the angle of the turn onto the slip road off the M11. It's very sharp and they're concerned about the lorries turning safely but now they recognise the situation in Abridge has gone several degrees past intolerable. We're hoping that a solution is will soon be found."*

*Epping Forest District Council leader John Knapman has asked Essex Police for a letter of support "so we can move quickly and grasp this possible opportunity".*

*Residents have threatened to stage a second rally next Thursday, if no progress has been made.*

[http://www.eppingguardian.co.uk/search/display.var.629530.0.fighting\\_for\\_their\\_village.php](http://www.eppingguardian.co.uk/search/display.var.629530.0.fighting_for_their_village.php)

**30th October 2005 GUARDIAN *Ending Abridge lorry hell***

*A MEETING which may end the "lorry hell" of residents in Abridge has been arranged for next week.*

*The Highways Agency will meet Epping Forest District Council, Essex Transport Police, Essex County Council's highway engineers and MP Eric Pickles next Thursday.*

*It is hoped that a solution to the current situation that has seen lorries using Abridge to deliver soil to the new Parsonage Farm golf course will be found. Eleanor Laing was also due to meet with the Highways Agency yesterday to discuss the issue.*

*District council leader John Knapman said that a possible diversion using a works unit slip road directly off the M11, and the possibility that enough earth was already on the site would be discussed.*

*News of the meeting should be welcomed by residents of Abridge, who have previously mounted protests on Abridge Road bridge over the ongoing lorry movements.*

*Fifty demonstrators risked arrest as they blocked the bridge on Monday, September 5.*

*Initially, the Highways Agency rejected the proposed use of the works sliproad, expressing concerns about lorries turning off the M11 at such a sharp angle, and that drivers would have to rejoin the motorway there, which was considered dangerous.*

*The Highways Agency agreed to give the proposal more thought when it was suggested that lorries could use Abridge to go back to the M11.*

*Mr Knapman said: "I am hopeful that sufficient pressure will now be brought to allow this M11 slip road to become a possibility.*

***"In order to have a belt and braces approach councillor Robert Glozier planning and economic development portfolio holder has asked officers to consider a stop action on the site following a survey undertaken by Epping Forest District Council.***

*"If we can achieve one or the other, we can make a big difference to the early morning lives of the people of Abridge in particular."*

[http://www.eppingguardian.co.uk/search/display.var.645555.0.ending\\_abridge\\_lorry\\_hell.php](http://www.eppingguardian.co.uk/search/display.var.645555.0.ending_abridge_lorry_hell.php)

### **7<sup>th</sup> November 2005 At a Media briefing by Cllr Knapman Any Other Business - Abridge Lorries**

*6.1 In response to a request by David Jackman, Councillor Knapman provided an update of the Abridge Lorry situation.*

*6.2 A meeting had now been held with the Highways Agency, Essex County Council Engineers, Eric Pickles MP, Ward Councillor Mrs Kay Rush and George Dilloway, of Parsonage Golf Club. Councillor Knapman reported agreement that Parsonage Golf developers would submit a plan for lorries to exit from the M11 onto the Highway Agency slip-road then directly on to Blunts farm. It was also agreed that Essex County Council and Essex Transport Police would offer comments on the proposed plan which was then to be presented to the Highways Agency with a view to gaining their approval.*

*6.3 Concerns such as the cost of signage and barrier arrangements were discussed but Councillor Knapman did not think these were insuperable. He hoped these issues would be resolved within a month.*

**20th November 2005 GUARDIAN A break in the traffic**

*VILLAGERS plagued by the problem of heavy lorries rumbling through Abridge on their way to a golf course development in Theydon Bois could soon see some long-awaited improvements to the situation.*

*A scheme to take lorries heading to the Parsonage Farm golf course development out of Abridge could be operating by Christmas.*

*The course developer, the Highways Agency, police, Brentwood and Ongar MP Eric Pickles and highways engineers have discussed a proposal that will see lorries loaded with earth leave the M11 via the works unit access at Coopersale Lane, so saving the need to trundle through Abridge village and over the Abridge Road bridge.*

*It would mean that the only lorries involved with the course development that would then travel through Abridge would be empty ones, and later in the day than is presently the case.*

*Epping Forest District Council leader John Knapman said: "It was agreed that the Parsonage golf developers would submit a plan for lorries to exit from the M11 onto the Highways Agency slip road and then directly on to Blunts Farm.*

*"The procedure that was agreed was that Essex County Council and traffic police would offer comments on a proposed plan which would then be presented to the Highways Agency with a view to gaining its approval."*

*Mr Knapman said matters such as signing and a barrier to prevent traffic other than the lorries from using the works unit slip road had been voiced.*

*He said: "I hope this can be sorted out within a month."*

*Mr Knapman added: "The developer has voluntarily stopped lorries importing earth onto the site for 14 days while it discusses with officers the amount of earth that will be needed to complete the course.*

***"Concerns have been raised as to the quantities of earth still claimed to be required and the council is awaiting the owner's response."***

*Sam Pickering, of Market Place, Abridge, who has been calling for something to be done for months, said: "It would be better if the lorries didn't come into the village at all but anything is better than nothing. It (the proposed route) is much needed and it would be excellent if it can happen before Christmas."*

[http://www.eppingguardian.co.uk/search/display.var.653109.0.a break in the traffic.php](http://www.eppingguardian.co.uk/search/display.var.653109.0.a%20a%20break%20in%20the%20traffic.php)

The appalling situation with regard to the hundreds of daily return trips of HGV's lorries through Abridge made headlines in the Guardian local news paper in May, August, September, October and November 2005.

There was been considerable damage to the Abridge Road, B172.

Spencer Brooks, Senior Traffic Engineer, Essex County Council, Tel: 01279 642500, Email: Spencer.Brooks@essexcc.gov.uk confirms 'The 30mph signs on the B172 are advisory only and were implemented at the request of Essex Police following a site meeting to discuss the heavy goods vehicle movements associated with the Blunts /Parsonage Farm Development.

The speed limit prior to this change of limit was 60 mph.

The tens of thousands of twenty-ton lorries entering the site over the last two and a half years has also severely damaged the road.

Photographic evidence, 2dm021205, accompanying this document shows one instance of debris left on the road after falling from one of the HGV's

17<sup>th</sup> February 2006 Dave Lane Engineer (Maintenance) West Area Highways & Transportation, confirms the following in an email; [Dave.Lane@essexcc.gov.uk](mailto:Dave.Lane@essexcc.gov.uk)

*Please accept my apologies for the delay in responding to the forwarded email from Mike Emmett. I can assure you that the mud on the road situation is monitored and contact is made regularly with the site by our Enforcement Officer, Ken Barrett; although I will admit that these meetings generally follow complaints. I am assured that wheel washes are used and the road is regularly mechanically swept. However I will also accept that sometimes the early loads may deposit mud some time before the first sweeping.*

*The concrete bays on Abridge Road have been worsening for quite some time and I would agree that the impact of the high volume of 20 ton lorries has greatly contributed to the speedier deterioration rate. Some money has been spent in this financial year to resolve, what was identified at the time, as the worst areas. To remedy the situation a vast sum of money would be required. I would hope to see more expenditure in the future via the Maintenance Initiative driven by Councillor Rodney Bass, but that money is not on the table at present. I fear, and this must be taken as an individual's viewpoint and not that of ECC, that this is yet another case of Planners failing to seek the advice of Highways. **Whilst I cannot bring the figures to mind there is a co-relation between the impact on the carriageway between HGV's by number of axles and the number of cars needed to cause the same damage. The figure is quite vast i.e. something like several hundred car movements equals one HGV movement in terms of wear and tear on the road.***

*It would be extremely beneficial if sites that require hundreds of HGV movements were forced to contribute towards the damage to the road network that they were causing. (My opinion again!).*

*I trust this goes some way to answering your concerns.*

We would like to call a representative from the Highways department to speak.

The development has also been to the detriment/destruction of footpaths used by many in the community. The footpaths that run over the site include 10, 14, 22 and 27 across the northern part of the site. Footpath number 4 follows much of the north-western boundary.<sup>5</sup> The walk from Theydon Bois station to Theydon Garnon is included in Country Walks a publication by Epping Forest Country Care. 'These pastures make easy walking, the black and white Freisian cattle cropping the grass closely in summer. The M11/M25 interchange to the north covers 25 ha. All of which used to be peaceful farmland. The embankments of the slip roads and flyovers have been planted with trees and shrubs, and are gradually developing an attractive mixture of wild flowers. Though noisy, they

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<sup>5</sup> Supplementary Committee Agenda, District Development Committee 17<sup>th</sup> January 2006.

provide a home for numerous mice and voles which in turn are food for the local kestrels.<sup>6</sup> These footpaths are now all but destroyed, and are dangerous. They have been covered in metres of clay that has been removed from the vast pits making walking, running or jogging impossible. One of the footpaths is very close to one of the deepest water filled pits, to pose potentially an extremely dangerous situation.

At the time the application was made the West Essex Group Ramblers Association objected.

The following is a letter dated 25 March 2006 TBAAG received from a member of the Ramblers Association and a Theydon Bois resident.

*We had a monthly morning walk for the Ramblers Association. Starting from the Avenue of Trees. The walk, of moderate pace, is well supported by members and people new to walking who for one reason or another don't want to do more strenuous day long walks. We are very fortunate in having quite a few pleasant forest walks. However, one of our favourite country walks taking in Theydon Garnon Church and walking across the fields to the pedestrian bridge near the station is now completely impassable. Despite it being signed as a designated country walk. The reason for this is the massive dumping of waste at Parsonage Golf. This once idyllic country walk is now a foul morass of claggy, treacherous mud, which is dangerous and completely impassable. Words can not describe the squalor of this once magnificent piece of our local environment. Skylarks have given way to foraging seagulls. Profit seems to reign supreme and we are all losers.*

Roger Gibbs is Footpath Secretary for the Epping Forest District of the Ramblers' Association. He confirms the following in a report for TBAAG dated 10 June 2006.

### ***Report on public footpaths affected by the developments at Blunts Farm, Theydon Bois.***

#### ***Paths affected***

*The two main paths affected are those that run from the footbridge by Theydon Bois station NE to the underpass under the M25 in the direction of Epping (TB4) and that which runs ENE to the underpass under the M11 near Theydon Garnon church (TB5, TG14 (part), TG22). The numbers are those assigned to the paths on the definitive map of public rights of way (PROW) held by Essex County Council as Highways Authority. Those with initials TB are in Theydon Bois parish, and those labelled TG are in the Parish of Theydon Garnon. As the accompanying map shows there are also linking paths numbered TG10, and TG27.*

#### ***Comments on condition of these paths prior to development at Blunts Farm***

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<sup>6</sup> Country Walks Theydon Bois and Theydon Garnon, a Epping Forest Country Care publication

**TB4** Despite the obvious utility of this path in my experience it was never well used, perhaps partly because the line was never restored in the two places where it crossed parts of a large arable field, and because an inadequate margin was always left for the long stretch where it ran along the edge of the same large field.

**TB5, TG14 (part) and TG22** Despite the three numbers this was in fact a single route and was well-used and pleasant route across meadows between the two Theydons.

**TG27** This is a short stretch of concrete alongside the M25 linking TB4 with TB14 and TG10. It is unattractive because of the proximity of the motorway but essential for the network in this area.

**TG14 (part)** This path runs from TG27 near the M25 down hill to join the line of the main path between Theydon Bois and Theydon Garnon and mostly consists of a pleasant although always somewhat overgrown track alongside a hedgerow. It was quite well used. However, where it joined TG27 by the motorway the entrance has for a long time been obstructed by brambles, while the short stretch near here alongside the arable field was never left clear as it should have been.

**TG10 (part)** Despite providing the shortest link between the two motorway underpasses, this was not an attractive route because of its proximity to the two motorways, notwithstanding some extensive views, which incorporate Hill Hall and Theydon Garnon church, as well as traffic on the intersection. I do not think it was well used, nor was its precise line on the ground clear.

Note The land-owner/farmer/land occupier has a duty in law not to obstruct a PROW (a crop amongst other things across the line of a path constitutes an obstruction) and the Highways Authority (ECC in this case) has a duty to enforce the law regardless of the use of the paths or their perceived usefulness. While recognising that in practice some obstructions are more important than others and therefore should be given higher priority, and the pressure of other duties on the work of ECC, the Ramblers Association is frequently critical of the lack of effort made by ECC to enforce the law on PROW.

### **Role of the West Essex Group of the RA in dealing with problems on PROW**

As Footpath Secretary for Epping Forest district I receive complaints from members of the public about PROW from various sources. I then investigate these either myself or through one of our parish path adopters and if we agree that there is a problem, we pass on the report to ECC as the appropriate Highway Authority for them to take action. West Essex Group of the RA has what we call a path adopter in each parish; the task of the path adopter is to walk the paths in his/her parish from time to time and report these; these are also passed on to ECC. Unfortunately, only a proportion of the reports to ECC are acted upon.

### **Impact of the works at Blunts Farm on these PROW**

*I received a report from one of our members in October 2005 saying that she had attempted to walk the line of path TB5, TG14, TG22 but had to give up due to the confusing mass of piles of concrete, pits and ploughed up earth. She had met two other people who had walked there before and had got through but commented that „The signs have gone, the paths have gone, there is nothing there. The area looks like doomsday, like the films of bare earth during the First World War. I walked the route within a day or so of receiving this report, but found that the route was open and marked with rough fencing and plastic streamers, although there was certainly no pleasure in walking across the barren earth. I also walked the line of TB4.*

*In February 2006 I received a report from the leader of a walk for the Forest Ramblers reporting the condition of path TB5, TG14, TG22. This report spoke of a „huge pile of glutinous clay by M 11 west of underpass, then something like sewage sludge interspersed with stone or concrete rubble. Had either to walk through the one or climb over the other, and in the process one member suffered a twisted ankle ,*

*Our parish adopter for Theydon Bois reported problems with obstruction by contractors vehicles access on TB4 in January and August 2005 as well as the failure to restore the line of the path through the field. Our adopter for Theydon Garnon reported problems on TG14 (both the part forming part route from Theydon Bois to Theydon Garnon and that linking with TG27) in May, August and November 2005.*

*I have myself walked these paths on several occasions since work began on the Blunts Farm site. I have always found TB4 to be relatively unaffected by the work, although deficient for the reasons given at the beginning, while the line to the underpass near Theydon Garnon church has usually been walkable but unattractive because of the amount of work. TG14 from the link with TG27 downhill was originally unaffected but has recently become unwalkable (see below). I walked TB4 and TB5, TG14, TG22 on the afternoon of 30 March before the parish council meeting in the evening.*

#### **The current situation**

*On 9<sup>th</sup> June 2006 in order to compile this report I walked all the paths in the area. My notes on this most recent visit follow. The circled numbers in red on the map (Map included) refer to problems encountered on this most recent occasion (note that not all the problems are due to the work on the site as some relate to the time of year and some are indirect consequences of the cessation of agricultural operations in this area).*

**TB4** *At the present time this path is not greatly affected by the work, although there is a large mound of earth beside the line of the path at 1 and an access route for contractors vehicles crosses the line of the path at 2 (at one time there was a warning notice, but this has long disappeared). Since the large arable field is now left fallow the route is presently slightly easier to walk than when it was cropped and the line of the path not restored (3).*

**TG5, TG14 (part), TG22 (that is the line from Theydon Bois to the M11 underpass)** The whole of this line from GR469993 to the underpass at GR477997 consists of bare earth with pits, piles of stone and mounds of earth. From Theydon Bois to the parish boundary a hard core path has been laid out with rough fencing about 1 metre high; at a certain point (approximately 4) the hardcore path has been wired off and an unofficial diversion leads round a very large mound (the line of the footpath is unfenced on one side here and the way unclear, particularly if one is approaching from the Theydon Garnon end). Beyond the mound (5) the fencing on both sides recommences, although nearly all the notices warning of the dangers of deep excavations appear to have been torn off or come off in the wind. Incidentally, concern was expressed at the parish meeting about the dangers from the deep excavations but these are all about 100 metres away at this point, although the fencing has come down where the access points for contractors vehicles cross the path. Obviously, if the work on the site recommended it would potentially be much more dangerous, and in the damp part of the year would be thoroughly unpleasant. At the footbridge this path crosses the small stream (6) and TG14 bends N and TG22 takes over the main line of the route to the M11 underpass. There is no further indication of the route on the ground and the way-marks by the underpass have disappeared but judging from the proximity of the stream the route here must lie along piled up earth (7). This would be difficult to walk in damp conditions and potentially dangerous if contractors vehicles were working the ground. There is also a pit, which is currently half filled with water almost on the line, which I walked; this is fenced on one side only.

**TG27** This is unaffected, although brambles are beginning to encroach on it.

**TG14** Accessing this from TG27 is currently impossible as the stile is buried in brambles (8) but this is not a new problem, and people have for some years gone through the broken fence across the arable field (the correct line around the field for this small section was never restored). However, this is not impossible now as the field is full of 2 metre high thistles; it might be possible to work one's way round these but I did not do this. Instead I walked up TG14 from point 6 where the PROW crosses the stream with a footbridge, which survives. The hedgerow has been removed (save for a few individual trees) and new earth pushed in here from the works on the adjacent field. Where this path crosses a hedgerow and ditch at (9) (GR464998) with a surviving plank bridge it is only just possible to get by and positively dangerous as it is scarcely possible to see where the planks of the bridge end and the ditch begins. This problem is largely created by the growth of foliage at this time of year, and this has for some time been a difficult point, but lack of use and growth of weeds due to the absence of cultivation make the problem worse.

**TG10** The line of this path is unmarked on the ground, although it is at present easy to walk as the way lies over bare soil which has been piled up; this path was never clear on the ground.

Ms Lesley Balkham Inspector with HM Health & Safety Executive visited the site and made the following comments on 28<sup>th</sup> April 2006 with regard to the Health and Safety at Work Act 1974.

*I have revisited the site this week, and can confirm that a number of measures have been taken to improve safety at the site in line with instructions given on my previous visit. These include:*

1. *Temporarily diverting a section of the route of the public footpath/right of way (with the consent of an Essex County Council representative) to increase the distance of the footpath from the excavations*
2. *Providing a fence along the public footpath/right of way to prevent persons straying from the path in the vicinity of the excavations*
3. *Providing bunding to the tops of the excavations. In this case this takes the form of earthen banks built to prevent pedestrians and vehicles inadvertently falling into the excavations*
4. *Ensure the boundary and footpath fencing is maintained to deter unauthorised persons entering the site*
5. *I understand that signage for the footpath has been purchased although not yet installed.*

When the planning application was first submitted several golf clubs in the area objected.

*Theydon Bois Golf Club- Object there is a complete over supply of golf courses in this part of Essex-there is a shortfall of 7,000 members already in Essex. If permission is given for another course this could result in dereliction of other courses in the area.*

*Woodford Golf Club- A known fact that there is too many Golf courses in the area and not enough players to support them. This will adversely affect the viability of well established courses.*

### **12th January 2004 GUARDIAN Overloaded with golf courses,**

The following are comments made in the local newspaper.

*I NOTE that Epping Forest District Council is upset at the failure of UK Golf and Leisure to comply with assurances given regarding the importation of soil at the site of the Ongar Park golf course (Guardian, December 11).*

*Certainly, local residents and road users have suffered inconvenience from work associated with this development, but why on earth do we need another golf course in this area anyway?*

*My quick calculation indicates that within a ten-mile radius of North Weald there are already at least 19 eighteen-hole golf courses, most of which will have membership vacancies and which welcome pay-and-play golfers. There are also several nine-hole courses in the area.*

*There are too many clubs chasing a limited number of golfers and many of these clubs are, therefore, suffering financially. The construction of further courses will only exacerbate this problem.*

*One suspects that the Ongar Park development would not have been viable without the huge revenue generated by the importation of soil. Shrewd business one might say, but I would rather have seen part of the land used in a way that would have benefited a wider section of the community for example affordable housing for the young, suitable accommodation for the elderly, general recreation, but perhaps I am being too idealistic.*

*Or maybe, following Mr Prescott's recent exhortations regarding land for housing, there is still some hope and my wish will, one day, come true.*

*Now that would be a nice piece of business for the landowners, or am I just being cynical?*

[http://www.eppingguardian.co.uk/search/display.var.448491.0.overloaded\\_with\\_golf\\_courses.php](http://www.eppingguardian.co.uk/search/display.var.448491.0.overloaded_with_golf_courses.php)

The following is a list of golf clubs in a 5 mile radius of Blunts Farm CM16

Parsonage Golf, Coopersale Lane, Theydon Bois, CM16 7NN  
 Theydon Bois Golf Club, Theydon Road, Epping, CM16 4EH  
 Epping Golf Club, Flux Lane, Epping CM16 7PE  
 Blakes Golf Club, Epping Road, North Weald, CM16 6RZ  
 North Weald Golf Club, Rayley Lane, North Weald, CM16 6AR  
 North Weald Par 3 Golf Course, Epping Rd, North Weald, CM16 6BJ  
 Hobbs Cross Golf Centre, Hobbs Cross Rd, Theydon Garnon, CM16 7NY  
 Toot Hill Golf Club, School Road, Toot Hill, Ongar, CM5 9PU  
 Canons Brook Golf Club, Elizabeth Way, Harlow, Essex. CM19 5BE

Abridge Golf and Country Club, Epping Lane, Stapleford Tawney, RM4 1ST  
 Stapleford Abbots Golf Club, Horseman Side, Tysea Hill, Stapleford Abbots, RM4 1JU  
 The Priors Golf Club, Horseman Side, Tysea Hill, Stapleford Abbots, RM4 1JU  
 Fairlop Waters Golf, Fairlop Waters, Forest Rd, Barkingside, Essex IG6 3HN  
 Woolston Manor Golf Club, Abridge Road, Chigwell, Essex IG7 6BX  
 Chigwell Golf Club, High Road, Chigwell, Essex, IG7 5BH  
 Hainault Forest Golf Course, Romford Rd, Chigwell, IG7 4QW  
 Woodford Golf Club, 2 Sunset Avenue, Woodford Green, Essex IG8 0ST

Loughton Golf Club, Clays Lane, Debden Green, Loughton, IG10 2RZ  
 High Beech, Wellington Hill, Loughton, Essex, IG10 4AH  
 Nazing Golf Club, Middle St, Nazeing, Waltham Abbey, Essex EN9 2LW  
 Chingford Golf Course (West Essex) 4 Bury Rd, London, E4 7QJ  
 Royal Epping Forest Golf Club, Forest Approach, London, E4 7AZ  
 Valley Golf Course, 155, Sewardstone Rd, Chingford, London, E4 7PA  
 Wanstead Golf Club, Overton Drive, London, E11 2LW

The waste dumped on the site; during the late summer-autumn of 2005 at times smelled 'putrid' making just being outside on Forest Drive, Dukes Avenue and Theydon Bois Station very unpleasant indeed. The unpleasant smell could also be smelt at Coopersale Hall School in Epping. The waste that was tipped included sand that we believe is the by-product of the water sanitation process.

The developer insisted that the smell emanated from fertiliser. However the smell was not that typically associated with fertiliser but more like that of human waste which may have emanated from the 'sanitation' sand/ sludge. This sludge also attracted thousands of sea gulls, see photographs 8ra2411051-3.

There are trees on Blunts Farm that have Tree Preservation Orders. „A TPO gives Epping Forest District Council, as LPA, the power to legally protect the Districts most important trees. TPOs are issued under the Town and Country Planning Act 1990, and the Town and Country Planning (trees) regulations 1999.<sup>7</sup> Schedule 1, specification of trees on plan TPO/EPF/27/02 of Blunts Farm, Coopersale Lane, lists 54 listed Oak trees, 1 Field Maple, 4 Ash and 1 Horse Chestnut. A total of 60 listed trees numbered T1-T60. There are also two marked woodlands, W1 deciduous trees mainly oak and hornbeam and W2 deciduous trees mainly oak, hawthorn, holly, beech, ash, yew, hornbeam and field maple.

Can we be assured that the trees in this area with TPO's have not been damaged or harmed in any way as a result of this landfill exercise? See photograph's 8ra041204c and 2dm111205.

The developer has warned that if he loses his appeal to further import waste to the site he will look to quadrupling the size of the village with 4,500 new homes.

#### 2nd April 2006 **Guardian Residents battle to save village**

*RESIDENTS fearing the destruction of Theydon Bois as a village if up to 4,500 homes are built could still have a major battle on their hands to thwart the plans, even though the land is in the green belt.*

*The warning comes from Epping Forest District Council leader John Knapman who says the existing green belt status of the earmarked land will soon be up for review.*

*He said proposals by the developer behind the under-construction Blunts Farm golf course, off Coopersale Lane, to build between 500 and 4,500 homes in the village could be seen as a "scare tactic".*

*He added: "This is not a matter which has been raised by any planning officers or council members as the site is firmly in the green belt at present. It may be viewed as a scare tactic used by the developers to secure completion of the golf course."*

*But he added: "My information is that prior to the Second World War it was planned to build houses on the site and a sewerage system may already be in place. Apparently it was the onset of war which stopped this happening.*

*"Theydon Bois residents need to realise that when the green belt boundaries are re-examined towards the end of this year and throughout 2007, sites close to existing transport infrastructure will have to be considered.*

*"That is not to say it is a good idea to build at Theydon Bois but residents should realise their case is perhaps weaker than those seeking to save the green belt south of Harlow where there is no transport infrastructure at all.*

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<sup>7</sup> Epping Forest District publication, Tree preservation Orders.

*"Sometimes saying no to everything can backfire and residents end up with a far worse situation than was ever envisaged.*

*"The residents of Theydon Bois deserve solutions to green belt and housing issues which achieve the right balance between protecting and enhancing their environment while helping to meet needs within Epping Forest.*

*"Theydon Bois and Abridge residents will look to our planners to deliver solutions with which they are comfortable. After Blunts Farm they deserve it."*

*The on-going saga over the golf course development has been passed to the independent Local Government Ombudsman following complaints about the dumping of material as part of the creation of the course.*

*Mr Knapman said: "I have no problem in admitting that the planning permission granted with numerous conditions does not appear to have adequately taken into account lorry movements during reconstruction.*

*"Also the method statement states that holes must be not less than one metre deep' not as residents state not more than one metre deep' and this has also caused significant difficulties.*

*"But these decisions were made up to six years ago and we cannot operate as though a planning permission has not been given."*

*He added: "Bringing the operation to a halt may have met with residents' approval but it has left a legacy of a large crater, about which other residents are now complaining, and no golf course.*

*"The council has a duty to resolve this matter either through the courts or by negotiation.*

*"The former may prove to be costly and the latter is unlikely to please everyone but that is what happens when planning enforcement issues arise.*

*"Leaving things as they are is not an option."*

**The only benefit to the area would be for not one more lorry to deliver not one more truckload of spoil!**

Photograph 2dm021205 shows evidence of spoil and debris deposited on the road.

Photograph 2dm111205 shows evidence of a dead tree with a TPO.

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**APPENDIX 3**

**(a) 3 The matters alledged to constitute breach of planning control represents ongoing operations on site and not the completed development. Insofar as there may have been any departure from the planning permission (which is denied) such variation is minimal and should be permitted.**

The Google Earth image gives an aerial view of the site before any pits were dug. The image circa 2003 however shows the construction of the substantial 2metre high road ways.

Photograph's 3pg1605061-2 show the site as it is now, you can clearly see four of the pits, some in a partial state of being infilled. You can also see what may potentially be two further pits that have now been filled.

The Environment Agency guidance for registering an exempt activity: Waste for construction, Paragraph 19A states

*This guidance relates to the exemption for the storage and use of building waste under Paragraph 19A, Schedule 3 of the Waste Management Licensing Regulations 1994 (as amended)*

*For certain exemption, including paragraph 19A, you must notify us if you want to carry out an exempt activity. The exemption lasts for 12 months from the start date of the registration. You will then have to renew it if you want to continue the activity. It is an offence to carry out a paragraph 19A exempt activity without being registered with the appropriate registration authority. In the case of paragraph 19A this is the Environment Agency.*

*Activities involve the use of specified wastes for relevant works. Relevant work is work for the construction, maintenance or improvement of a building, highway, railway, airport, dock or other transport facility; recreational facilities; or drainage. It does not include work that involves land reclamation.*

*Specified wastes from table 4AB in Paragraph 19A include;*

*Waste gravel and crushed rocks other than those containing dangerous substances*

*Soil from cleaning and washing beet*

*Bottom ash, slag and boiler dust excluding oil fly ash and boiler dust*

*Pulverised fuel ash*

*Gypsum*

*Unprocessed slag*

*Ferrous and non ferrous wastes from the steel industry*

*Waste ceramics, bricks, tiles and construction products after thermal processing*

*Waste concrete and concrete sludge*

*Concrete, bricks, tiles and mixtures of the concrete, bricks, tiles and ceramics*

*Bottom ash and slag from incineration and pyrolysis*

*Minerals*

Soil and stones, track ballast, dredging spoil  
 Soil and stones from garden, park and cemetery waste  
 Road base and road planings

### 3 About the waste

#### 3.1 Details of the waste you propose using

You should supply the details of all types of waste you intend to use.  
 You cannot use wastes other than those listed in table 4AB

### 5 How you will use the waste

#### 5.2 Are you using more than 2500 cubic metres? (Approximately 250 lorries)

If you are proposing to spread 2,500 cubic metres or more of waste on the land, we will need a plan that shows cross sections through the area of land on which you wish to use it showing

The depth of waste you plan to spread across the area

The contours of the current level of the land

The plan should be scaled at 1:1250 or larger

We also need a further plan marked with the proposed final level contours.

If you are applying to spread less than 2,500 cubic metres of waste on the land, you do not need to submit those plans.

#### 5.3 Planning permission

If planning permission is required for the activity you propose, you must obtain this prior to commencing the activity. If you already have planning permission please submit a copy with your notification; this will help us deal with your notification quickly. If you do not need planning permission you will need to explain why not. We may ask you to submit proof that no permission is required.

The Environment Agency confirm that:

**"the waste is used to a depth that does not exceed the dimensions of the final cross sections shown on any plan submitted with the application."**  
**Plans submitted showed that they intended to raise the level of land mainly 1 to 2m with some areas up to 4m (plan reference BUn.209A) and only part of the site receiving material.**

#### 5.4 Construction work for which the waste may be used

To benefit from this exemption the waste must be used for relevant work

Relevant work is work for the construction, maintenance or improvement of a building, highway, railway, airport, dock or other transport facility; recreational facilities; or drainage. It does not include work that involves land reclamation.

Maintenance / improvement / construction or recreational facilities. Suitable materials from Table 4AB can be used for maintaining and constructing facilities such as sports pitches, tennis courts or riding arenas etc. Again the materials could be used as aggregates in the footings and as a base for playing surfaces. **The waste cannot be used to significantly raise the land prior to the construction of the facilities.**

Image google earth shows an aerial view of the site before the pits were dug, during the construction of the 2 metre high road ways, circa 2003. Photographs 3pg160506 1 & 2 shows aerial views of the site showing the current state of the land, three deep pits are clearly visible.

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## **APPENDIX 4**

**(a) 4 The resulting development will accord with that permitted and will not harm the character and appearance of the landscape and locality and will be appropriate to the green belt and in accordance with planning policy.**

The following is taken from The Department for Communities and Local Government.

[http://www.communities.gov.uk/index.asp?id=1143933#P78\\_11937](http://www.communities.gov.uk/index.asp?id=1143933#P78_11937)

### ***Mining operations, and other development***

**3.11** Minerals can be worked only where they are found. Their extraction is a temporary activity. Mineral extraction need not be inappropriate development: it need not conflict with the purposes of including land in Green Belts, provided that high environmental standards are maintained and that the site is well restored. Mineral and local planning authorities should include appropriate policies in their development plans. Mineral planning authorities should ensure that planning conditions for mineral working sites within Green Belts achieve suitable environmental standards and restoration. Relevant advice is in MPG2 and MPG7. Paragraph 3.13 below is also relevant to mineral extraction.

**3.12** The statutory definition of development includes engineering and other operations, and the making of any material change in the use of land. The carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. (Advice on material changes in the use of buildings is given in paragraph 3.8 above).

### ***Land use objectives***

**3.13** When any large-scale development or redevelopment of land occurs in the Green Belt (including mineral extraction, the tipping of waste, and road and other infrastructure developments or improvements), it should, so far as possible contribute to the achievement of the objectives for the use of land in Green Belts (see paragraph 1.6). This approach applies to large-scale developments irrespective of whether they are appropriate development, or inappropriate development which is justified by very special circumstances. Development plans should make clear the local planning authority's intended approach.

**3.14** Planning obligations may be used to offset the loss of or impact on any amenity present on a site prior to development (see DoE Circular 16/91). In the case where amenity on a site adjacent to the Green Belt is lost as a result of development on that site, it may be reasonable for obligations to provide for offsetting benefits on land in the Green Belt, as long as there is a direct relationship between the two sites.

### ***Visual amenity***

**3.15** The visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design.

**Photographs submitted in the document clearly demonstrate that this development has harmed the character and appearance of the landscape and locality and is not appropriate to the green belt.**

## **APPENDIX 5**

**(a) 5 The applicants have had many site meetings and discussions with council officers whose advice they have followed in carrying out the development to date.**

9<sup>th</sup> March 2005 at the Area Plans Sub Committee 'B' attended by M Colling, A Grigg, S Perry, K Rush, D Stallen, J H Whitehouse, J M Whitehouse, B Land, C Neilan the following was minuted 58 BREACH OF PLANNING CONTROL- IMPORTATION OF RUBBLE AND MATERIAL TO RAISE THE LAND WITHOUT PLANNING PERMISSION AT BLUNTS FARM GOLF COURSE, THEYDON BOIS.

*The head of Planning and Economic development presented a report concerning the breach of planning control that had taken place at the Blunts Farm Golf Course in Theydon Bois. The golf course at Blunts Farm had been constructed in a similar manner to that at Ongar Park i.e material had been imported to create the contours of the course, which in turn had necessitated the level of the land to be raised in various different places around the development. The plan approved by the Council had envisaged 300,000 cubic metres of material to be imported, which equated to approximately 60,000 lorry movements.*

*The sub committee were reminded that the issue in this case was that the material should only be deposited in the agreed areas and the levels raised as per the plans. The Sub Committee were shown a plan that illustrated the agreed changes in ground level, whereby the maximum rise agreed had been 2 metres. The Sub Committee were then shown a further plan illustrating what had actually happened on the site up to now, including the extra rises in grounds levels not previously agreed and the extra shaping of the land that had taken place. The Sub Committee were reassured that officers from Planning and Economic Development had undertaken regular inspections of the site.*

*Officers had received a letter from the developer stating that the extra materials would be removed and the finished course would look as per the agreed plans. However, officers wanted the developer to understand that the council expected the development to proceed as per the submitted and approved plans, and thus were requesting that the sub committee authorise Enforcement Action to rectify any deviations from the authorised plans.*

*The Sub committee felt that it was important to be consistent with the earlier decision it has made to authorise Enforcement action at the Ongar Park Golf Course, especially as the same developer had been involved in both courses. The authorisation of Enforcement Action would also warn the developer that only the agreed amount of material should be imported onto the site.*

**RESOLVED:**

- (1) *That the Head of legal Services be authorised to issue an Enforcement Notice in respect of the unauthorised works at the Blunts Farm Golf Course.*
- (2) *That, in the event of non-compliance with the Notice, the Head of Legal Services be authorised to commence criminal and/ or civil proceedings to remedy the breaches of the Enforcement Notice;and*
- (3) *That the Head of Legal Services be authorised to commence a criminal prosecution in respect of the unauthorised works.*

## **APPENDIX 6**

### **(b) 1 The levels on the land and volume of fill material have not exceeded those permitted.**

What is it that is permitted? In their methodology statement of 21<sup>st</sup> May 1999 reference BLUN/2/plan/JLC, which accompanied planning application EPF/765/1999, Swan Golf Designs limited confirmed the following;

*Much care has been taken in layout of the course to minimise any extensive site earthworks and to retain, with the enhancement of water features in the Valley, the open landscape aspect of the site, save for the visually impaired boundaries.*

*It is proposed to import a moderate amount of landscape construction material to the site, to surcharge the buffer zone and to, a lesser extent, between the parallel fairways, in a managed controlled programme over a 2 - 2 1/2 year period.*

### **3.3 CONTOURING OF THE GOLF COURSE**

*It is intended to undertake earth movement to the golf course itself at a minimum scale. Greens and tees will be constructed utilising sub soil material from site excavations, which will themselves produce water features and ponds. **It is anticipated that approximately 20,000m<sup>3</sup> of material will be made available by this method.***

*Outside the layout of the 18 holes course itself, substantial moundwork is proposed alongside the M11 slip road within a designated landscape buffer zone. The detail of the moundwork and its proposed planting / ecology are discussed in a later section of this document.*

*The subsoil for this mound work will be imported as landscape construction material from outside the site in a controlled and structured programme. It will be in a management of a specialist experienced contractor and will be approved by the EA and their regulations.*

*It is anticipated that there will be between five and six lorry movements per hour to site during the programme.*

*It is worth noting that in previous Planning Applications ref; EPF/86/94 and ESS/11/95/EPF concerning land forming and associated planting to the site on the M11 sliproad boundary, a figure of ten lorry movements per hour (80 lorry movements per day) to site were proposed.*

### 5.1 THE LANDSCAPE BUFER ZONE

*The objectives of the buffer zone are to enhance the visual and ecological potential of the site and surrounding landscape. The zone approximately measures 1,080m in length and 130m at its widest point, with an overall area of 95,850m<sup>2</sup>. The zone will comprise flowing, interlocking and undulating form with hollows and ridges to accommodate a variety of habitat types within the final planting.*

*It is anticipated to import circa 275,000 m<sup>3</sup> of clean landscape construction material, under the structured, controlled programme described in section 3.3.*

**It needs to be noted at this point that the buffer zone was deleted, planning permission was not granted for the buffer zone. Therefore 275,000m<sup>3</sup> of spoil was not required.**

### 5.2 INTERFAIRWAY ZONES

*Within the golf course itself every attempt is made to route the holes, taking maximum regard of the existing topography.*

*It is proposed to include for limited earth mounding between these fairways, and to the perimeter of the Practice Ground (the individual areas ranging between 575m<sup>2</sup> and 2.75 hectares as indicated on the Landscape masterplan) to provide initially, topographical definition, eventually landscape texture when the planting, which is also proposed in these areas, begins to mature.*

*It is anticipated to import circa 140,000m<sup>3</sup> of clean landscape construction material under the structured, controlled programme referred to in section 3.3 to form the necessary moundwork.*

So as the buffer zone was removed can we assume that 140,000 m<sup>3</sup> of clean landscape material would be required, which equates to between 9,000 and 17,000 lorry movements.

Can we assume that what was indicated by Nigel Henbury on 21<sup>st</sup> May 1999 and that which accompanied the planning application EPF/765/99 clarified what was permitted? Why should we think otherwise?

As residents the only measure we have of calculating the volume of waste that have entered the site is number of lorries x volume of lorry x time. We have video and photographic evidence, which gives a daily volume of 250-300 lorries. Each lorry carries 10-15m<sup>3</sup>, Philip Newman confirms that work commenced on the site on 14 April 2004. <sup>8</sup>

### **19<sup>th</sup> May 2005 GUARDIAN Construction Traffic is Killing Our Village**

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<sup>8</sup> Supplementary Committee Agenda District Development Committee 17<sup>th</sup> January 2006, page 6

*We have lorries going past all day. Something must be done. As proof of the problem she videoed 76 lorries using the bridge in just one hour.*

See the full article in Appendix 2

#### **4<sup>th</sup> August 2005 GUARDIAN No go for Abridge lorry plan**

*Mr Knapman blamed the agency for blocking a "sensible solution" to the problem of lorries, many carrying soil to the under-construction Parsonage Farm golf course development off Abridge Road, Theydon Bois, trundling through the village sometimes 80 times in an hour.*

*Abridge resident Sam Pickering said: "There are lorries going past all the time. It's terrible. Everyone tells us they're looking for a solution but no one seems able to find one."*

*Mrs Pickering suggested that if the "ideal" of lorries using Spur Lane was not possible, a weight restriction should be imposed on the Abridge bridge to limit the size of lorries accessing the area. Mr Knapman said he was exploring whether an agreement might be reached with developer UK Golf and Leisure to prevent lorry movements before 7.30am.*

See the full article in Appendix 2

[http://www.eppingguardian.co.uk/search/display.var.619481.0.no\\_go\\_for\\_abridge\\_lorry\\_plan.php](http://www.eppingguardian.co.uk/search/display.var.619481.0.no_go_for_abridge_lorry_plan.php)

**17<sup>th</sup> June 2005**, between the hours of 10am and 11am Jacqueline Dodman sat outside the entrance to Blunts Farm Abridge Road and photographed 45 lorries entering the site loaded with waste / spoil. The times were 10.00, 10.01, 10.02, 10.03, 10.03, 10.06, 10.06, 10.06, 10.09, 10.10, 10.15, 10.15, 10.17, 10.17, 10.18, 10.24, 10.24, 10.25, 10.25, 10.29, 10.29, 10.30, 10.31, 10.32, 10.32, 10.33, 10.35, 10.35, 10.37, 10.37, 10.37, 10.40, 10.41, 10.41, 10.42, 10.45, 10.48, 10.50, 10.52, 10.54, 10.55, 10.56, 10.57, 10.58, 11.00.

See photographs 6jd1706051-45

**7<sup>th</sup> July 2005**, Mr Mike Emmett set up a surveillance video camera in his house that overlooks the Abridge Road, the route that is used by the lorries. The lorries that are recorded on the tape cannot have gone to any other site, as beyond Mr Emmett's house there is the London Underground railway bridge that carries a weight restriction of 7.5 tons. We have video evidence that on 7<sup>th</sup> July between 6am and 4pm 274 lorries passed his house to deliver spoil to Blunts Farm. With the return journeys that makes 548 trips an average of 54 per hour, almost 1 per minute for ten hours per day.

See video tape's

**11<sup>th</sup> January 2006**, The Environment Agency deactivated Blunts Farm Estate Limited Waste Exemption Certificate they are not allowed to accept any more waste from Thursday 12<sup>th</sup> January 2006.

**12<sup>th</sup> January 2006**, J Dodman was on site from 6.30am, lorries started arriving from 6.41am four or five lorries had entered the site during the next ten minutes

before she left. S Sowerby and M Emmett were also at the site entrance between 7am and 8am and witnessed lorries entering the site.

*Statement of David McKelvey.*

*Occupation – Detective Inspector, Metropolitan Police.*

*On Thursday 12<sup>th</sup> January 2006 at 8.17am, I commenced observations on the Abridge Road, Theydon Bois. I had a clear and unobstructed view of the Abridge Road (public road) and access to Parsonage Golf. I took a series of digital photographs from a Sony DSC F-828 digital camera. I observed the following:*

*8.17am – A Mercedes car registration number KR51 YLG with one left Parsonage Golf turning right onto the Abridge Road. I took two photographs DM1 and DM2.*

*8.18am – A lorry registration number AU55 AYS with E Davies & Son Ltd written on the cab left Parsonage Golf, turning left onto the Abridge Road, the rear of the lorry appeared empty. I took four (4) photographs, DM 3 – 7.*

*8.19am – A Man lorry registration number T266 JLK leaves Parsonage Golf turning left onto the Abridge Road. The rear of the lorry appeared empty. I took four photos, DM 8 – 11.*

*8.20am – A lorry with a red / cream cab entered Parsonage Golf turning right from the Abridge Road. The lorry clearly had earth in the rear. No registration number taken. I took one photograph DM 12.*

*8.22am – A Scania lorry registration number KX 53 AZV with a white cab and blue rear left Parsonage Golf turning left onto the Abridge Road. The rear appeared empty. I took six photos DM 13 – 18.*

*8.28am – A grab lorry registration number KX 51 EPV with writing on the cab H.Sivyer Transport left Parsonage Golf turning left onto the Abridge Road. I took four photos DM 19 – 22.*

*8.31am – A BMW X5 registration number X 555 GED left Parsonage Golf and drove to my location. I took two photos DM23 and DM24.*

*The driver a man I know to be George DILLOWAY approached me in his vehicle wound down his window and said in an aggressive tone, "What are you doing". I said "You are on a private drive would you please leave".*

*8.31am – A lorry LK 55 JSY with a yellow and blue cab / blue rear parked up on the access road of Parsonage Golf facing the Abridge Road. I took two photos DM 25 and 26.*

*Dilloway then drove around behind and sat behind my vehicle. I left my car and approached him identifying myself as a police officer, showing my warrant card. He identified himself as George Dilloway and that he had a management role of Parsonage Golf.*

*I then asked him if he was aware that an enforcement notice had been served on Parsonage Golf. He stated that it had been served by the Environment Agency at 6pm the day before. I asked why he was continuing to allow lorries to enter the site to dump waste illegally. He stated that he had intended to stop the dumping at 10am but would do so earlier if necessary. I told him that it was entirely up to him as to what action he should take and that I was simply recording the infringements as evidence for the Environment Agency. I further explained that I would forward a statement to them with photographs in due course and it was up to them what action would be taken. He then explained that he was waiting to speak with Mr Newman. As the result of traffic behind he then left driving back over to Parsonage Golf. During this conversation several lorries entered and left the site, I obtained no details.*

*8.44am – A fully loaded lorry registration number similar to M 529 PPS with a blue cab / rear, with a grab, entered Parsonage Golf from the Abridge Road. I took 2 photos DM 27 -28.*

*8.45am – A lorry registration number LK 55 JSY (as at 8.31am), left Parsonage Golf turning left onto the Abridge Road. I took one photo DM 29.*

*8.47am – An empty Barham lorry, registration number G J 52 G M O , left parsonage Golf turning left onto the Abridge Road. I took three photos DM 30 - 32.*

*9.04am – A lorry registration number BX 55 AZZ with a grey rear and white cab entered the premises loaded. I took two photos DM 33 – 34.*

*9.07am – A white pick up truck with two employees of Parsonage Golf parked across the entrance and began to stop lorries entering. They approached and explained that the site was now being shut to further lorry movements.*

*I then left the site.*

Between 8.17am and 9.07am three full lorries entered the site and five empty ones left.

See photographs 6DM120106.

Lorries had been entering the site from 6.41am until 9.07am, although the Environment Agency had removed their Waste Exemption Certificate. Were these lorries dumping illegally? Should they then be liable for landfill tax?

#### **14<sup>th</sup> January 2006 GUARDIAN In Blunt speaking**

*PROBLEMS relating to excavations and lorry movements at the controversial Blunts Farm golf course development are the result of planning conditionsA "nowhere near as stringent as they should have been".*

*The admission by Epping Forest Council leader John Knapman comes just days before councillors discuss whether to take enforcement action against the developer of the 18-hole course in Theydon Bois.*

*Photographs obtained by the Guardian show massive excavations at the Coopersale Lane site. But it emerged this week that the council set down only minimum and not maximum depths for earthwork.*

*Mr Knapman said the council had stated "holes should not be less than 1m deep", adding: "The problem with that is that it just doesn't exert effective control. You put maximums on not minimums."*

*He said: "The problem as I see it, and which has been recognised by the council on a number of occasions, is that the planning conditions on this site were nowhere near as stringent as they should have been.*

*"The planning committee failed to take on board Theydon Bois Parish Council's and local residents' concerns about lorry movements. The council has tried to rectify the position for any future golf course developments, but unfortunately that has not helped the residents of Abridge and Theydon Bois in this case."*

*He said that throughout the last year landscape officers and Environment Agency officials visited the site and monitored activities.*

*"I'm not aware of any Environment Agency concerns but in the latter part of 2005 issues surrounding a particularly large crater' have emerged. For me the issue is whether this is in line with the planning conditions and how it (the crater) can have grown so large without officers noticing. Also, is it against our planning conditions?"*

*"My worry is that the weakness of the planning conditions has allowed the developers to drive a coach, horses and hundreds of heavy lorries through our planning control system."*

*He said imported earth movements were expected to stop around early April with the site green' by around October.*

*"The committee will have to decide if it can justifiably stop lorry movements except for soil, peat and topsoil. What would sicken me the most is if any enforcement action is challenged in the courts and because of our past mistakes we end up having to pay court fees and compensation.*

*"Having put up with the lorries any financial settlement would be the last kick in the teeth. However if the evidence is undeniable I would readily support any action to stop further lorry movements other than those which allow the finishing off of the development."*

Photographs 6dm011205, 6ra020305, 9ra081005, 6ra100105, 6ra110305, 6ra120905, 6ra150305, 6ra160605, 6jd170605 1-45, DM observations 120106 1-34, 6guardian310895, 6ra060706 evidence lorry volume and the change in the contours of the land.

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## **APPENDIX 7**

**(b) 2 Levels on the site as measured by the council are inaccurate having regard to original site levels.**

Included is a plan and three section drawings all drawn by Alan Brookes Associates 34 Brunton Place London W1X 7AA, of the Blunts Farm Site. Although undated we believe the plan was drawn on 17<sup>th</sup> January 1993. The section drawings show scaled sections marked AA, BB, CC, DD, EE, FF, GG, HH, II, JJ, KK, LL of what we believe to be the original topography of the site. (Plan drawing)

See also photocopy of the front cover of the Epping Reporter Thursday 31<sup>st</sup> August 1995. Under the article DUMPED! The photograph of Jim Axon standing by the motorway junction clearly demonstrates how low the levels originally were before dumping started.

## **APPENDIX 8**

**(b) 3 No fill material other than as permitted has been brought onto the land.**

### **Exemptions from waste management licensing**

The Waste Management Licensing Regulations 1994 [as amended] provide exclusions and exemptions from waste management licensing under Regulations 16 and 17 and Schedule 3. If a waste management activity is excluded or exempt then a waste management licence is not required. In cases where an exemption or exclusion does not apply it is an offence to subject controlled waste to disposal or recovery operations without the benefit of a waste management licence.

### **Exclusions**

Exclusions from waste management licensing are provided for waste recovery or disposal operations where pollution prevention or harm to human health is fully dealt with or by other legislative controls. This includes prescribed processes for central and local control, disposal of liquid waste subject to discharge consents and deposits of waste at sea.

### **Exemptions**

The **exemptions from waste management licensing** are mainly for small-scale waste storage and waste recovery operations and are subject to certain limitations. These limitations **are general rules** under which the waste activity can take place and cover such details as the **types and quantities of waste permitted, the methods of disposal or recovery, and pollution control measures.**

The specific limitations for waste activities are detailed in the **exemption paragraphs** prescribed in Schedule 3 to the 1994 Regulations. We can provide further advice and guidance regarding the requirements of the various exemptions. There is also an overriding requirement in order for a waste activity to be exempt. **The waste must be recovered or disposed of without**

**endangering human health** and without processes **or** methods which could **harm the environment** and in particular without: -

1. Risk to water, air, soil, plants or animals
2. Causing nuisance through noise or odours
3. Adversely affecting the countryside or places of special interest

If this overriding requirement or any one of the specific limitations is unlikely to be met then a waste management licence will be required.

### **Registration of exempt activities**

Establishments or undertakings [this includes companies, partnerships, societies and charities but not individuals acting in a private capacity] should normally register exempt activities with us. Forms are provided by us on which the proposed exempt activity can be registered. Special forms must be used for notification or registration and renewal of complex or high risk exempt activities under paragraphs 7A, 9A, 10A, 12, 13, 15, 19A, 45 and 46A . All these exemptions, with the exception of paragraphs 12, 13 and 15 are chargeable. A notification form is also provided for Simple or Low Risk exemptions. These exemptions are non chargeable.

<http://www.environment-agency.gov.uk/subjects/waste/1019330/1087290/?version=1&lang=e>

*Although it is useful as a fertiliser and soil conditioner, sewage sludge, if applied inappropriately can also be potentially harmful to the water and soil environment and human and animal health.*

<http://www.netregs.gov.uk/netregs/sectors/1029415/1029681/1034816/?lang=e>

### **18<sup>th</sup> May 2006 Guardian 'Dilemma' over golf case**

***A DECISION is still to be made over whether the developers behind a golf course in Theydon Bois will be prosecuted by the Environment Agency over material which have been taken onto the site.***

*Environment Agency chairman Sir John Harman visited the Coopersale Lane site last Wednesday following an invitation from Epping Forest MP Eleanor Laing.*

*She said investigations were continuing into what exactly had been taken to the site, but admitted the authorities were facing a "dilemma" over what action to take.*

*Sir John said: "This is my first visit to Blunts Farm but I know the team are working hard to ensure the situation is resolved quickly, effectively and with the environment and local people at the forefront of our concerns."*

*A fine could result in an £8,000 penalty while an order for the material to be removed would mean hundreds more lorry movements through Theydon Bois and Abridge.*

*Sir John and his officials met parish council chairman John Eaton, former district councillor Robert Glozier, district councillor Kay Rush and action group representative Mike Emmett.*

***Mrs Laing said: "The Environment Agency has already suspended the exemption granted to the developer of Blunt Farm in respect of landfill***

**being brought on to the site because the developer has clearly exceeded the amount of landfill which would have been necessary to construct a golf course."**

She added: "There is a bit of a dilemma over this situation. **The Environment Agency has the power to prosecute the developers if it has evidence that the site is being used illegally as a landfill site.**

"However if the developer was found guilty it would be fined in the region of £8,000 which is not a deterrent for a company that may possibly have made hundreds of thousands of pounds from bringing landfill onto the site.

"The Environment Agency also has the power to order the removal of the landfill material from the site but of course that would mean running hundreds of heavy lorries through Theydon Bois and Abridge again which is the last thing the local people want."

An appeal is still to be heard against an enforcement notice issued by Epping Forest District Council.

Mrs Laing said: "I'm still pursuing matters with the Health and Safety Executive because I continue to be very concerned that children could easily stray on to the site and there's an obvious and serious danger given the enormous depth of the large pit dug in the middle of the site.

"I feel we've made some progress and I'm pleased Sir John Harman agrees this is not a matter that can just be left."

## **22nd June 2006 Guardian Landfill cheats must be punished**

**Blunts Farm is run by an unscrupulous operator who has made millions of pounds importing thousands of tons of waste, according to Environment Agency chairman Sir John Harman who visited the controversial Theydon Bois golf course site.**

Sir John has vowed to make the developer pay for abusing the licensing system, after meeting with villagers and viewing the extent and impact of tipping at the Coopersale Lane site. He said **"it's an example of an unscrupulous operator looking to run a landfill site while avoiding the appropriate planning and environmental controls by claiming the so-called 'golf course exemption'."**

But Blunts Farm spokesman George Dilbway described the "unscrupulous" comment as a false accusation, and he rebutted any suggestion that importing material on to the site had raked in £20m.

Sir John visited the site in May following an invitation from Epping Forest MP Eleanor Laing. He met then parish council chairman John Eaton, and local councillor Robert Glozier, district councillor Kay Rush and action group representative Mike Emmett.

Sir John said average waste crime convictions running at under £10,000, provided little deterrent and conceded the Environment Agency had few resources other than to follow-up information provided by the public. He said, "The amount of material on site is already in gross excess of that needed to complete the agreed landscaping to form a golf course."

The Environment Agency is considering using its powers to force the operator to remove excess waste from the site, but will await the result of an appeal brought by Blunts Farm owner Phil Newman against Epping Forest District Council's planning enforcement notices and the views of residents with regard to lorry movements that extraction would cause.

**Sir John said: “ I would n t want to see the operator get away w ith th is abuse w ithout suffering substantial financial loss.”**

The following is taken from Landfill Tax, A general guide to landfill tax HM Customs and Excise, Notice LFT1, May 2004.

### **2.1 What does landfill tax apply to?**

*Landfill tax applies to all waste:*

*Disposed of by way of landfill;*

*At a licensed landfill site;*

*On or after 1 October 1996;*

*Unless the waste is specifically exempt.*

### **2.3 Disposal by way of landfill**

*There will be a disposal of material by way of landfill if it is deposited:*

*On the surface of the land*

*On a structure set into the surface of the land; or*

*Under the surface of the land (land includes land covered by water which is above the low water mark of ordinary spring tides)*

*It is still a disposal for the purposes of the tax if the material is covered with earth or similar material straight away or if it is deposited in a cavity such as a cavern or mine. If material is deposited with a view to being covered at a later stage with earth, the disposal is made when the material is deposited, not when it is covered.*

### **2.4 Landfill site**

#### **Note 2**

*Activities that are exempt from waste management licensing under the terms of the Waste Management Licensing Regulations 1994, Schedule 3, when carried out on a site which is covered by a licence, permit or resolution authorising disposals of waste in or on the land, do not result in disposals being outside the scope of landfill tax.*

### **2.5 Who is liable to pay landfill tax?**

2.5.1 The landfill site operator

2.5.2. The controller of the landfill site

### **3.1 Two rates of tax**

The tax is chargeable by weight and there are two rates. A:

*Lower rate of £2 per tonne applies to those inactive (or inert) wastes listed in the landfill Tax (Qualifying Material) Order 1996, the relevant extract of which is set out in section 18; and*

Standard rate applies to all other taxable waste:

**The Government has stated that it intends to raise the standard rate by £3 per tonne in 2005 to £18 per tonne, and that the standard rate would continue to increase by at least £3 per tonne in future years, on the way to a medium to long term rate of £35 per tonne.**

### **18. Extract from the Landfill Tax (Qualifying Material) Order 1996**

Group 1	Rocks and soils	Naturally occurring
Group 2	Ceramic or concrete materials	
Group 3	Minerals	Processed or prepared, not used
Group 4	Furnace slags	
Group 5	Ash	
Group 6	Low activity inorganic compounds	
Group 7	Calcium sulphate	
Group 8	Calcium hydroxide and brine	
Group 9	Water	

**Group 1** includes clay, sand, gravel, sandstone, limestone, crushed stone, china clay, construction stone, stone from the demolition of buildings or structures, slate, topsoil, peat, silt and dredgings.

**Group 2** comprises only the following:

Glass - includes fritted enamel, but excludes glass fibre and glass reinforced plastic

Ceramic – includes bricks, bricks and mortar, tiles, clay ware, pottery, china and refractories.

Concrete – includes reinforced concrete, concrete blocks, breezeblocks and aircrete blocks, but excludes concrete plant washings.

**Group 3** comprises only the following:

Moulding sands (excluding sands containing organic binders), clays, mineral absorbents, man-made mineral fibres (excludes glass-reinforced plastics and asbestos) silica, mica, mineral abrasives.

**Group 4** comprises vitrified wastes, slag from waste incineration

**Group 5** Comprises only bottom ash and fly ash from wood, coal or waste combustion and **excludes fly ash from municipal, clinical, and hazardous waste incinerators and sewage sludge incinerators.**

**Group 6** comprises only titanium dioxide, calcium carbonate, magnesium carbonate, magnesium oxide, magnesium hydroxide, iron oxide, ferric hydroxide, aluminium oxide, aluminium hydroxide and zirconium dioxide.

**Group 7** includes gypsum and calcium sulphate based plasters, but excludes plasterboard.

### **3.2 Evidence for lower rate**

You must keep sufficient evidence to substantiate applying the lower rate of tax to any particular disposal of waste.

To qualify for the lower rate the waste transfer note, which is required to accompany most movements of waste in Great Britain, must accurately describe the waste so that it can be related to the terms used in the Landfill Tax

*(Qualifying Material) Order 1996. The waste transfer note may cover individual bads or it may be a „season ticket covering a number of bads sent for disposal to your site over a period of time.*

### **3.3 Mixed loads**

*Where a disposal to landfill contains both active and inactive materials, tax is due on the whole load at the standard rate. However, as long as it does not lead to any potential for pollution, you may ignore the presence of an incidental amount of active waste in a mainly inactive load, and treat the whole load as taxable at the lower rate.*

*For example we would accept as qualifying for the lower rate*

*A load of bricks, stone and concrete from the demolition of a building that has small pieces of wood in it and small quantities of plaster attached to bricks as it would have not been feasible for a contractor to separate them;*

*A load of soil that contains small quantities of grass*

*Inactive waste such as mineral dust packaged in polythene bags for disposal;*

*And a load of soil and stone from street works containing tarmac would qualify but a load of tarmac containing soil and stone would not qualify.*

*It is your responsibility to decide what is a reasonable incidental amount of active waste disposed of at your site.*

## **4 Exemptions**

### **4.1 Dredging – material removed from water**

### **4.2 Mining and quarrying**

### **4.3 Pet Cemeteries**

### **4.4 Contaminated land**

### **4.5 Restoration of landfill sites**

### **4.6 Filling of quarries**

### **4.7 Nato forces**

**Why was Blunts Farm Estates Limited issued with a Waste Exemption Certificate? If it is deemed that the certificate was issued under false pretences, i.e. there has been far in excess imported than would be required to build a golf course, should the developer now be liable for retrospective landfill tax?**

Photographs at the end of appendix 8 demonstrate a variety of spoil / waste that has been dumped at the site. 8dm070106, 8dm070106, 8dm111205, 8jd260206, 8jd260206, 8jd260206, 8ra041204, 8ra041204, 8ra081005, 8ra081005, 8ra100705, 8ra150305, 8ra160105, 8ra300405, 8ra041104, 8ra041104, 8ra041104, 8ra241105, 8ra241105, 8ra241105, 8ra041204, 8ra041204, 8jd101005, 8dm271105, 8dm271105, 8dm181005, 8ra150305.

Included is are photographs of what we believe to be South a Herts Waste Management lorries delivering 'sludge' to the site. 6dm011205 and 8dm181005.

**Does anything in these photographs pose an environmental risk? Should Landfill Tax be applied to the disposal of this waste?**

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**APPENDIX 9****(c) 1 The development is in the course of construction and not complete.**

An email from Tony Sullivan  
Planning Enforcement Officer  
Planning Service Group  
Essex County Council  
County Hall  
Chelmsford  
Essex CM1 1QH

Mr Sullivan comments on viewing photographs of the Blunts Farm site that ; „***This looks more like a mineral extraction site to me than any golf course.*** *The responsibility for determining whether a breach of planning control has occurred lies with the planning authority that determines the planning application itself. District & Borough Councils are not required to notify the County Council whenever they decide to use their enforcement powers and therefore we are not normally aware when notices are issued by them. This authority therefore does not hold the information you are seeking. Again this information would be held by the appropriate District/Borough Planning Authority.*

Photographs accompanying this document demonstrate that this ‘golf course’ is far from complete and in fact looks nothing like a golf course. This methodology can not be accepted as a ‘valid’ and or appropriate method of construction. It seems to be nothing but a method of potentially avoiding the payment of Landfill Tax and a lucrative business plan.

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## **APPENDIX 10**

**(c) 2 The operations on site have been carried out in accordance with the permission and approved details including methodology statement.**

**21<sup>st</sup> May 1999** Swan Golf Designs Limited wrote to Mr Barry Land Assistant Head of Planning EFDC...*Much care has been taken in layout of the course to minimise any extensive site earthworks and to retain, with the enhancement of water features in the Valley, the open landscape aspect of the site, save for the visually impaired boundaries.*

*Habitat creation and environment improvement have been at the forefront of the design.*

*It is proposed to import a moderate amount of landscape construction material to the site, to surcharge the buffer zone and, to a lesser extent, between the parallel fairways, in a managed and controlled program over a 2-2 ½ year period. Detailed negotiations over access (from M11) and exit (to M11 and via the new access road to Abridge Road) are continuing with ECC, Essex Police, Highways Agency and Environment Agency.*

*It would appear that the weight limits on the bridges of Coopersale Lane (3.0 T), Theydon Bois Station (7.5 T) and subject to confirmation, at the Roding crossing in Abridge (7.5 T) will necessitate all materials to be imported to the site to be directed from M11.*

In their Statement in Support of Application for Planning Permission Swan Golf Designs Limited state.

*In January 1999, our client / the Applicant Kytone Properties Limited represented by Mr. Philip Newman, approached Swan Golf Designs Ltd. to evaluate the land at Blunts Farm, Theydon Bois, in consideration of an 18 hole golf course layout, Practice Ground, Academy and associated infrastructures, to include a Clubhouse.*

*Mr Newman is well known to Swan Golf Designs Ltd. both having worked previously worked together to design the facilities at **Stapleford Abbots / Navestock in Essex, and at Oast Park Golf Course in Kent.** Both these venues have proved successful commercial ventures since opening.*

*On 5<sup>th</sup> February 1999 Howard Swan and Nigel Henbury of Swan Golf Designs Ltd. had an informal meeting with Mr B Land, Assistant Head of Planning Services at Epping Forest District Council, to advise him that the land at Blunts Farm was once again receiving interest in its development as a golf facility.*

*Mr Land was encouraged that this was the case, and therefore Swan Golf Designs Ltd. have continued to work with Mr Newman in considering a fresh layout of the golf facilities.*

*In a further meeting with Mr Land on the 10<sup>th</sup> May 1999, attended by Howard Swan, Nigel Henbury and Bobby Smith of Swan Golf Designs Ltd. a draft of supportive statement containing fresh proposals together with associated matters, and a set of drawings viz Masterplan and facilities (BLUN.110A), indicative earthworks (BLUN.200), existing vegetation (BLUN.601), and landscaping concept masterplan (BLUN.602) were issued to Mr Land.*

### *3.3 Contouring of the Golf Course.*

*It is intended to undertake earth movements to the golf course itself at a minimum scale. Greens and tees will be constructed utilising sub soil material from site excavations, which will themselves produce water features and ponds. It is anticipated that approximately 20,000m<sup>3</sup> of material will be made available by this method.*

*Outside the layout of the 18-hole course itself, substantial moundwork is proposed alongside the M11 slip road within a designated landscape buffer zone. The detail of the moundwork and its proposed planting / ecology are discussed in a later section of this document.*

*The subsoil for the mound work will be imported as landscape construction material from outside the site in a controlled and structured programme. It will be in a management of a specialist contractor and will be approved by EA and their regulations.*

*It is anticipated that there will be between five and six lorry movements per hour to the site during the programme.*

*Consultations regarding access to the site have been centred around the fact that the Blunts Farm site is „landlocked by weight restrictions at both the bridges at Theydon Bois, which crosses the underground and the River bridge at Abridge, of 7.5 tons.*

*Swan Golf Designs Ltd. are currently negotiating with the highways Agency to obtain their agreement for the use of their Blunts Farm Maintenance Depot access road directly from the northbound carriageway of the M11. This proposal was discussed with Mr Barry Land at the meeting of 10<sup>th</sup> May 1999 at which he indicated this to be the most expedient way to deliver construction materials / Landscape construction material for the golf facilities to the site.*

*Swan Golf Designs Ltd. will propose to the Highways Agency that the lorries, one unladen, will leave the site by way of the new Clubhouse road access point to Abridge Road. This proposal is made on the understanding, following a conversation with Mr Dave Marcus at Essex County Council Highways Regional Office, Great Dunmow, who monitor the Theydon Bois area, that the weight restriction on the river bridge at Abridge is an Environmental Weight Limit and therefore not a weal bridge, as is the case with the Theydon Bois bridge.*

*The Highways Agency have also met with Essex County Councils Senior Engineer and Bridge Engineer, who we understand confirmed the status for the*

*weight restrictions. The Agency therefore regards the use of the Abridge Bridge as a legitimate access for laden lorries also.*

## 5 Landscape proposals

### 5.1 The Landscaped Buffer Zone

*As previously mentioned in this Statement the structures of the M11 and M25 slip road have had a detrimental effect on the landscape quality of the site.*

*This is particularly evident where the slip road is on an embankment for a length approaching 600m. This structure is also highly visible from Theydon Bois.*

*It is therefore proposed to designate a landscaped buffer zone in the area most adjacent to the motorway structures.*

*The objectives of the buffer zone are to enhance the visual and ecological potential of the site and surrounding landscape. The zone approximately measures 1,080m in length and 130m at its widest point, with an overall area of 95,850m<sup>2</sup>. The zone will comprise flowing, interlocking and undulating forms with hollows and ridges to accommodate a variety of habitat types within final planting.*

*It is proposed to vary the soiling of the moundwork in both depth and quality to accommodate a variety of plant species. Planting will include areas of woodland, scrub and grassland, created in hollows and on slopes and on ridges, with potential for a wide range of habitats. Typically envisaged soil profiles are as follows:*

*Woodland area will be topsoiled to a depth of 400-800ml*

*Shrub areas will be topsoiled to a depth of 300-500ml*

*Grassland areas will be soiled with retained topsoil, worked to a fine ready to receive a sparsely sown flora grass seed mix, which will enable indigenous seeding to occur.*

*It is anticipated to import c.275,000 m<sup>3</sup> of clean landscape construction material, under the structured controlled programme described in section 3.3.*

### 5.2 Interfairway zones

*Within the golf course itself every attempt is made to route the holes taking maximum regard to the existing topography. The proposed layout has 8 holes, which play ostensibly north-south, directly up/down the running topography to the site's north facing slopes.*

*It is proposed to include for limited earth mounding between these fairways, and to the perimeter of the Practice Ground (the individual areas ranging between 575m<sup>2</sup> and 2.75 hectares as indicated on the landscape masterplan) to provide initially, topography definition, eventually landscape texture when the planting, which is also proposed in these areas, begins to mature.*

*It is anticipated to import c. 140,000m<sup>3</sup> of clean landscape construction material under the structured, controlled programme referred to in section 3.3 to form the necessary moundwork.*

**Did the methodology statement ever state that in excess of 2 million cubic metres of spoil/waste could be dumped on Metropolitan Green Belt? This excessive use of Metropolitan Green Belt as landfill has risked water, air, soil, plants and animals. It has caused nuisance through noise and odour and has adversely affected our countryside.**

## **APPENDIX 11**

Copies of letters received to our e petition e-mail address

[nomoredumpingatparsonage@yahoo.co.uk](mailto:nomoredumpingatparsonage@yahoo.co.uk)

**GLOSSARY OF PHOTOGRAPHS**

<b>2dm021205</b> evidence of spoil debris deposited on the road	33
<b>2dm111205</b> evidence of a dead tree with a TPO	33
<b>3google earth</b> image shows the site before the pits were dug	37
<b>3pg160506</b> aerial view of site showing 4 pits	37
<b>3pg160506</b> aerial shot showing 3 pits	37
<b>6dm011205</b> evidence of one of the types of HGV's visiting the site	46
<b>6ra020305</b> evidence of the frequency of lorry movements	46
<b>9ra081005</b> is this usual for golf course construction?	47
<b>6ra100105</b> evidence of excessive lorry activity, this does not look like 6 p/h	47
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<b>6ra120905</b> evidence of land raising, and dumping of tyres	48
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<b>6ra160605</b> evidence of the frequency of lorry movements	49
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<b>8ra041204</b> evidence of a considerable amount of metal on site	75
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<b>9jd181205</b> are deep excavations a necessary method of golf course construction?	<b>78</b>
<b>9jd181205</b> how can this pit be a legitimate method of golf course construction?	<b>78</b>
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