



Essex County Council

Development and Regulation Committee

10:30	Friday, 25 October 2019	Committee Room 1, County Hall, Chelmsford, CM1 1QH
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For information about the meeting please ask for:

Matthew Waldie, Democratic Services Officer

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Part 1

(During consideration of these items the meeting is likely to be open to the press and public)

		Pages
1	Membership, Apologies, Substitutions and Declarations of Interest	5 - 5
2	Minutes To approve the minutes of the meeting held on 27 September 2019	6 - 17
3	Identification of Items Involving Public Speaking To note where members of the public are speaking on an agenda item. These items may be brought forward on the agenda.	
4	Minerals and Waste	

4.1	James Waste Management, Rochford To consider report DR/29/19, relating to an extension to the existing Materials Recovery Facility including the formation of an outside waste transfer area, the construction of a new building and other associated site works, plant and machinery. Location: James Waste Management, Purdeys Industrial Estate, Brickfields Way, Rochford, Essex, SS4 1NB Reference: ESS/28/18/ROC	18 - 49
4.2	Newport Chalk Quarry, Newport To consider report DR/30/19, relating to the importation of inert material, installation and use of recycling plant to produce secondary aggregate and the final disposal of inert residues to facilitate restoration of the site to calcareous grassland, together with the continued extraction of chalk reserve. Location: Newport Chalk Quarry, Chalk Farm Lane, Newport, Saffron Walden, Essex Reference: ESS/42/18/UTT	50 - 103
5	County Council Development	
5.1	Kendall Primary School, Colchester To consider report DR/31/19, relating to the provision of a new accessible ramp to the main school entrance. The provision of a new cycle parking shelter. Location: Kendall Primary School, Recreation Road, Colchester, CO1 2HH Reference: CC/COL/68/19	104 - 120
6	Enforcement Update	
6.1	Enforcement of Planning Control - Quarterly update To update members of enforcement matters for the period 1 July to 30 September 2019 (Quarterly Period 2).	121 - 124
7	Information Item	
7.1	Applications, Enforcement and Appeals Statistics To update Members with relevant information on planning applications, appeals and enforcements, as at the end of the previous month, plus other background information as may be requested by Committee. Report DR/33/19	125 - 126

8 Date of Next Meeting

To note that the next meeting will be held on Friday 22 November 2019, in Committee Room 1, County Hall.

9 Urgent Business

To consider any matter which in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

Exempt Items

(During consideration of these items the meeting is not likely to be open to the press and public)

The following items of business have not been published on the grounds that they involve the likely disclosure of exempt information falling within Part I of Schedule 12A of the Local Government Act 1972. Members are asked to consider whether or not the press and public should be excluded during the consideration of these items. If so it will be necessary for the meeting to pass a formal resolution:

That the press and public are excluded from the meeting during the consideration of the remaining items of business on the grounds that they involve the likely disclosure of exempt information falling within Schedule 12A to the Local Government Act 1972, the specific paragraph(s) of Schedule 12A engaged being set out in the report or appendix relating to that item of business.

10 Urgent Exempt Business

To consider in private any other matter which in the opinion of the Chairman should be considered by reason of special circumstances (to be specified) as a matter of urgency.

All letters of representation referred to in the reports attached to this agenda are available for inspection. Anyone wishing to see these documents should contact the Officer identified on the front page of the report prior to the date of the meeting.

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Agenda item 1

Committee: Development and Regulation Committee

Enquiries to: Matthew Waldie, Democratic Services Officer

Membership, Apologies, Substitutions and Declarations of Interest

Recommendations:

To note

1. Membership as shown below
2. Apologies and substitutions
3. Declarations of interest to be made by Members in accordance with the Members' Code of Conduct

Membership

(Quorum: 3)

Councillor C Guglielmi	Chairman
Councillor J Aldridge	
Councillor D Blackwell	
Councillor M Durham	
Councillor M Garnett	
Councillor M Hardware	
Councillor D Harris	
Councillor S Hillier	
Councillor M Mackrory	
Councillor J Moran	
Councillor J Reeves	
Councillor A Wood	

Minutes of the meeting of the Development and Regulation Committee, held in Committee Room 1 County Hall, Chelmsford, CM1 1QH on Friday, 27 September 2019

Present:

Cllr C Guglielmi (Chairman)	Cllr S Hillier
Cllr J Aldridge	Cllr M Mackrory
Cllr M Durham	Cllr J Moran
Cllr M Garnett	Cllr J Reeves
Cllr M Hardware	Cllr A Wood

1 Apologies for Absence

Apologies were received from Cllr D Blackwell and Cllr D Harris.

2 Declarations of Interest

There were none.

3 Minutes

The minutes of the meeting held on 26 July 2019 were agreed and signed, subject to one amendment.

Item 6, Points noted following Members' comments. Replace first bullet paragraph with:

'Parking seemed to create the most problems, the funding provided through the Memorandum of Understanding would be used by the Highway Authority on access improvements in the vicinity of the school, primarily the potential introduction of parking controls or improvements to crossing points to access the school and secondly the introduction of a 20mph speed restriction'

4 Identification of Items Involving Public Speaking

There were no public speakers.

County Council Development

5 Lakelands Primary School, Stanway

The Committee considered report DR/27/19 by the Chief Planning Officer.

Members noted the amendments set out in the Addendum.

Policies relevant to the application were detailed in the report.

Details of consultation and representations received were set out in the report.

The Committee noted the key issues:

- Principle and need
- Policy considerations

- Traffic and highway impact
- Landscape and visual impact and Ecology
- Amenity impact and health
- Design
- Flood risk.

Several issues were raised:

- There were no dropping off points for those pupils being driven to school. However, Essex did not provide these and it was not in the authority's gift to do so. Such an issue would be dealt with in the Travel Plan. In this case, nearby roads could provide some temporary parking, with pedestrian access to the school. Any restrictions on local parking and the use of parking permits were matters for the local authority and the developer to take forward. On-site parking would comply with the Parking Standards
- The central location made the school widely accessible on foot and should encourage pupils to travel by more sustainable means. Members considered that it would also give rise to potential problems with vehicular traffic, but the school would have to manage this through its Travel Plan
- Regarding potential noise emanating from the site, this site had been earmarked for a school in the Master Plan. The trees around the site were intended to provide a visual screen, not to reduce noise. An additional noise assessment would be required via condition
- The use of a flat roof complied with present practice and standards. Although the school would be virtually the only flat-roofed building in the area, it was suggested that a pitched roof might have a greater impact on the visual amenity
- A Member considered that the flat roof design would result in no loft space for storage. It was confirmed that there would be storage space within the building interior. The use of wooden cladding had not been raised as a maintenance issue by the urban designers
- The size and layout of the play areas met Sport England's standards
- A Member asked whether the toilets would be unisex and it was confirmed that they would be
- The building met all the necessary planning requirements, in respect of proximity to surrounding buildings, storage for equipment and access for service vehicles. The proximity to buildings in Rook End was explained.
- The boundary fence height and colour was queried. The height was confirmed by officers
- A Member asked whether there could be an access point from the east and it was confirmed that this hadn't been put forward within the application
- The site was considered by Members to be small for a 420 space school. The outside hard play area was thought to be too small considering that the MUGA may be in use at lunchtime. It was confirmed that Sport England had no objection and the site would meet the relevant standards for outside space
- It was questioned where the storage space for bins would be, and the officer confirmed the location
- It was asked what renewable energy would be incorporated.

- Members considered that the site had been poorly planned at the masterplan stage. A Member considered it should be positioned at the edge of the residential development.

Concern was expressed at the lack of information provided to members, which restricted their ability to make decisions on applications as a whole. It was also suggested that there was a lack of opportunity for input, beyond that between developer and district authority. It was noted that, for sites included in a wider Master Plan, members could get involved at the public consultation stage of the local plan. It was also suggested that it would be helpful for discussions to take place across portfolios within the planning authorities, to facilitate better developments.

It was pointed out that, although many of the concerns expressed by members could not be addressed from a planning point of view, they would be fed back to infrastructure delivery, for them to take into consideration in future projects.

There being no further points raised, the resolution, including the amendments noted in the Addendum, was proposed and seconded. Following a vote of 7 in favour and 3 against, it was

Resolved

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the County Planning Authority within 7 days of such commencement.

***Reason:** To comply with section 91 of the Town and Country Planning Act 1990 (as amended).*

2. The development hereby permitted shall be carried out in accordance with the details submitted by way of application reference CC/COL/35/19 dated 11/06/19,

- Cover letters by Strutt & Parker dated 24/05/19 and 13/08/19;
- Emails from Strutt & Parker dated 09/08/19, 13/08/19, 03/09/19 and 10/09/19, from Applied Acoustic Design dated 13/08/19, from Barnes Construction dated 04/09/19, and from ECC Infrastructure Delivery dated 12/09/19;
- Planning Statement by Strutt & Parker dated May 2019;
- Construction Management Plan ref BC1851 Revision 2 by Barnes Construction dated September 2019;
- Climate Based Daylight Modelling by The Energy Practice dated

- 05/04/19;
- Health Impact Assessment by Strutt & Parker dated August 2019;
 - Flood Risk Assessment V1.2 by Concertus dated 08/05/19;
 - Framework Travel Plan ref JTP19163 by Journey Transport Planning dated May 2019;
 - Transport Assessment ref JTP18_090 by Journey Transport Planning dated May 2019;
 - Site Noise Survey, External Building Fabric & Ventilation Strategy, Acoustic Design Report ref 18405/001RevA/ha by Applied Acoustic Design dated 30/04/19;
 - Foul Sewage and Utilities Assessment ref BC1831 by Barnes Construction (undated);
 - Preliminary Ecological Appraisal Report V2 by Practical Ecology dated 15/07/19;

Together with drawings referenced:

- Proposed External Lighting ref 318083-TEP-DR-ZZ-00-E-3205 Rev P2 dated 21/03/19;
- Fence and Gate Layout ref 118216-CDP-DR-ZZ-XX-L-2001 Rev P5 dated 06/08/19;
- Relationship to Western Boundary Properties ref 118216-CDP-DR-ZZ-XX-A-2015-P4 dated 04/09/19;
- Location Plan ref 118216-CDP-DR-ZZ-XX-A-2001 Rev P5 dated Feb 2019;
- Proposed Sections ref 118216-CDP-DR-ZZ-XX-A-2005 Rev P2 dated 20/05/19;
- Proposed First Floor Plan ref 118216-CDP-DR-ZZ-01-A-2003 Rev P3 dated 23/05/19;
- Proposed Ground Floor Plan ref 118216-CDP-DR-ZZ-00-A-2003 Rev P3 dated 23/05/19;
- Proposed Materials ref 118216-CDP-DR-ZZ-XX-A-2007 Rev P1 dated 24/05/19;
- Drainage Plan ref 118216-CDP-DR-ZZ-B1-C-4001 Rev P3 dated 28/05/19;
- Drainage Details ref 118216-CDP-DR-ZZ-XX-C-6001 Rev P2 dated 28/05/19;
- Proposed Roof Plan ref 118216-CDP-DR-ZZ-R1-A-2003 Rev P6 dated 05/08/19;
- Proposed Elevations ref 118216-CDP-DR-ZZ-XX-A-2004 Rev P8 dated 06/08/19;
- Elevational Material Details ref 118216-CDP-DR-ZZ-XX-A-2014 Rev P3 dated 06/08/19;
- Main Entrance Perspective ref 118216-CDP-VS-ZZ-XX-A-2006 Rev P4 dated 06/08/19;
- Cropped Main Entrance Perspective ref 118216-CDP-VS-ZZ-XX-A-2016 Rev P2 dated 06/08/19;
- Proposed Structure Planting ref 118216-CDP-DR-ZZ-XX-L-6901 Rev P7 dated 06/08/19;

- Landscape Proposals ref 118216-CDP-DR-ZZ-XX-L-2002 Rev P7 dated 06/08/19;
- External Areas Assessment ref 118216-CDP-DR-ZZ-XX-L-2003 Rev P5 dated 06/08/19;
- Section Details Through Boundary ref 118216-CDP-DR-ZZ-XX-L-6015 Rev P2 dated 06/08/18;
- Illustrative Section Through Plant ref 118216-CDP-DR-ZZ-XX-L-6016 Rev P2 dated 06/08/19;
- Illustrative Section Through Planting Bed ref 118216-CDP-DR-ZZ-XX-L-6017 Rev P2 dated 06/08/19;

and the contents of the Design and Access Statement by Concertus dated 07/05/19

and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the County Planning Authority, except as varied by the following conditions:

Reason: To ensure development is carried out in accordance with the approved plans and to comply with Colchester Site Allocations Policy SA STA1; Colchester Development Policies DPD Policies DP1, DP2, DP4, DP17, DP19, DP20, DP21 and DP25; and Colchester Core Strategy Policies SD1, SD2, SD3, UR2 and TA1.

3. The Rating Level of noise emitted from the site's fixed plant at nearby residential premises, to be agreed in advance in writing with the County Planning Authority, shall not exceed the representative background sound levels, when assessed in accordance with BS 4142. Prior to beneficial occupation of the development hereby permitted, the applicant shall submit details of the fixed plant to demonstrate compliance with this requirement. As part of this, the applicant shall agree the Rating Level limits with the County Planning Authority.

Reason: In the interest of local amenity and for compliance with Colchester Development Policy DP1.

4. No beneficial occupation of the development hereby permitted shall take place unless a noise assessment to predict the noise impact of the proposed Hard Outdoor PE Court and Artificial Turf Pitch on nearby noise sensitive properties (to be agreed in advance in writing with the County Planning Authority), as well as mitigation measures if adverse impacts are found to occur, has been submitted to and approved in writing by the County Planning Authority. The noise assessment shall include details of the noise predictions and baseline noise conditions. The development shall thereafter take place in accordance with the approved details.

Reason: In the interest of local amenity and for compliance with Colchester Development Policy DP1.

5. The construction of the development hereby permitted shall not be carried out unless during the following times:

08:00 hours to 18:00 hours Monday to Friday
08:00 hours to 13:00 hours Saturdays

and at no other times, including on Sundays, Bank or Public Holidays.

Reason: In the interests of limiting the effects of the construction phase of the development on local amenity, to control the impacts of the development and to comply with Colchester Development Plan Policy DP1.

6. No fixed lighting shall be erected or installed on-site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the County Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate. The details to be submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours and to comply with Colchester Development Plan Policy DP1.

7. No works or development shall take place until a scheme to minimise dust emissions during construction has been submitted to and approved in writing by the County Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the construction of the development hereby permitted. The development shall be implemented in accordance with the approved scheme with the approved dust suppression measures being retained and maintained in a fully functional condition for the duration of the construction of the development hereby permitted.

Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with Colchester Development Plan Policy DP1.

8. The development hereby permitted shall take place in accordance with the mitigation and enhancement measures contained in the Preliminary Ecological Appraisal Report V2 by Practical Ecology dated 15/07/19.

Reason: To conserve and enhance Protected and Priority species and allow the LPA to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and for compliance with Colchester Development Plan Policy DP21.

9. Prior to the installation of a damp proof membrane, a Biodiversity Enhancement Strategy for Protected and Priority species, based on the measures outlined in Table 3 of the Preliminary Ecological Appraisal Report V2 by Practical Ecology dated 15/07/19, shall be submitted to and approved in writing by the County Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate plans;
- d) timetable for implementation
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance.

The development shall be implemented in accordance with the approved strategy and shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species) and for compliance with Colchester Development Plan Policy DP21.

10. No development shall take place beyond the installation of a damp proof membrane until details and samples of materials, including render, and timber, brick and brick mortar, have been submitted to and approved in writing by the County Planning Authority. The details shall include the use of 'Cinder Grey' brick. The development shall be implemented in accordance with the approved details.

Reason: To limit the impacts on local amenity and to comply with Colchester Development Plan Policy DP1 and Colchester Core Strategy Policy UR2.

11. Prior to installation of windows, details including plans and material samples of the window frames, vents and window recess shall have been submitted to and approved in writing by the County Planning Authority. The development shall take place in accordance with the approved details.

Reason: To limit the impacts on local amenity and to comply with Colchester Development Plan Policy DP1 and Colchester Core Strategy Policy UR2.

12. Prior to the installation of any part of the surface water drainage system, a detailed surface water drainage scheme for the site, based on the submitted Flood Risk Assessment V1.2 by Concertus dated 08/05/19, shall have been submitted to and approved in writing by the County Planning Authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development and shall include but not be limited to:

- Limiting discharge rates to the greenfield 1 in 1 year rate for all storm

events up to and including the 1 in 100 year rate plus 40% allowance for climate change subject to agreement with Anglian Water;

- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event;
- Final modelling and calculations for all areas of the drainage system;
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753;
- Detailed engineering drawings of each component of the drainage scheme;
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features;
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The development hereby permitted shall be implemented in accordance with the approved scheme.

Reason: To minimise the risk of flooding and for compliance with Colchester Development Plan Policy CDP Policy DP20.

13. The development hereby permitted shall take place in accordance with the submitted Construction Management Plan ref BC1851 Revision 2 by Barnes Construction dated September 2019.

Reason: To minimise the risk of flooding, in the interests of highway safety and to minimise impact on local amenity and for compliance with Colchester Development Plan Policies DP1, DP17 and DP20.

14. Prior to beneficial occupation of the development hereby permitted, a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and approved in writing by the County Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements shall be provided as part of the plan. The development shall thereafter be implemented in accordance with the approved plan.

Reason: To minimise the risk of flooding and for compliance with Colchester Development Plan Policy CDP Policy DP20.

15. The applicant or any successor in title shall maintain yearly logs of maintenance which should be carried out in accordance with any approved

Maintenance Plan. These must be available for inspection upon a request by the County Planning Authority.

Reason: To minimise the risk of flooding and for compliance with Colchester Development Plan Policy CDP Policy DP20.

16. No development shall take place beyond the installation of a damp proof membrane until a landscape scheme has been submitted to and approved in writing by the County Planning Authority.

The scheme shall include:

- details of areas to be planted with species, sizes, spacing, method of planting, protection, programme of implementation and maintenance schedule;
- provision for the relocation of the 'Quercus Robur' in the north west of the site as shown on drawing ref Proposed Structure Planting ref 118216-CDP-DR-ZZ-XX-L-6901 Rev P7 dated 06/08/19 to a position further south along the western boundary;
- Inclusion of larger trees on the southern boundary to match those used in the parkland to the south;
- provision for planting for screening purposes along the western boundary, as set out in condition 24.

The scheme shall be implemented within the first available planting season (October to March inclusive) following commencement of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with condition 17 of this permission.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and to comply with Colchester Development Plan Policies DP21 and DP1.

17. Any tree or shrub forming part of a landscaping scheme approved in connection with the development under Condition 16 of this permission that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the County Planning Authority.

Reason: In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Colchester Development Plan Policies DP21 and DP1.

18. No development of the All Weather Pitch, as shown on drawing ref External Areas Assessment ref 118216-CDP-DR-ZZ-XX-L-2003 Rev P5 dated 06/08/19, shall take place until details of the design and layout of the All Weather Pitch, including details of surfacing, construction cross-section, line marking, goal storage and fencing have been submitted to and approved in writing by the County Planning Authority. The development shall be

implemented in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Colchester Development Plan Policy DP2.

19. No development of the natural turf playing field, shown as soft informal play on drawing ref External Areas Assessment ref 118216-CDP-DR-ZZ-XX-L-2003 Rev P5 dated 06/08/19, shall commence until the following documents have been submitted to and approved in writing by the County Planning Authority:
- (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality;
 - (ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The development shall thereafter be implemented in accordance with the approved scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Colchester Development Plan Policy DP2.

20. No beneficial occupation of the development hereby permitted shall take place unless the vehicle and pedestrian access arrangements as shown on drawing Landscape Proposals ref 118216-CDP-DR-ZZ-XX-L-2002 Rev P7 dated 06/08/19 have been fully completed.

Reason: In the interests of highway safety and for compliance with Colchester Development Plan Policy DP17.

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 or any Order amending, replacing or re-enacting that Order), no gates shall be erected at the vehicular or pedestrian accesses on Wagtail Mews, as shown on drawing Landscape Proposals ref 118216-CDP-DR-ZZ-XX-L-2002 Rev P7 dated 06/08/19 unless they open inwards from the public highway towards the site and those serving a vehicular access shall be set back a minimum distance of 6 metres from the nearside edge of the Wagtail Mews carriageway.

Reason: In the interests of highway safety and for compliance with Colchester Development Plan Policy DP17.

22. The western façade of the main school building hereby permitted shall be positioned at least 12.9m from the façade of the residential properties on Rook End, as shown on drawing ref 118216-CDP-DR-ZZ-XX-A-2015-P4 dated 04/09/19.

Reason: In the interests of residential amenity and for compliance with Colchester Development Plan Policy DP1.

23. No beneficial occupation of the development hereby permitted shall take place unless full details of the school signage have been submitted to and approved in writing by the County Planning Authority. The details shall include the size, design, colour, materials and positioning of the signage to create a clear focal point for the main school entrance.

Reason: To limit the impacts on local amenity and to comply with Colchester Development Plan Policy DP1 and Colchester Core Strategy Policy UR2.

24. No development shall take place beyond the installation of a damp proof membrane unless a scheme for obscuring visibility of properties in Rook End has been submitted to and approved in writing by the County Planning Authority. The scheme shall include treatment of the most southerly first-floor window on the western elevation, as shown on drawing Proposed Elevations ref 118216-CDP-DR-ZZ-XX-A-2004 Rev P8 dated 06/08/19, and inclusion of planting for screening along the western boundary. The development shall take place thereafter in accordance with the approved details.

Reason: In the interests of residential amenity and for compliance with Colchester Development Plan Policy DP1.

25. No beneficial occupation of the development hereby permitted shall take place until details of covered cycle parking provision, as indicated on drawing ref Landscape Proposals ref 118216-CDP-DR-ZZ-XX-L-2002 Rev P7 dated 06/08/19 have been submitted to and approved in writing by the County Planning Authority. The details shall include the design, location and number of spaces for cycle parking to be provided prior to the beneficial occupation of the development hereby permitted and details of additional cycle spaces including the number, location, design and timeframe for implementation based on a specified methodology to identify any additional need. The development hereby permitted shall be carried out in accordance with the approved details and shall thereafter be retained and maintained for the duration of the development hereby permitted.

Reason: In the interest of highway safety, to ensure the free-flow of traffic on the public highway and to comply with Colchester Development Plan Policy DP19.

26. No beneficial occupation of the development hereby permitted shall take place until the parking areas indicated on plan Landscape Proposals ref 118216-CDP-DR-ZZ-XX-L-2002 Rev P7 dated 06/08/19 have been laid out and clearly marked for the parking of cars, lorries and any other vehicles that may use the site, including motorcycles, bicycles and provision for the mobility impaired. The parking areas shall be permanently retained and maintained for parking and shall be used for no other purpose.

Reason: In the interest of highway safety, to ensure the free-flow of traffic on the public highway and to comply with Colchester Development Plan Policy DP19.

27. The bin store compound, as indicated on drawing Landscape Proposals ref 118216-CDP-DR-ZZ-XX-L-2002 Rev P7 dated 06/08/19, shall not be erected until details of the design, height and location have been submitted to and approved in writing by the County Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: To limit the impacts on local amenity and to comply with Colchester Development Plan Policy DP1 and Colchester Core Strategy Policy UR2.

6 Applications, Enforcement and Appeals Statistics

The Committee considered report DR/28/19, applications, enforcement and appeals statistics, as at the end of the previous month, by the Chief Planning Officer.

The amendment set out in the Addendum was noted, ie percentage of Major Planning Applications within 13 week or 16 week deadline, as applicable: replace the 94% with 100%.

The Committee NOTED the report

7 Date of Next Meeting

The Committee noted that the next meeting would be held on Friday 25 October 2019, at 10.30am in Committee Room 1, County Hall.

There being no further business, the meeting closed at 11:45 am.

Chairman

DR/29/19

committee DEVELOPMENT & REGULATION

date 25 October 2019

MINERALS AND WASTE DEVELOPMENT

Proposal: **Extension to the existing Materials Recovery Facility including the formation of an outside waste transfer area, the construction of a new building and other associated site works, plant and machinery**

Location: **James Waste Management, Purdeys Industrial Estate, Brickfields Way, Rochford, Essex, SS4 1NB**

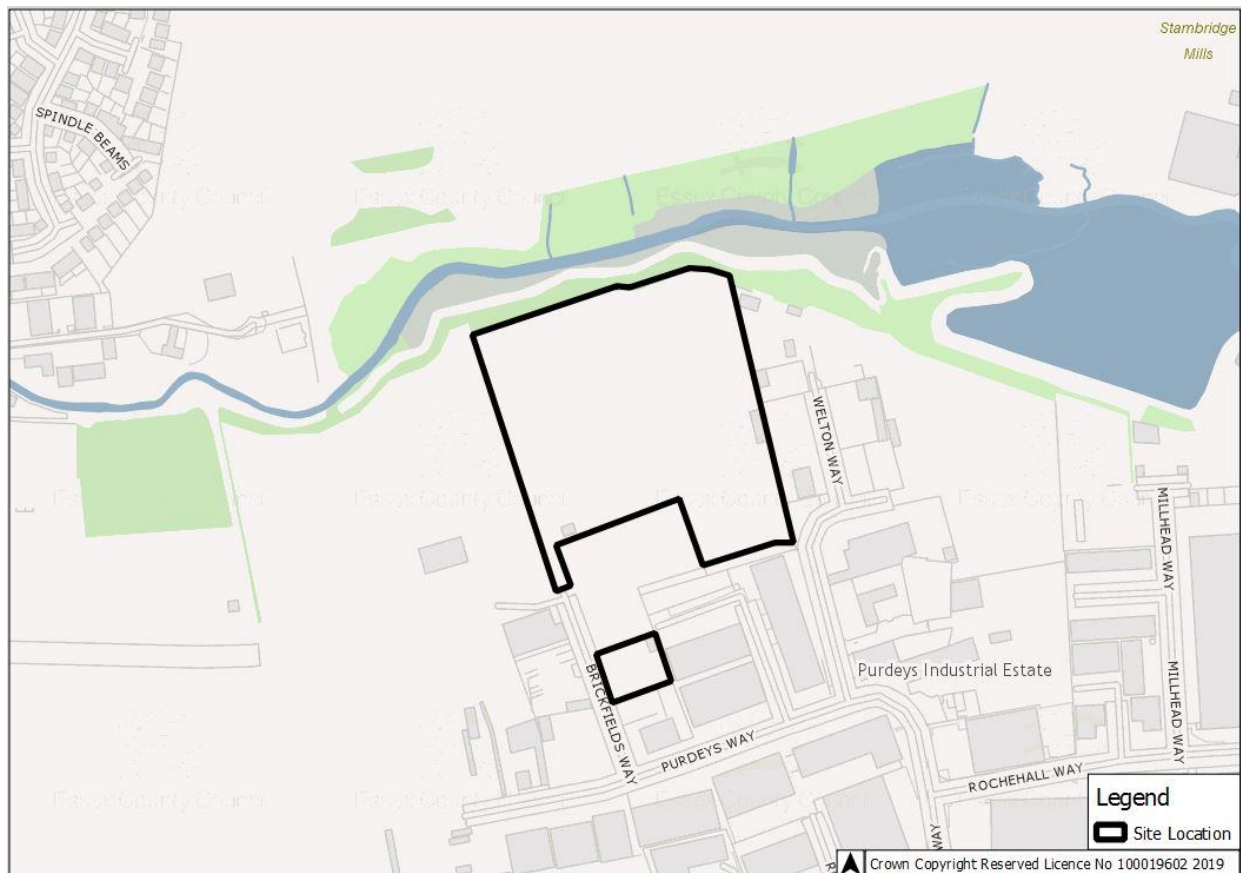
Ref: **ESS/28/18/ROC**

Applicant: **James Waste Management LLP**

Report by Chief Planning Officer (County Planning and Major Development)

Enquiries to: Tom McCarthy Tel: 03330 320943

The full application can be viewed at www.essex.gov.uk/viewplanning



1. SITE

This application relates to an area of Purdeys Industrial Estate, located at the end of Brickfields Way, off Purdeys Way. The site measures approximately 3.5ha with the extant planning permission for the site allowing mixed use B2 (general industrial) and vehicle dismantling/recycling (sui generis).

The site is bordered to the north by the River Roach but on all three other aspects by the industrial estate. To the west of the application area is a used and salvage car auction; and to the east is a bus company depot and waste transfer station. To the south of the site is a building used as a Materials Recovery Facility (MRF) and it is this building/use which this application seeks an extension to.

In terms of the locality, Purdeys Industrial Estate is located to the south of Rochford (approximately 1km south-east of Rochford Rail Station) and to the north of Southend (approximately 3.5km north of Southend Victoria Rail Station). Sutton Road to which Purdeys Way is accessed is in-part a residentially lined street. Sutton Road nevertheless provides direct access to the A1159 (in an eastward direction) and connects with Southend Road (in a westward direction) which in turn provides access to the A1159 and A127.

In terms of designations, as alluded, the site is located, at its closest point, approximately 30m from the River Roach. The site is also within 850m of the Crouch & Roach Estuaries (Mid-Essex Coast Phase 3) Special Protection Area (SPA) and Ramsar and Essex Estuaries Special Area of Conservation (SAC). Furthermore, the site is within the Southend Safeguarding Zone, with the north-west corner of the site actually within the Public Safety Zone.

2. PROPOSAL

This application has three main elements:

- An extension to the adjacent Material Recovery Facility (MRF) building;
- Creation of outside waste transfer area including installation of a covered tipping area and picking line; and
- Various other on-site changes/improvements to facilitate the aforementioned and overall site expansion

Before discussing these elements in detail, for context and understanding it is confirmed that the applicant currently owns and operates two sites either side of Brickfields Way – see below annotated aerial photograph (green highlighted areas).

This application is proposed as an extension to the MRF on the eastern side of Brickfields Way which was granted planning permission by Essex County Council in 2015 (refs: ESS/22/14/ROC and ESS/50/14/ROC). Whilst the MRF has not been 'red-lined' (as part of this application), given the intrinsic link proposed the applicant has confirmed, without prejudice, that should planning permission be granted the company is content for the permissions to be linked through suitable planning conditions. For clarity, no change is nevertheless proposed to operations currently undertaken within the MRF building. Albeit this application does seek

permission to use the original car parking area associated with the MRF for additional external storage space (red hatched area on the below aerial).

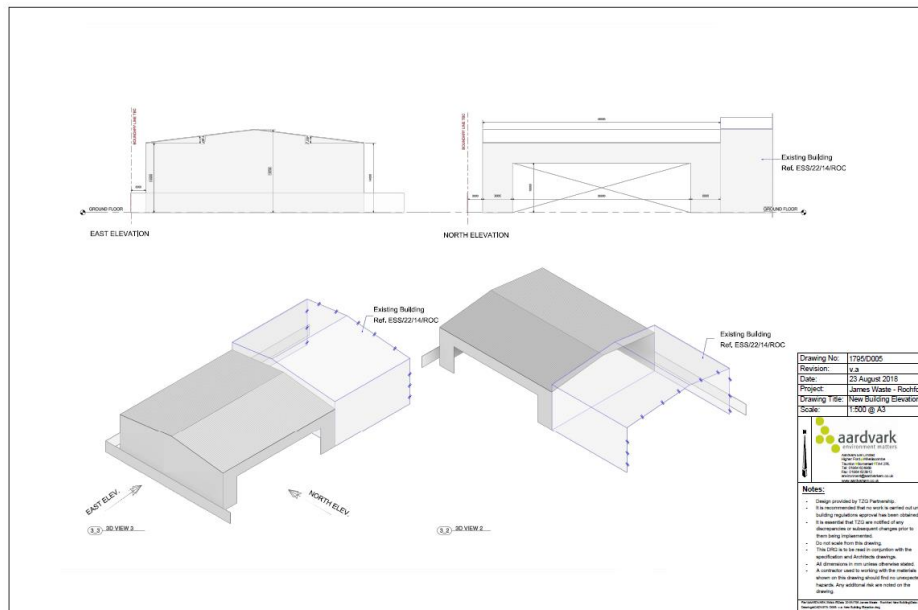
Annotated Aerial Photograph



Extension to the MRF

The existing MRF building is proposed to be extended eastwards, towards Welton Way. The extension would be modular steel framed, measuring some 48m by 44m with a pitch roof 14m to eaves and 16.7m to ridge. As shown on the below drawing, the extension would generally replicate the style/design of the MRF but would be 1.8m lower in overall height (ridge of existing MRF compared to extension).

A gap in the existing wall/skin of the MRF would be created to connect the two spaces with it proposed that additional floorspace would provide further baling and storage space for materials recovered from the MRF (before onward transportation). On the elevation facing north would be a series of roller shutter doors opening to the proposed outside waste transfer area. Bailed material stored is proposed to leave the extension via these shutter doors and the new outside waste transfer area (via the weighbridge at the office), rather than exiting via the entrance to the MRF as existing.

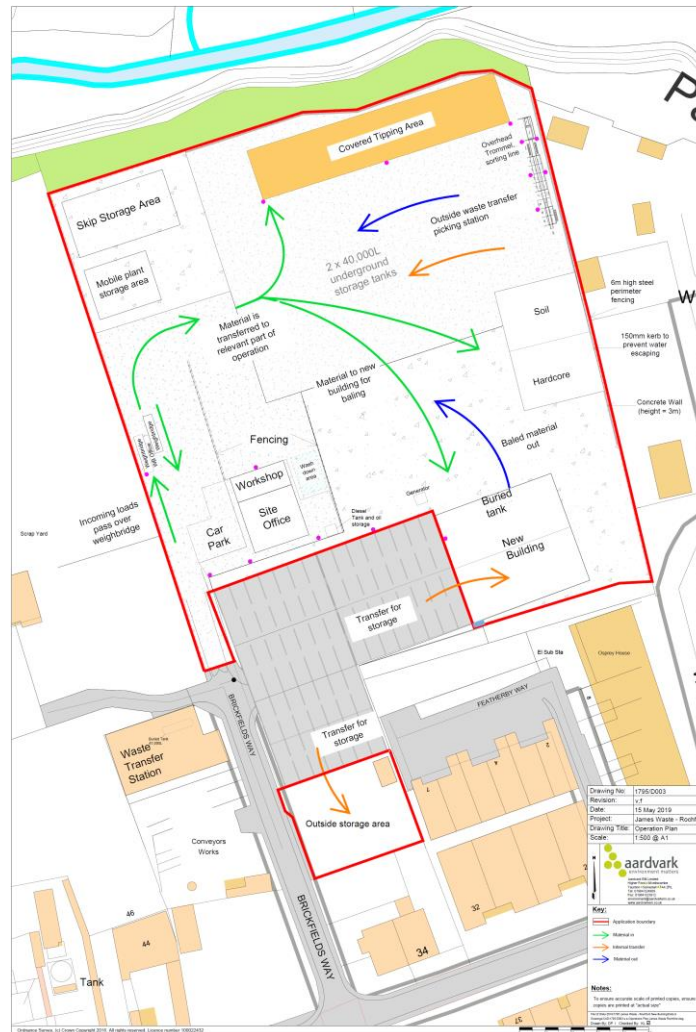


Outside Waste Transfer Area

In addition to the proposed building extension, this application seeks use of the area to the north as an outside waste transfer area. This area would facilitate an expansion/diversification of the applicant's business into skip hire. Given the nature of material imported from skips in comparison to that received from existing commercial and industrial contracts (handled in the MRF) the applicant is intending to keep the two entities separate. In terms of the skips, material from these would be tipped into a three-sided enclosure proposed along the northern boundary of the site. The enclosure which would be split into bays would extend 100m along the northern boundary, to a depth of 22m with a lean-to style roof rising into the site from 9m to 10m.

From here material would be initially screened, with large pieces of hardcore etc.. removed by mechanical grab, before the remaining material is fed into a hopper and trommel and on-to a manual picking conveyor along the eastern boundary where material would sorted for bulk export.

The below operations plan pictorially shows how the site would generally operate. The green lines represent external vehicle movements i.e. the movement of material into the site; with the orange lines representing internal movements around the site; and the blue lines representing the movement of material out of the site.



Other Changes / Points of Clarification

Within the northern (outside waste transfer) area as existing is an (office) building, workshop and car parking area which the applicant is proposing to utilise as a hub for both the outside waste transfer and MRF activities. The existing car parking area to the south of the MRF is subsequently proposed to be used for additional external storage.

Around the site the applicant is also proposing to renew some existing hardstanding and extend this up to the north-eastern corner. In addition, the applicant is also proposing to install a 6m high steel fence, with internal 3m walling. This would be erected around the complete northern and eastern boundary, with the western boundary remaining palisade fencing.

Throughput, Vehicle Movements and Hours of Operation

The planning permission granted for the adjacent MRF allows the importation of up to 250,000tpa of waste. As existing around 175,000t is handled. The 75,000tpa deficit the applicant is proposing to 'transfer' to this additional (outside) area. Accordingly, whilst waste activities would be taking place on a larger area there

would be no overall increase in throughput above that already permitted. Furthermore, no change is proposed to the overall approved number of vehicle movements. Hours of operation proposed are 07:00-17:00 Monday to Friday and 07:00-12:00 Saturdays with no operations on a Sunday or Bank/Public Holiday.

Part Retrospective

This application is part retrospective with the applicant already operating with the northern area. The hardstanding and fencing have been installed and trommel and picking line installed (albeit along the northern rather than eastern boundary as proposed).

The applicant commenced operations under the impression the extant sui generis permission was sufficient to cover that proposed. Following investigations and discussions about the applicant's grander plans for the site (the extension and covered tipping area) it was advised planning permission was required.

3. POLICIES

The following policies of the Essex and Southend-on-Sea Waste Local Plan (WLP), adopted 2017; Rochford District Council Core Strategy (RCS), adopted 2011; Rochford District Council Development Management Plan (RDMP), adopted 2014; Rochford District Council Allocations Plan (RDAP), adopted 2014; and London Southend Airport & Environs Joint Area Action Plan (SAAAP), adopted 2014 provide the development plan framework for this application. The following policies are of relevance to this application:

Essex and Southend Waste Local Plan

Policy 1 – Need for Waste Management Facilities
Policy 2 – Safeguarding Waste Management Sites & Infrastructure
Policy 5 – Enclosed Waste Facilities
Policy 6 – Open Waste Facilities
Policy 10 – Development Management Criteria
Policy 11 – Mitigating and Adapting to Climate Change
Policy 12 – Transport and Access

Rochford District Council Core Strategy

CP1 – Design
ENV1 – Protection and Enhancement of the Natural Landscape and Habitats and the Protection of Historical and Archaeological Sites
ENV11 – Contaminated Land
T1 – Highways
ED1 – Economic Growth
ED3 – Existing Employment Land

Rochford District Council Development Management Plan

DM1 – Design of New Developments
DM5 – Light Pollution
DM27 – Species and Habitat Protection
DM31 – Traffic Management
DM32 – Employment Land

Rochford District Council Allocations Plan
EEL1 – Existing Employment Land around Rochford

London Southend Airport & Environs Joint Area Action Plan
LS3 – Public Safety Zones

The Revised National Planning Policy Framework (NPPF) was published February 2019 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

Planning policy with respect to waste is set out in the National Planning Policy for Waste (NPPW published on 16 October 2014). Additionally, the National Waste Management Plan for England (NWMPE) is the overarching National Plan for Waste Management and is a material consideration in planning decisions. Supporting this, the 25 Year Environment Plan and the Government's pledge to leave the environment in a better condition for the next generation, Our Waste, Our Resources: A Strategy for England have been produced. The strategy is framed by natural capital thinking and guided by two overarching objectives:

- To maximise the value of resource value; and
- To minimise waste and its impact on the environment

The strategy furthermore outlines five strategic principles:

- To provide the incentives, through regulatory or economic instruments if necessary and appropriate, and ensure the infrastructure, information and skills are in place, for people to do the right thing;
- To prevent waste from occurring in the first place, and manage it better when it does;
- To ensure that those who place on the market products which become waste to take greater responsibility for the costs of disposal – the 'polluter pays' principle;
- To lead by example, both domestically and internationally; and
- To not allow our ambition to be undermined by criminality.

With the aim of delivering five strategic ambitions:

- To work towards all plastic packaging placed on the market being recyclable, reusable or compostable by 2025;
- To work towards eliminating food waste to landfill by 2030;
- To eliminate avoidable¹⁵ plastic waste over the lifetime of the 25 Year Environment Plan;
- To double resource productivity¹⁶ by 2050; and
- To eliminate avoidable waste of all kinds by 2050.

Paragraphs 212 and 213 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Paragraph 48 of the NPPF states, in summary, that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF.

Rochford District Council are in the process of preparing a new Local Plan, which will set the strategy for future development of the District beyond 2025. Once adopted the new Local Plan will replace a number of the adopted policy documents. Rochford District Council held a public consultation in early 2018 on the first stage of its new Local Plan (an Issues and Options Document). Given the early stage at which the new Local Plan is it is not considered that this holds any weight in the determination of planning applications at the current time.

4. CONSULTATIONS

ROCHFORD DISTRICT COUNCIL – In its context it is considered that the design and appearance of the proposed building to the east is acceptable. No objection is raised in principle to the proposed expansion of this existing facility. However, the proposal raises concerns relating to the following, which should all being considered as part of determination:

- Open storage of waste may attract birds which may raise concerns by London Southend Airport and its operations.
- Expansion of the facility may result in increased noise and smell nuisance. The need for appropriate screening (for noise and visual amenity) and conditions to mitigate against unreasonable impacts to nearby residential properties should be considered.
- Increased vehicle movements to and from the site by HGVs and the impact on the local highway network.

ENVIRONMENT AGENCY – No objection subject to conditions covering historic land contamination and the requirement for a site investigation and remediation strategy to be submitted; a restriction on the use infiltration surface water drainage;

and a restriction on piling or any other foundation designs using penetrative methods, unless otherwise agreed in writing.

With regard to the Permitting regime, the Agency note that there would be no increase in permitted throughput. It is nevertheless suggested that consideration has been given to bird scarers but Southend Airport should be consulted directly because of the introduction of more high level roofing. A plan of when and how regular monitoring of roosting birds would nevertheless be required (as part of the Permit). Revised odour monitoring also needs to be considered as the new buildings would create more openings therefore odour could dissipate more freely. Methods of closing the building need to be considered to stop odour leaving the building when it is detected. Extending the building may impact also require an updated Fire Prevention Plan (FPP) to be submitted pursuant to the variation of the Permit.

NATURAL ENGLAND – Natural England's initial screening of this planning application suggests that impacts to designated sites caused by this application needs to be considered by your authority. We consider that the assessment of impacts on designated nature conservation sites and/or protected landscapes for this application, and any associated planning controls that may be required, is straightforward. We therefore advise your Council to review the application under consideration and apply the following generic advice, as appropriate.

SOUTHEND AIRPORT – No objection subject to conditions ensuring the development being constructed as per the details submitted (ground height no higher than 7.5m); details of the management of material outside; lighting; a bird/wildlife hazard management plan (inclusive of the requirement for a register of bird species/numbers and dispersal methods); and a requirement to lower the building height should the adjacent MRF building be demolished.

With regard to the Airport and safeguarding area, it is noted that the skip storage area and part of the tipping area (along the northern boundary) falls within the Public Safety Zone. This was raised by the Airport for consideration by the WPA, as part of determination, with recommendation made that this area should not be used for any other purpose.

PIPELINE / COMMUNICATION / UTILITY COMPANIES – Either no comments received; no objection; no objection subject to standard advice; or no comments to make.

HIGHWAY AUTHORITY – Any comments received will be reported.

COUNTY COUNCIL'S NOISE CONSULTANT – Concluded that it is unlikely that the site could meet a daytime noise limit of equal to background. However, it is considered that the site could comply with a noise limit of +5dB above background. It is acknowledged that BS4142:2014 classifies a difference of +5dB as 'an indication of an adverse impact, depending on the context.' However, in context of the location, history and existing background levels, no in-principle objection is raised subject to a day time noise limit of 5dB(A) above background; a night time noise limit rating of +0dB(A) above background; and the submission of a noise management plan to include a monitoring plan (including establishment of existing

background level at nearby noise sensitive properties) and a management plan to effectively reduce the noise nuisance across the site whenever and wherever possible.

COUNTY COUNCIL'S AIR QUALITY CONSULTANT – No objection.

COUNTY COUNCIL'S URBAN DESIGN & LANDSCAPE CONSULTANT – No objection.

COUNTY COUNCIL'S ARCHAEOLOGY CONSULTANT – No objection.

COUNTY COUNCIL'S ECOLOGY CONSULTANT – The application site is unlikely to support ecologically sensitive features due to current site activity, ground composition and continued disturbance. The site does however lie adjacent to the Crouch & Roach Estuaries SAC, SPA and Ramsar. The WPA will therefore have to be satisfied that the proposal complies with the Habitat Regulations 2017 and there will be no impact on the adjacent site's integrity.

ROCHFORD PARISH COUNCIL – Object on the following grounds:

- There is an increased risk of bird strikes on planes as the area is not covered to deter scavenging birds.
- There would be increased numbers of HGV's using Sutton Road/Purdeys Way which is already heavily congested.
- There are still a number of unresolved complaints about this site in relation to smells and noise.

SUTTON PARISH COUNCIL – Object on the basis of traffic and heavy lorry increase contributing further to the present traffic chaos at the junction to Purdeys Industrial Estate; the accompanying noise pollution, air pollution and the potential for bird/gull increase in close proximity to Southend Airport.

LOCAL MEMBER – ROCHFORD – ROCHFORD SOUTH – Number of concerns/issues including 1/ smell. The wind blows from the south-west across the river to the houses on the north bank of the river Roach. Please also note there are a large number of new homes also being built at the old Rocheway School Site. 2/ Windblown rubbish from the site into the river and homes. 3/ The increase in noise. 4/ Increase in the possibility of bird strikes as the site is just off the end of the runway of Southend Airport.

5. REPRESENTATIONS

110 properties were directly notified of the application. The application was also advertised by way of site notice and press advert. Two letters of representation have been received.

Observation

The building is already larger than it should be as it is so close to the flight path.

Comment

The built elements of this proposal are smaller/lower than the existing building. The extension building would 'shadow' the existing MRF at 14m to eaves and 16.7m to pitch (the existing MRF bring

16.2m to eaves and 18.5m to pitch apex). See appraisal

The nature of the business attracts large amounts of birds and concerns exists about bird strike. See appraisal

Odour and some of the smells that come from the site are nauseating. See appraisal

Purdeys Industrial Estate already suffers from extreme fly infestations and this will only get worse. Noted. Regulation of pollution impacts would be for the Environment Agency through the Environmental Permit.

By allowing this business to expand and increase the amount of waste it processes can only have further negative effects on the environment making Purdeys Industrial Estate an extremely unpleasant area to run a business from. General comments are noted. For clarity, it is nevertheless confirmed that this application proposes no increase in the overall throughput of waste at the site. See proposal and appraisal for further commentary.

The Local Member also forwarded three representations received direct to them. Although not formally received/acknowledged by the WPA, pursuant to this application, the contents of these have been considered, as part of determination, and 'additional' points raised are outlined below:

Noise concerns, especially given new residential properties are currently being constructed even closer to this site. See appraisal

Concerns about the suitability of Sutton Road and HGVs leaving mud and debris on the highway. See appraisal

Wind-swept waste See appraisal

Dust concerns See appraisal

6. APPRAISAL

The key issues for consideration are:

- A. Principle of Development
- B. Landscape and Visual Impact
- C. Environmental and Amenity Impact
- D. Airport Safeguarding
- E. Highways

A PRINCIPLE OF DEVELOPMENT

Policy 1 of the WLP states that, even with the allocations in the WLP, there is a predicted shortfall in capacity of b) up to 1.95 million tonnes per annum by 2031/32 for the management of inert waste. Whilst this application seeks planning permission for use of an area as a generic waste transfer station an element of materials managed, from skips imported, would be inert and would therefore contribute to this. Furthermore, a waste transfer station, in general terms, does follow the principles of the waste hierarchy in seeking to recovery and recycle as much material as possible from the waste stream prior to end disposal.

The NPPW at paragraph 7 details that waste planning authorities should only expect applicants to demonstrate a quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan.

In respect of the above, this is not a strategic allocation nor is Purdeys Industrial Estate an area of search (as per policy 4 of the WLP). Accordingly, policy 5 of the WLP which relates to enclosed waste facilities on unallocated sites or outside areas of search and policy 6 which relates to open waste facilities are considered to be the key policy considerations in terms of the in-principle acceptability of this development coming forward.

Focussing on policy 6, as the more stringent of the two, this states that for any such application to be supported 1/ the waste site allocations and the areas of search in the WLP must be shown to be unsuitable or unavailable for the proposed development; 2/ although not exclusively, a need for the capacity of the proposed development should be demonstrated to manage waste arising from within the administrative areas of Essex and Southend-on-Sea; and 3/ it is demonstrated that the site is at least as suitable for such development as the site allocations or areas of search, with reference to the overall spatial strategy and site assessment methodology associated. In addition, proposals should be located at or in (only those relevant to this application are detailed): c) existing permitted waste management sites or co-located with other waste management development; f) areas of previously developed land; or g) employment areas that are existing or allocated in a Local Plan for general industry (B2) or storage and distribution (B8).

Purdeys Industrial Estate is defined within the RCS as a fit for purpose industrial estate which is in a good condition. The RCS states the estate should be maintained and, if possible, expanded. A position replication in policy EEL1 of the RDAP.

The industrial estate is characterised by a range of commercial and industrial uses and large warehouse style units (B1, B2 and B8). In recent years it is noted that the Estate has diversified with some more recreational uses being introduced (roller skating and trampolining facilities for example). The area to which this application relates (the western part of the Estate) does however represent the little more 'untidy' bit of the Estate comprising a larger proportion of open yards and more heavy industrial uses (e.g. waste uses and a ready-mix concrete plant).

In context of the WLP, the applicant has not sought to evidence that the site allocations or all the areas of search are unsuitable or unavailable. As an extension to an existing site, it is considered that there are however other factors or justification to be taken into account in this instance. Furthermore, with regard to need or capacity, as no overall increase in throughput is proposed (in comparison to that permitted collectively through the MRF) it is not considered that a need requires to be demonstrated on the basis that the MRF and its permitted capacity is already safeguard through policy 2 of the WLP.

On this basis and that the site is previously developed (with the extant permission also in-part allowing waste activities) and the site is part of an industrial area generally allocated for industry (B2) or storage and distribution (B8) uses, no in-principle land use objection is raised to this development coming forward in terms of the WLP.

At a local level noting that this would be not a B2/B8 use, policy DM32 of the RDMP states that in employment areas alternative uses will be considered having regard to: (i) the number of jobs likely to be provided; (ii) the viability of retaining B1 and B2 uses; (iii) the compatibility with existing uses; (iv) the impact on the vitality and vibrancy of the District's town centres; (v) the proportion of alternative uses present; and (vi) wider sustainability issues (such as available transport methods). With policy ED1 of the RCS stating that development that enables the economy to diversify and modernise through the growth of existing businesses and the creation of new enterprises providing high value employment, having regard to environmental issues and residential amenity will be supported.

As alluded, the applicant and the existing MRF is well established on this site. Whilst it could be argued that the proposed outside waste transfer area does not necessarily represent a modernisation of the existing business, the WLP acknowledges that construction, demolition and excavation recycling facilities (or inert recycling) are generally undertaken as open air facilities given the machinery involved in the handling of such material and its storage is not overly conducive to be undertaken indoors.

In terms of employment generation, the applicant has not sought to suggest that this proposal would generate 'additional' employment, in comparison to that suggested when the MRF was granted planning permission. That said, as part of the extant permission it was suggested that the site would generate 15 full time and 5 part time jobs and this proposal would obviously support this employment level and offer further job security as the applicant would be able to operate the site to full capacity. Rochford District Council has raised no objection to the extension considering this appropriate to the industrial estate context. Accordingly, it is not considered that the proposal would fundamentally undermine the employment policies, at a local level, relevant to the area.

Due assessment of the proposal from a landscape, environmental, amenity and highway perspective (as raised by Rochford) is however considered necessary and these issues are considered in turn in the below sections of this appraisal.

B LANDSCAPE AND VISUAL IMPACT

Policy 10 of the WLP states that development should not unacceptably impact on the appearance, quality and character of the landscape, countryside and visual environment and any local features that contribute to its local distinctiveness.

Policy CP1 of the RCS states that good, high quality design will be promoted through new development with policy DM1 of the RDMP seeking to ensure that development positively contributes to the surrounding natural and built environment and residential amenity, without discouraging originality, innovation or initiative. Expanding on this the policy outlines a range of criteria to be considered in this regard, including (relevant to this application): a positive relationship with existing and nearby buildings; scale and form appropriate to the locality; and boundary treatment and landscaping.

The proposed extension to the MRF would be constructed in materials to match the existing structure. At circa 2m lower than the existing building the extension would however be subservient and not unduly add to the bulk and dominance of this building (as a whole). In context that the design and material palette from the existing building has been mirrored it is furthermore considered that appearance-wise the proposed extension would generally comply with the character of the area and adjacent development. No objection on design grounds has been raised by Rochford District Council or the Council's urban design consultant.

Turning to the outside waste transfer area, it is noted that historically this area has been an open yard. The site represents the northern extreme of the industrial area and is bound by the River Roach and a mature tree belt which screens the site from the north. Whilst visually elements of the proposal (tipping bay structure and picking line) would be visible above the proposed 6m perimeter fence, it is not considered that the scale or appearance of these elements, in context, would substantiate a refusal on landscape grounds.

In respect of the former car parking area associated with the MRF (south of the building) which is now proposed to be used as additional storage space – this is currently enclosed with palisade fencing. Visually and street scene-wise, it is considered that a different type of boundary treatment may be more appropriate. Whilst it is accepted that many of the adjacent units/yards are enclosed with palisade fencing, to improve the aesthetic appeal of Brickfields Way it is considered an enclosed fence or secondary screening barrier behind the palisade fencing would represent a betterment and also assist in terms of preventing litter being blown on to the public highway. Accordingly, it is considered that a scheme of boundary treatment improvement works should be secured by condition should this application be approved. Such a condition is considered justified in this instance given the extant permission originally envisaged car parking in this area which visually is considered different from that now proposed.

Overall however, no objection subject to conditions is raised to the development on design and landscape grounds. With the proposals considered to generally comply with the aforementioned policies.

C ENVIRONMENTAL AND AMENITY IMPACT

Ecology

Policy ENV1 of the RCS outlines a commitment to maintain, restore and enhance sites of international, national and local nature conservation importance. These include Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Ramsar Sites, Sites of Special Scientific Interest (SSSIs), Ancient Woodlands, Local Nature Reserves (LNRs) and Local Wildlife Sites (LoWSs).

Policy DM27 of the RDMP details that proposals should not cause harm to priority species and habitats identified under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. Development will only be permitted where it can be demonstrated that the justification for the proposal clearly outweighs the need to safeguard the nature conservation value of the priority habitat and/or the priority species or its habitat.

The site is located within 850m of a designated Ramsar, SSSI, SAC and SPA. The citation for these notes that the River Crouch occupies a shallow valley between two ridges of London Clay, whilst the River Roach is set predominantly between areas of brickearth and loams with patches of sand and gravel. The intertidal zone along the rivers Crouch and Roach is 'squeezed' between the sea walls of both banks and the river channel. This leaves a relatively narrow strip of tidal mud in contrast with other estuaries in the county. This however is used by significant numbers of birds, and together with the saltmarsh and grazing marsh which comprise the Crouch and Roach Estuaries SSSI regularly support internationally important numbers of one species, and nationally important numbers of three species of wader and wildfowl. Additional interest is provided by the aquatic and terrestrial invertebrates and by an outstanding assemblage of nationally scarce plants. The citation for the Ramsar and SPA specifically refers to the importance for wintering waterbirds, especially the dark-bellied brent goose.

The applicant in respect of ecological impact has made reference to the designation as an employment area and the historical use of the site in distancing potential connectivity of the site to the nearby ecological designations. The Council's ecological consultant has acknowledged that the application site is unlikely to support ecological sensitivity features and therefore has raised no objection in terms of potential impact on protected and priority species/habitats. Furthermore, mindful of the specific reference to the features/species within the citation it is not considered that the development, subject to suitable pollution control/site management, has the potential to adversely affect the integrity of the European site(s), either individually or in combination with other plans or projects.

Flood Risk & Ground Water Pollution

Policy 11 of the WLP relates to climate change with part two seeking to ensure that there would not be an unacceptable risk of flooding on site or elsewhere as a result of impediment to the flow of storage or surface water.

The site is located within Flood Risk Zone 1 (low probability of fluvial or tidal flooding). The area is also not within an area identified as being at risk from

surface water flooding. With regard to surface water drainage and runoff, the building extension is proposed to be fitted with guttering along the eaves. This would connect to the existing 150mm downpipe fitted on the MRF and will be routed into the existing storm water drain located at the entrance to the MRF which runs along Brickfields Way.

A surface water holding tank is proposed to be buried just under the entrance to the extension building, which would collect water generated internally. The water would be classed as trade effluent and periodically emptied by an approved contractor.

With regard to the outside waste transfer area, any rainwater landing on areas used for the treatment or storage of waste is considered trade effluent and must therefore not pass into the surface water drainage system. In respect of this the applicant is proposing the installation of two 40,000 litre tanks, buried centrally in the yard. The hardstanding installed would therefore be laid/constructed to ensure a natural flow (very minor gradient) of surface water towards the tanks. No objection on flood risk or ground water pollution are raised, subject the development being undertaken in accordance with the submitted details.

Contaminated Land

As per policy ENV11 of the RCS, the presence of contamination on a site should not, in itself, be seen as a reason to resist development...relevant remediation and mitigation measures simply would be expected to be built into development proposals to ensure safe, sustainable development of the site.

Given the former site use it is considered that there is the potential for contamination to exist on-site. A Ground Investigation Report has been submitted with this application which seeks to assess the land to which the extension is proposed. However, the investigation does not cover the whole site (i.e. the outside waste transfer area). As excavation works are proposed, to facilitate the installation of the surface water collection tanks, and the ground is in-part to be laid with hardstanding a more comprehensive assessment would be required to be undertaken should planning permission be granted.

The contamination testing undertaken has nevertheless shown that four of the five samples tested were free from elevated concentration of contaminants with respect to the proposed commercial end use, except for an elevated concentration of sulphide within one borehole. However, a high concentration of copper and marginally elevated concentrations of TPH and sulphate were also measured, together with mildly elevated concentrations of some PAH from samples of groundwater. With elevated concentrations of methane also measured during the ground gas monitoring visits.

The investigation undertaken alludes to variations in extent of contamination across the site. The report therefore whilst concluding that the on-site contamination in itself is not a barrier to the development coming forward, subject to appropriate mitigation and construction techniques, does recommend further investigations and a watching brief, during construction, given the variability which may exist across the site.

The Environment Agency has within their consultation response raised no objection to the development coming forward on contamination grounds. Similar to the conclusions formed within the report submitted in support of the application, conditions have however been recommended to cover submission of a scheme to deal with the risks associated with contamination prior to commencement. It is suggested that this should cover results of a site-wide investigation and detailed risk assessment based on the results, an options appraisal, remediation strategy and verification strategy. Acknowledging that any such investigation would likely be borehole based, a condition covering previously unidentified contamination is also recommended. Subject to the imposition of suitable worded conditions, the development is therefore considered to comply with policy ENV11 of the RCS.

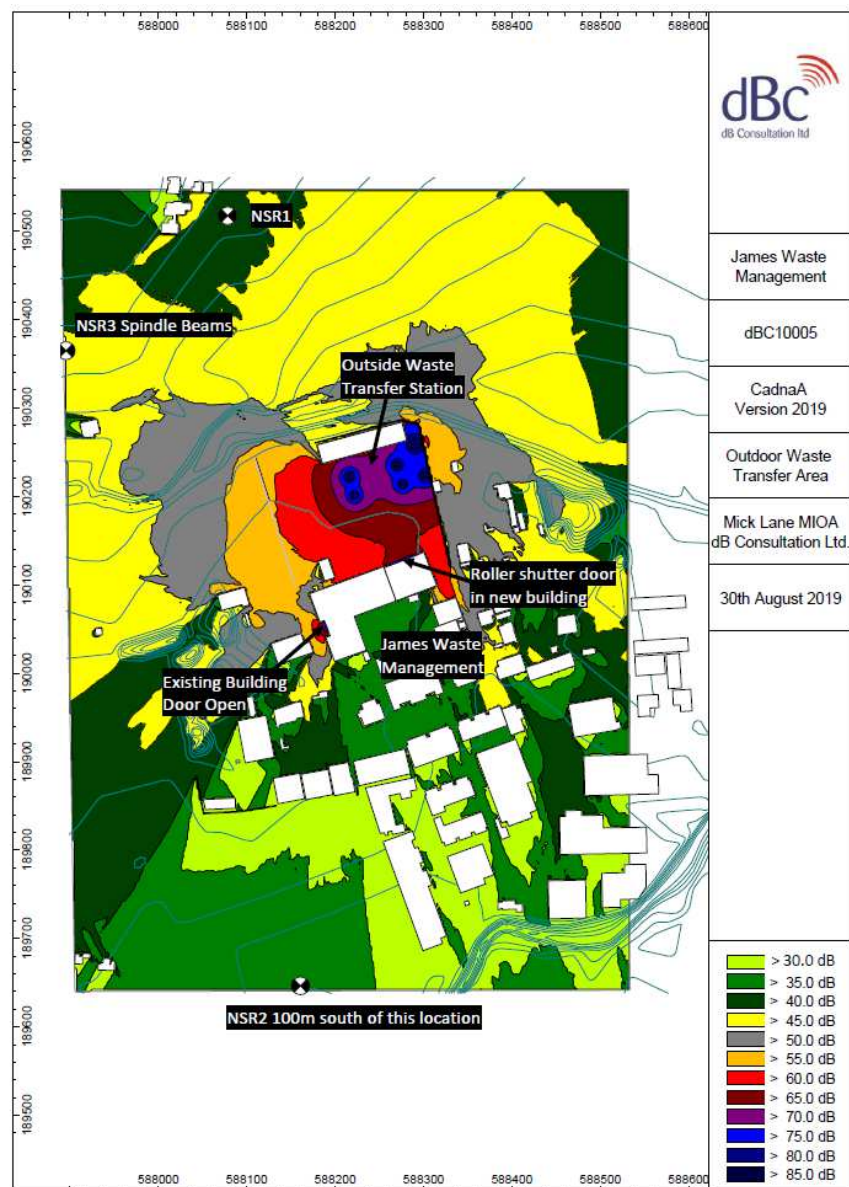
Noise

Policy 10 of the WLP amongst other things seeks to ensure due regard to local amenity (including noise levels, odour, air quality, dust, litter, light pollution and vibration). Policy DM32 of the RDMP also acknowledges the potential noise pollution which can result employment/industrial uses and as such requires any such development (and impact identified) to be adequately mitigated.

A Noise Impact Assessment has been submitted in support of this application. This sought to assess potential noise impacts resulting from the proposal at a nearby noise sensitive uses/properties, by measuring levels with proposed plant and machinery operational within the yard. This demonstrated that on average noise from the proposed outside waste transfer would be between 68-70dB (LAeq, 5 min). In context of the distance to the nearby sensitive uses/properties and mitigation/attenuation (achieved through for example the fencing) the noise level predicted at the three closest sensitive uses are 41dB(A) (Rocheway – the new residential development referred in the Local Member's consultation response); 34dB(A) (Sutton Road); and 43dB(A) (Spindle Beams) with the background sound level at all considered to be 41dB(A). See below extract from noise model submitted in support of this application and predicted noise levels from proposed activities.

BS4142:2014 seeks to achieve noise levels equal to background. The assessment submitted in support of this application has identified a likely exceedance of background levels but the impact of this is considered to be low in view of context. The Council's noise consultant has not raised an objection to the proposals mindful of the context argument and that the absolute noise level predicted at nearby receptors is below the 50dB LAeq, 16 hrs level considered by the World Health Organisation 1999 Guidelines for Community Noise to represent the onset of moderate annoyance in outdoor living areas. Conditions covering maximum noise levels (+5dB(A) above background for daytime and +0dB(A) at night) and the submission and approval of a noise management plan are nevertheless recommended.

CadnaA Image of Noise Emissions from submitted Noise Impact Assessment, dated 30 August 2019



Odour

A number of representations received in respect of this development have raised concern about odour (as existing) and that this could get worse as a result of this the outside handling of waste.

Paragraph 183 of the NPPF details that planning policies and decisions should focus on whether the proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). This site is regulated by the Environment Agency through the Environmental Permitting regime and the applicant has submitted a copy of their Environmental Management System (inclusive of an odour management plan) which forms part of their Permit. A draft update to this (the odour management plan) has been submitted to account for the building extension and outside waste transfer area. This identifies potential stages when odour may

be released and also a range of control measures including daily monitoring by the site manager (or designated responsible person); routine cleaning of material tipping/stockpile bays; and the closing of roller shutter doors except to permit delivery or exit of a vehicle.

Neither the Environment Agency or the Council's air quality consultant has raised an objection on odour grounds on the basis of the above. Noting specifically in terms of the concerns raised through the third-party representations that the proposed storage of bailed (recyclable) material would not in itself be odorous and the skip waste similarly would not contain large amounts of bio-gradable waste. With any such fractions imported removed and stored appropriately prior to eventual transfer off site.

Dust

With regard to dust, similarly to that suggested for odour, within the applicant's Environmental Management System it is confirmed that there is a water bowser on site which would be used to spray and damp down the yard. Material would also not be accepted unless there is sufficient capacity within the proposed tipping/stockpiling area and crushing and screening are only undertaken on as needed basis. The applicant in this regard has not sought to suggest either a screener or crusher would be on-site permanently with the use of any such plant proposed under temporary permitted development rights (i.e. for no more than 28 days per calendar year).

The Council's air quality consultant considers the mitigation/control measures proposed within the Environmental Management System are sufficient to control potential dust drift, albeit acknowledged that the appropriateness of these measures is for the Environment Agency to consider and assess pursuant to the Permit.

Lighting

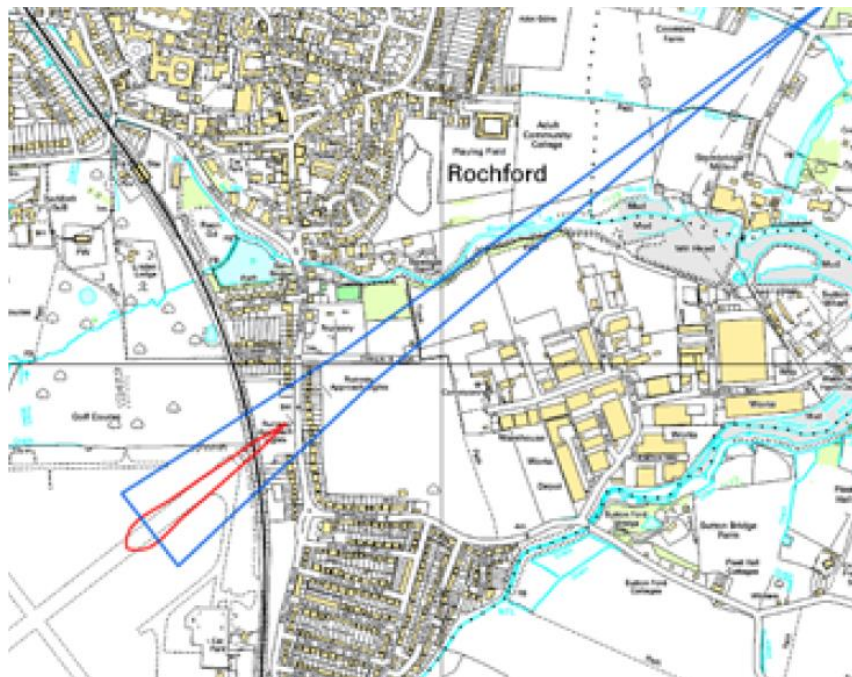
Policy DM5 of the RDMP states that developments must be appropriately designed and installed to minimise the impact of light pollution on residential and commercial areas, important areas of nature conservation interest, highway safety and/or the night sky through avoiding unnecessary light spillage and trespass.

The applicant has sought to suggest that external lighting is proposed to be used. No details have however been provided other than a statement which seeks to suggest that lighting would be designed to minimise light spillage. Mindful of the area, in principle no objection is raised to an element of external lighting. However, full details of that proposed to ensure that this does not give rise to undue impacts is required. Should planning permission be granted it is therefore recommended that a condition be attached requiring a full lighting design strategy (inclusive of hours of operation and management) before installation of any such lighting is permitted.

D AIRPORT SAFEGUARDING

As previously detailed the area to which this application relates is located within the Southend Airport Safeguarding Zone. Due to the orientation of the runway part of the site is also in the Public Safety Zone. Public Safety Zones are based on the risk to an individual from an aircraft accident over a year. Part of this site falls within the 1:100,000 risk contour.

Extract from 'London Southend Airport Public Safety Zones', dated January 2013



Whilst there is a general presumption against new development within Public Safety Zones, guidance states that it is not necessary to refuse on safety grounds when (a number of exceptions are detailed) an extension or alteration to a property/building or a change of use which not reasonably be expected to increase the number of people working or congregating beyond the current level. The position is reflected in policy LS3 of the London Southend Airport & Environs Joint Area Action Plan.

Given the extant planning permission for the site and the limited development proposed within the Public Safety Zone (storage only) it is not considered that the proposal would significantly increase the number of people working or congregating specifically under the Public Safety Zone. It is therefore not considered that this is a particular barrier to the development, as proposed, coming forward.

Policy 10 of the WLP states that development will not be permitted if it considered that it poses an unacceptable risk on f) aircraft safety due to bird strike and/or building height and position.

A number of amendments have been made through the determination process of this application, mindful of the Airport and the potential for impacts. This has included the proposed provision of the covered tipping area; design tweaks to this

structure; and the undertaken of technical studies in terms of building induced turbulence and airport procedures, as required to comply with policy LS3.

Southend Airport has confirmed, in context of the above and the proposal as now seen, that they have no in-principle objection to the development coming forward. A number of conditions have however been recommended to ensure the development being constructed as per the details submitted including: ground height no higher than 7.5m AOD; further management details are provided for the day to day management of material outside; details of any external lighting; and a bird/wildlife hazard management plan (inclusive of the requirement for a register of bird species/numbers and dispersal methods).

Specifically in terms of bird strike, noting this has been raised in a number of the third party representations received, as existing the MRF has a bird management plan which requires roof spaces to be checked for signs of nesting, roosting and/or loafing with various dispersal techniques outlined. In addition to this a log is kept on-site of dates, times and who has undertaken inspections; bird numbers and species seen; and any dispersal action taken. Without prejudice, should planning permission be granted it would be expected that a similar management plan for the additional outside waste transfer area would be provided. Albeit, as noted by the Environment Agency (given this is also covered by the Permit) this does need to be more detailed in terms of the frequency of monitoring, responsibility and the available of information collected.

Subject to the imposition of suitably worded conditions it is not however considered overall that the Airport, safeguarding area or Public Safety Zone is a reason to refuse this application.

E HIGHWAYS

Policy 10 of the WLP states that development which would have an unacceptable impact on g) the safety and capacity of the road and other transport networks will not be permitted. Expanding on this policy 12 states that proposals for waste management development will be permitted where it is demonstrated that the development would not have an unacceptable impact on the efficiency and effective operation of the road network, including safety and capacity, local amenity and the environment.

At a local level, largely replicating the above, policies T1 of the RDCS and DM31 of the RDMP seek to reduce the reliance on the private car and ensure appropriate traffic management measures, are incorporated in developments, to facilitate the safe and efficient movement of people and goods by all modes whilst protecting and enhancing the quality of life within communities, facilitating the appropriate use of different types of road and environment, and achieving a clear, consistent and understandable road, cycle and pedestrian network.

As detailed previously, whilst the applicant has sought to suggest that the outside waste transfer area is capable of handling up to 75,000tpa, no overall increase in throughput and/or vehicle movements is proposed in comparison to that permitted for the MRF.

The extant planning permission for the MRF includes a condition (condition 5) which relates to that the total number of vehicle movements associated with the development. This seeks to limit vehicle movements to 146 movements per day (73 movements in and 73 movement out)¹. Whilst throughput is not explicitly conditioned, the application details and the aforementioned vehicle limit was suggested on the basis of a site throughput of 250,000tpa.

On this basis, subject to suitably worded conditions which seek to ensure that when combined with the adjacent MRF that the number of vehicle movements associated with the outside waste transfer does not exceed this limit it is not considered that this development would give rise to any additional highway impacts from a trip generation perspective.

In terms of dirt and debris on the public highway, as not all of the outside waste transfer area is hardstanding and material is being tipped externally it is considered that there is potential for dirt and debris to be deposited or carried onto the public highway. Accordingly, it is considered appropriate to impose a condition should planning permission be granted requiring all commercial vehicles to have their wheels and underside chassis' cleaned prior to leaving the site.

Lastly, with regard to car parking provision, as existing the MRF was approved with a car park area sufficient for 16 cars inclusive of 1 disabled space. Within the northern area, adjacent to the site office building, an equal number of spaces are provided to replace this provision – with the existing car space area proposed to be used for additional storage. The parking standard within Essex County Council's Parking Standard (2009) for a sui-generis use is a maximum standard and accordingly no objection is raised on the proposed parking provision. Consideration in coming to this opinion has been given to the fact that the applicant has suggested that no new staff would be directly employed as a result of this application.

7. CONCLUSION

Whilst this application seeks to expand the area in which waste activities would be undertaken, in-principle no land use objection is considered to exist in terms of site suitability.

In respect of this the building extension and various other site works are considered in keeping with the local character and industrial estate context. And, subject to the imposition of appropriate conditions which seek a) to control operations undertaken on-site from an environmental, amenity and Airport safeguarding perspective and b) ensure that this site operates solely as an extension to the adjacent/adjoining site rather than as a separate, additional facility it is not considered that the development would likely give rise to impacts to nearby business, properties or the locality in general to warrant refusal.

¹ Condition 5 of ESS/22/14/ROC specifically states 145 vehicle movements per day (which was based on an average calculation). Noting this equates to 72.5 movements in and 72.5 movements out which is not plausible for the sake of clarity it is considered appropriate to round this up to 146 movements (73 in and 73 out) per day.

Accordingly, in consideration of this and the benefits which would be realised from a need and waste management capacity basis, on balance, the development is considered to comply with relevant planning policy and represent sustainable development as per the NPPF definition.

8. RECOMMENDED

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the details of the application dated 30/08/2018, together with drawings titled 'Location Plan', drawing no. 1795/D001 (Revision v.c), dated 22 August 2018; 'Site Plan', drawing no. 1795/D002 (Revision v.e), dated 15 May 2019; 'Operations Plan', drawing no. 1795/D003 (Revision v.f), dated 15 May 2019; 'New Building Elevation', drawing no. 1795/D005 (revision v.a), dated 23 August 2018; 'Proposed Skip Waste SL', drawing no. 1795/D006 (revision v.a), dated 22 August 2018; and 'Elevation Plan', drawing no. 1795/D007 (Revision v.c), dated 21 May 2019 and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Waste Planning Authority, except as varied by the following conditions.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with policies 1, 2, 5, 6, 10, 11 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies CP1, ENV1, ENV11, T1, ED1 and ED3 of the Rochford District Council Core Strategy (2011); policies DM1, DM5, DM27, DM31 and DM32 of the Rochford District Council Development Management Plan (2014); policy EEL1 of the Rochford District Council Allocations Plan (2014); and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).

2. Within two months of the date of this permission a site layout plan and protocol for the management and storage of waste within the outside waste transfer station area shall be submitted to the Waste Planning Authority for review and approval in writing. The protocol shall seek to define where waste will be deposited, how it will be managed and stored until such time as the covered tipping area, as labelled on drawing titled 'Operations Plan', drawing no. 1795/D003 (Revision v.f), dated 15 May 2019, is constructed and trommel and sorting line moved. The development shall be temporarily managed in accordance with the details approved.

Reason: In view that operations are currently taking place from the site, that all elements of the planning permission may not be implemented, to ensure operations are undertaken safely with minimum disturbance and nuisance to local amenity and nearby business (including the Airport) and to comply with policies 5, 6 and 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies ED1 and ED3 of the Rochford District Council Core Strategy (2011); policies DM1 and DM32 of the Rochford District Council Development Management Plan (2014); policy EEL1 of the Rochford

District Council Allocations Plan (2014); and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).

3. When combined with the adjacent/adjoining Materials Recovery Facility (planning permission refs: ESS/22/14/ROC and ESS/50/14/ROC) the total amount of material imported and processed shall not exceed 250,000 tonnes per annum. Without prejudice to the foregoing, the maximum amount of material handled as part of the outside waste transfer station shall be no more than 75,000 tonnes per annum. The operator shall maintain records of their monthly input and make them available to the Waste Planning Authority within seven days upon request.

Reason: To allow the Waste Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to and to comply with policies 1, 5, 6, 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies T1, ED1 and ED3 of the Rochford District Council Core Strategy (2011); policies DM31 and DM32 of the Rochford District Council Development Management Plan (2014); and policy EEL1 of the Rochford District Council Allocations Plan (2014).

4. When combined with the adjacent/adjoining Materials Recovery Facility (planning permission refs: ESS/22/14/ROC and ESS/50/14/ROC) the total number of vehicle movements associated shall not exceed 146 movements per day (73 vehicle movements in and 73 vehicle movements out).

Reason: In the interests of highway safety and local amenity and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies T1, ED1 and ED3 of the Rochford District Council Core Strategy (2011); policies DM31 and DM32 of the Rochford District Council Development Management Plan (2014); and policy EEL1 of the Rochford District Council Allocations Plan (2014).

5. The ground level of the site, and the level to which operations are permitted to be undertaken and the development hereby permitted is to be constructed, is to be 7.5m AOD, as confirmed by email from Aardvark EM Limited, dated 22/10/2019 (17:36).

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the submitted details, in the interests of the adjacent Airport and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy CP1 of the Rochford District Council Core Strategy (2011); policy DM1 of the Rochford District Council Development Management Plan (2014); and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).

6. No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to the Waste Planning Authority for review and approval in writing:

- A site investigation and detailed risk assessment (based on the

results of the investigation); an options appraisal; and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the Waste Planning Authority. The scheme shall be implemented as approved.

Reason: To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV11 of the Rochford District Council Core Strategy (2011); and policy DM1 of the Rochford District Council Development Management Plan (2014).

7. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Waste Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Waste Planning Authority for review and approval in writing detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of the water environment (particularly groundwater associated with the underlying Secondary and Principal Aquifers, from potential pollutants associated with current and previous land uses) and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV11 of the Rochford District Council Core Strategy (2011); and policy DM1 of the Rochford District Council Development Management Plan (2014).

8. No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Waste Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: Infiltration through contaminated land has the potential to impact on groundwater quality and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV11 of the Rochford District Council Core Strategy (2011); and policy DM1 of the Rochford District Council Development Management Plan (2014).

9. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Waste Planning Authority, which may be given for those parts of the site where it

has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it must be demonstrated that any proposed piling will not result in contamination of groundwater to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy ENV11 of the Rochford District Council Core Strategy (2011); and policy DM1 of the Rochford District Council Development Management Plan (2014).

10. Waste brought onto the site shall only be deposited; processed/sorted; and/or stockpiled within the areas identified for such activities on drawing titled 'Operations Plan', drawing no. 1795/D003 (Revision v.f), dated 15 May 2019. For the sake of clarity, the outside storage area, to the south of the Materials Recovery Facility, shall solely be used for the storage of baled recyclables.

Reason: To ensure controlled waste operations, containment of waste materials, to avoid disturbance and nuisance to local amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy CP1 of the Rochford District Council Core Strategy (2011); policy DM1 of the Rochford District Council Development Management Plan (2014); and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).

11. Only soil and hardcore is to be permanently stockpiled outside of the covered tipping area; or within the bays below the overhead sorting line. The aforementioned soil and hardcore stockpiles shall be located as shown on the drawing titled 'Operations Plan', drawing no. 1795/D003 (Revision v.f), dated 15 May 2019 and shall be no higher than 5 metres when measured from adjacent ground level.

Reason: To ensure controlled waste operations, containment of waste materials, to avoid disturbance and avoid nuisance to local amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy CP1 of the Rochford District Council Core Strategy (2011); policy DM1 of the Rochford District Council Development Management Plan (2014); and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).

12. The north-west corner of the site shall only be used for empty skip and mobile plant storage, as per drawing titled 'Operations Plan', drawing no. 1795/D003 (Revision v.f), dated 15 May 2019.

Reason: This corner of the site is located within Southend Airport's Public Safety Zone. Any different or alternative use of this area has not been considered as part of this application and may not comply with policy 10 of

the Essex and Southend-on-Sea Waste Local Plan (2017); and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).

13. Except for temporary operations* no crushing and/or screening of stone, concrete, brick rubble or hardcore shall take place on the site.

**As permitted by virtue of the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any provision amending, replacing or re-enacting that Order under new title.*

Reason: To protect nearby amenity from adverse impacts from such operations, to control waste processing operations and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies ED1 and ED3 of the Rochford District Council Core Strategy (2011); and policy DM32 of the Rochford District Council Development Management Plan (2014).

14. The car parking area as shown on drawing titled 'Site Plan', drawing no. 1795/D002 (Revision v.e), dated 15 May 2019 shall be permanently retained and maintained for parking and shall be used for no other purpose.

Reason: In the interest of highway safety, to ensure the free-flow of traffic on the public highway and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policies CP1 and T1 of the Rochford District Council Core Strategy (2011); and policies DM1 and DM31 of the Rochford District Council Development Management Plan (2014).

15. No loaded HGVs shall leave the site unsheeted.

Reason: In the interests of highway safety and safeguarding local amenity and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy T1 of the Rochford District Council Core Strategy (2011); and policy DM31 of the Rochford District Council Development Management Plan.

16. No commercial vehicle shall leave the site unless its wheels and underside chassis have been cleaned to prevent materials, including mud and debris, being deposited on the public highway.

Reason: In the interests of highway safety and safeguarding local amenity and to comply with policies 10 and 12 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy T1 of the Rochford District Council Core Strategy (2011); and policy DM31 of the Rochford District Council Development Management Plan.

17. No fixed lighting shall be erected or installed on-site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the Waste Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why

these are considered appropriate. The details to be submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To ensure any such lighting proposed is fit for purpose and does not pose an issue for the nearby Airport, to minimise the nuisance and disturbances to neighbours and the surrounding area and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy CP1 of the Rochford District Council Core Strategy (2011); policies DM1 and DM5 of the Rochford District Council Development Management Plan; and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).

18. Within six months of the date of this permission details of a revised boundary treatment for the outside storage area, to the south of the Materials Recovery Facility, shall be submitted to the Waste Planning Authority for review and approval in writing. For the sake of clarity, it is expected that the details will define a boarded fence of a similar scale as that as existing or a or screen to sit inside the existing palisade fencing. The details subsequently approved shall be installed within three months and thereafter maintained in perpetuity.

Reason: To improve the appearance of the site, in the interest of visual amenity and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy CP1 of the Rochford District Council Core Strategy (2011); and policy DM1 of the Rochford District Council Development Management Plan.

19. Operations associated with the outside waste transfer station area, including vehicles entering or leaving the site, with the exception of the personnel visiting the site office building, shall be restricted to the following durations:
07:00 to 17:00 hours Monday to Friday; and
07:00 to 12:00 hours Saturday
No operations shall take place on Sundays or Bank or Public Holidays.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017).

20. Operations hereby permitted shall not cumulatively exceed a noise rating level of 5dB(A) above background. Any operations undertaken, when the outside waste transfer area is closed, between 17:00 and 07:00 within the building extension hereby permitted or within the site office shall not exceed (+0dB(A)) background.

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017).

21. Within two months of the date of this permission a noise management and monitoring plan shall be submitted to the Waste Planning Authority for review and approval in writing. The plan shall detail:
- Survey locations and how robust daytime and night-time background noise levels at nearby sensitive uses will be established;
 - An updated model for on-site plant, once the proposed layout changes have been adopted;
 - Monitoring methodology, including details of proposed frequency, equipment set up and calibration, experience and qualifications of survey staff; parameters to be recorded and commentary on weather conditions appropriate for monitoring;
 - Procedures for characterising extraneous versus site attributable noise;
 - Complaint response protocols; and
 - Actions/measures proposed to generally reduce noise levels from the site (e.g. keeping roller shutter doors closed and the use of broadband reversing alarms, not tonal alarms) and actions/measures to be taken in the event of a temporary and/or prolonged exceedance of noise limits.

Reason: In the interests of limiting the effects on local amenity, to monitor and mitigate the impacts of the development and to comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017).

22. Within two months of the date of this permission a wildlife hazard management plan shall be submitted to the Waste Planning Authority for review and approval in writing. The management plan shall include full details of measures proposed to limit bird attraction and the potential of (aircraft) bird strike but also cover over animals and pests. Measures proposed shall be based on that suggested in sections 6.8 and 6.9 of the 'Planning, Design and Access Statement', dated August 2018, submitted in support of the application. For the proposed monitoring of bird activity the plan shall include a template to show how a log will be kept of all inspections/monitoring undertaken and details of frequency and who will be responsible for undertaking such monitoring. The results of proposed inspections/monitoring shall be provided to both the Waste Planning Authority and Southend Airport on at least a quarterly basis and also be made available to the Waste Planning Authority at any time upon request. The development shall subsequently be undertaken in accordance with the approved wildlife hazard management plan.

Reason: To ensure bird activity is appropriately monitored and measures are in place to limit and manage bird attraction, in the interests of the nearby Airport, and to ensure appropriate consideration and prevention of other animal and pest attraction at the site, in the interests of the amenity and general health and safety and to comply with policy 10 of the Essex and

Southend-on-Sea Waste Local Plan (2017); policies CP1 and ED1 of the Rochford District Council Core Strategy (2011); policy DM1 of the Rochford District Council Development Management Plan; and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).

23. Notwithstanding any requirement for express planning permission, in the event that the building comprising the adjacent/adjoining Materials Recovery Facility (planning permission refs: ESS/22/14/ROC and ESS/50/14/ROC) is permanently removed/demolished, and the extant permission either superseded or revoked, then the extension hereby granted (assuming this remains in-situ) is to also be demolished and removed from the site within twelve months*.

*For the sake of clarity this is twelve months from the date the extant planning permission for the MRF building is either superseded or revoked.

Reason: The adjacent/adjoining Materials Recovery Facility building has been a key consideration with regard to the acceptability of the size of the building extension, included as part of this application, from an Airport safeguarding perspective. Should this be removed, this application would no longer represent an extension but a standalone building. Furthermore, in isolation, the extension may pose a hazard to the Airport and as such may no longer comply with policy 10 of the Essex and Southend-on-Sea Waste Local Plan (2017); policy CP1 of the Rochford District Council Core Strategy (2011); policy DM1 of the Rochford District Council Development Management Plan; and policy LS3 of the London Southend Airport & Environs Joint Area Action Plan (2014).

24. In the event that the outside waste transfer station area is subsequently sub-divided, leased or sold with the effect that the site is no longer operated in complete association with the adjacent/adjoining Materials Recovery Facility (planning permission refs: ESS/22/14/ROC and ESS/50/14/ROC or any variation subsequently agreed to these permissions) then the use as permitted by this permission shall cease to exist.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the submitted details and that any alternative (waste or other) use of the site can be appropriately considered from a land use and policy perspective in the future.

Informative

1. Given the close proximity to Southend Airport, the applicant is advised to fully co-operate with the Airport and in the event of issue unhindered access to the site should be provided for auditing purposes.

BACKGROUND PAPERS

Consultation replies
Representations

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)

The proposed development is located approximately 850m west of the Crouch & Roach Estuaries (Mid-Essex Coast Phase 3) Special Protection Area (SPA) and Ramsar and Essex Estuaries Special Area of Conservation (SAC). This application is not directly connected with or necessary to the management of those sites and therefore it is necessary to consider if the proposal would have a significant effect on the site and designation.

The Crouch & Roach Estuaries is a strip of tidal mud which is left between the River Crouch and Roach and is used by a significant number of birds. The area is of particular importance to wintering waterbirds. The Essex Estuaries is noted as one of the best estuaries in the UK. Of particular quality and importance are its sandbanks; its mudflats and sandflats; its salicornia; its spartina swards; its Atlantic salt meadows; and its Mediterranean and thermo-Atlantic halophilous scrubs. The saltmarshes and mudflats are under threat from coastal squeeze and man-made sea defences which prevent landward migration of these habitats in repose to sea-level rise and the aforementioned habitats are vulnerable to plans and/or projects which have impacts on sediment transport.

Following consultation with Natural England and the County Council's Ecologist, in view of the distance of the site from the designations, the planning history (and that this is a designated employment area) and the operations proposed as part of this application it is not considered that the development would adversely affect the integrity of these designated areas, either individually or in combination with other plans or projects.

Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) is not required.

EQUALITIES IMPACT ASSESSMENT

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER

In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF,

as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

LOCAL MEMBER NOTIFICATION

ROCHFORD - Rochford South

DR/30/19

committee DEVELOPMENT & REGULATION

date 25 October 2019

MINERALS AND WASTE DEVELOPMENT

Proposal: **Importation of inert material, installation and use of recycling plant to produce secondary aggregate and the final disposal of inert residues to facilitate restoration of the site to calcareous grassland, together with the continued extraction of chalk reserve**

Location: **Newport Chalk Quarry, Chalk Farm Lane, Newport, Saffron Walden, Essex**

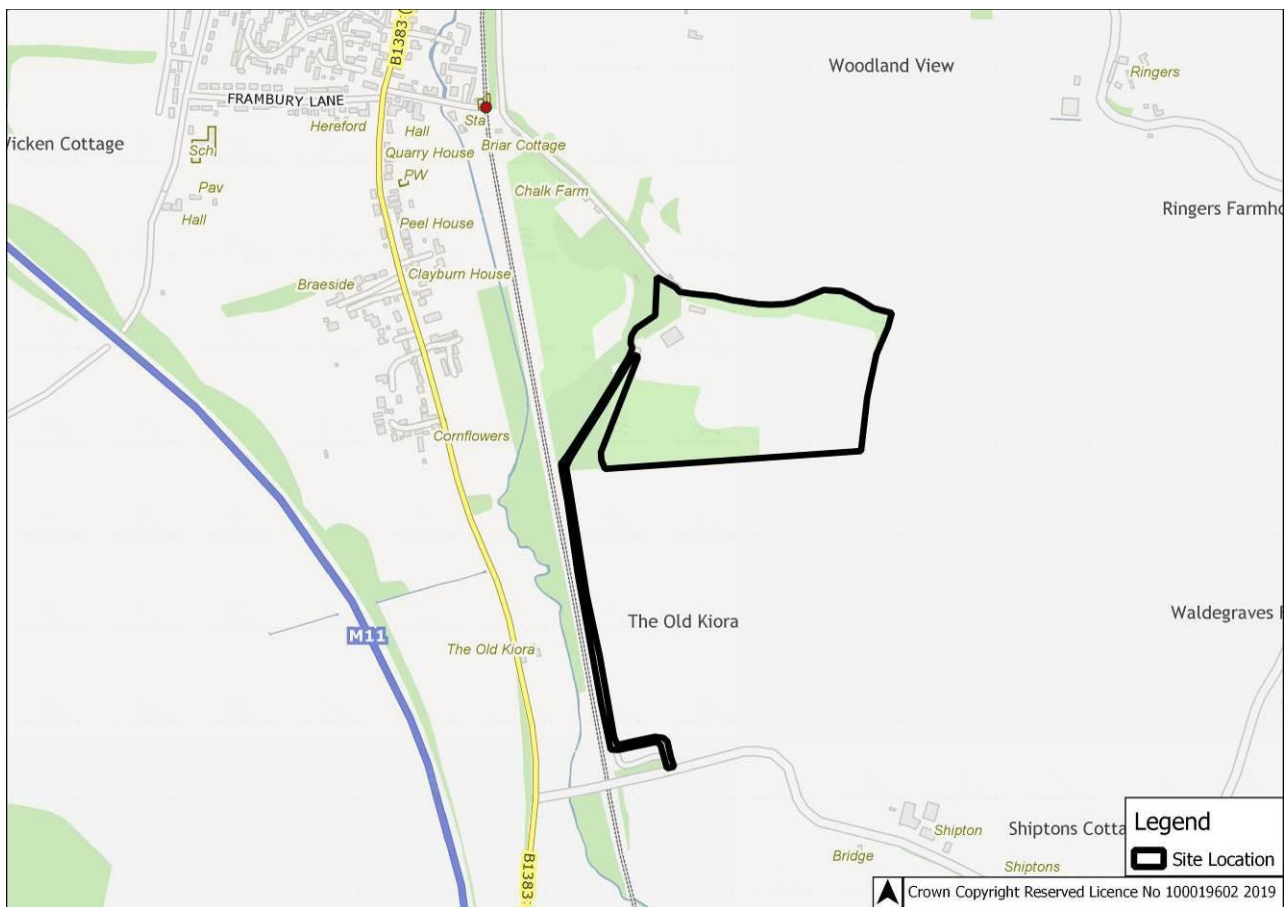
Ref: **ESS/42/18/UTT**

Applicant: **Ingrebourne Valley Ltd**

Report by Chief Planning Officer (County Planning and Major Development)

Enquiries to: Tom McCarthy Tel: 03330 320943

The full application can be viewed at www.essex.gov.uk/viewplanning



1. BACKGROUND

This application was previously presented to the Development & Regulation Committee in April 2019. The Committee resolved to approve the application subject to conditions and a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) requiring the restoration of the site, as per the approved details, within 10 years of commencement; aftercare following restoration of the site; and a financial contribution of £19,200 (index linked) to fund (subject to conditions/limitations of use) the design and implementation of a traffic management scheme in the vicinity of the site. There was a requirement for this legal agreement to be finalised within six months of the resolution which unfortunately has not, at the time of writing, happened.

The report as presented to Members in April 2019 is at Appendix 1.

2. UPDATE ON PROGRESS ON THE LEGAL AGREEMENT

Since the April committee meeting discussions have been on-going with the applicant regarding the legal agreement. The wording of the obligations, as per the resolution by Members, have been agreed and a 'final draft' of the agreement is currently on circulation to all parties involved. Assuming the draft is agreed by all, the draft will be able to be finalised for signing in the coming weeks.

The original six month period to complete/finalise the legal agreement expires 26 October 2019. And, in the circumstances, request has therefore been made for an extension to this period and an additional three months to complete the legal agreement.

Since this application was originally considered it is not considered that there has been any material change in adopted planning policy and/or any new material planning considerations that have come to light that gives rise to the need to re-consider the proposal (as a whole). Furthermore, it is not considered any third party would be disenfranchised by any such extension on the basis that the proposal and resolution as originally agreed is in-principle remaining unchanged.

The Council have been pro-actively engaged by the applicant during the legal agreement drafting process and it is not considered the delay has not been caused for ill-reason. Accordingly, officers are content to agree to the extension as requested.

3. RECOMMENDED

That:

Subject to the completion, within three months, of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) requiring restoration of the site, as per the approved details, within 10 years of commencement; aftercare following restoration of the site; and a financial contribution of £19,200 (index linked from the date of this recommendation but subject to conditions/limitations of use) to fund the design and implementation of a

traffic management scheme in the vicinity of the site;

planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years. Written notification of the date of commencement shall be sent to the Waste Planning Authority within 7 days of such commencement.

***Reason:** To comply with section 91 of the Town and Country Planning Act 1990 (as amended).*

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 'Application Plan', drawing no. 1425/A/1 v1, dated 04/07/2018; 'Site Plan (as existing)', drawing no. 1425/S/1 v2, dated 25/10/2018; 'Progressive Operations Plan', drawing no. 1425/PO/1 v4, dated 05/12/2018; 'Illustrative Restoration Scheme', drawing no. 1425/R/1 v2, dated 25/10/2018; 'Illustrative Cross Sections', drawing no. 1425/CS/1 v2, dated 25/10/2018; 'Illustrative Detail of Typical Office & Weighbridge', drawing no. Gen./02 v3, dated 20/02/2017; and 'Illustrative Detail of Typical 12m Office / Messroom', drawing no. Gen./03 v3, dated 23/11/2016 and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Waste Planning Authority, except as varied by the following conditions:

***Reason:** For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and to comply with policies S5, S7 and S12 of the Essex Minerals Local Plan (2014); policies 1, 3, 10, 11, 12 and 13 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN1, GEN3, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP1, SP10, SP11, SP12, TA1, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

3. The development hereby permitted shall be limited to a period of 10 years, from the notified date of commencement of the development, by which time the site shall be restored in accordance with the approved restoration scheme.

***Reason:** To ensure development is carried out in accordance with submitted details, to minimise the duration of disturbance from the development hereby permitted and to comply with policies 10, 12 and 13 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN1, GEN4, GEN7 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, EN7, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

4. Any building, plant, machinery, foundation, hardstanding, roadway, structure, plant or machinery constructed, installed and/or used in connection with the development hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed. In any case this shall not be later than 10 years from the notified date of commencement, by

which time the land shall have been restored in accordance with the approved restoration scheme.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to enable the Waste Planning Authority to adequately control the development and to ensure restoration of the site within the approved timescale and to comply with policy S12 of the Essex Minerals Local Plan (2014); policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN4, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, EN7 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

5. Except in emergencies (which shall be notified to the Waste Planning Authority as soon as practicable) the development hereby permitted shall only be carried out during the following times:

07:00 to 18:00 hours Monday to Friday
07:00 to 13:00 hours Saturday

and at no other times or on Sundays, Bank and/or Public Holidays

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

6. The total number of heavy goods vehicle movements* associated with all operations undertaken from the site (inclusive of mineral extraction) shall not exceed the following limits:

80 movements (40 in and 40 out) per day (Monday to Friday); and
40 movements (20 in and 20 out) per day (Saturdays)

No movements shall take place outside the hours of operation authorised by this planning permission.

** For the avoidance of doubt a heavy goods vehicle shall have a gross vehicle weight of 7.5 tonnes or more*

Reason: In the interests of highway safety, safeguarding local amenity and to comply with policies 10 and 12 of the Essex and Southend Waste Local Plan (2017); policies GEN1, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12, TA1, EN15 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

7. A written record shall be maintained at the site office of all movements in and out of the site by heavy goods vehicles; such records shall contain the vehicle registration number and the time and date of the movement and shall be made available for inspection by the Waste Planning Authority within seven days of written request.

Reason: To allow the Mineral Planning Authority to adequately monitor activity at the site and to ensure compliance with permitted levels of intensity and to comply with policies 10 and 12 of the Essex and Southend Waste Local Plan (2017); policies GEN1, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12, TA1, EN15 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

8. All vehicle access and egress to and from the site shall be from Widdington Road, as indicated on drawing titled 'Application Plan', drawing no. 1425/A/1 v1, dated 04/07/2018. No importation shall nevertheless take place until details of a scheme of signage; driver instruction sheet and enforcement protocol has been submitted to the Waste Planning Authority for approval in writing in respect of vehicle routing to the site. The aforementioned shall seek to ensure all vehicular traffic arrives from and departs towards the B1383 (London Road) and not towards Widdington via Widdington Road, unless serving the village itself.

Reason: In the interests of highway safety and to comply with policies 10 and 12 of the Essex and Southend Waste Local Plan (2017); policies GEN1, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12, TA1, EN15 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

9. No commercial vehicle shall leave the site unless its wheels and underside chassis have been cleaned to prevent materials, including mud and debris, being deposited on the public highway.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with policies 10 and 12 of the Essex and Southend Waste Local Plan (2017); policies GEN1 and GEN4 of the Uttlesford District Council Local Plan (2005); and policies SP12 and TA1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

10. Only non-contaminated inert waste material, which has been detailed and defined within of the approved application details, shall be imported to the site for the purposes of recycling/processing, land raising and restoration.

Reason: To ensure that there are no adverse impacts on the local amenity from the development not assessed as part of the application details and to comply with policies 1, 3, 10 and 13 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP11, SP12, EN7, EN14 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

11. The development shall be undertaken on a phased basis, as indicated on the submitted drawing titled 'Progressive Operations Plan', drawing number: 1425/PO/1 v4, dated 05/12/2018. Operations shall commence in phase 1 and progress in numerical and stage order.

Reason: In the interests of ensuring a phased restoration, local amenity and to comply with policies 3, 10 and 11 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN3, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

12. Following notified commencement of the development, every six months a progress report shall be submitted to the Waste Planning Authority for review and comment. The report shall detail how much waste has been imported to the site (over the preceding six months) together with a breakdown of how much material has subsequently been exported. For every alternate submission (so annually) and upon completion/restoration of each phase (1-4 inclusive), a land level survey shall also be submitted to evidence progress/achievement of phased restoration. In addition to the land level survey a short statement on progress and operations to be undertaken/completed within the forthcoming 12 month period shall be submitted.

Reason: In the interests of ensuring a phased restoration, local amenity and to comply with policies 3, 10 and 11 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN3, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

13. In the event of a cessation of operations hereby permitted for a period in excess of 12 months, prior to the achievement of the completion of the approved scheme, which in the opinion of the Waste Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990 (as amended), a revised scheme of restoration and aftercare shall be submitted to and approved in writing by the Waste Planning Authority. Within six months of the 12 month period of cessation of operations the revised scheme of restoration and aftercare shall be submitted to the Waste Planning Authority for approval in writing. The development shall subsequently be implemented in accordance with the revised scheme of restoration and aftercare.

Reason: To secure a satisfactory alternate restoration of the site in the event of a cessation of operations, in the interest of local amenity and the environment and to comply with policy S12 of the Essex Minerals Local Plan (2014); policies 10 and 13 the Essex and Southend Waste Local Plan (2017); policies S7, GEN3, GEN4, GEN7, ENV3, ENV8 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

14. No vehicles and/or mobile plant used exclusively on site shall be operated unless they have been fitted with white noise alarms (or equivalent) to ensure that, when reversing, they do not emit a warning noise that would have an adverse impact on residential or rural amenity.

Reason: In the interests of local amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

15. The free field Equivalent Continuous Noise Level (LAeq, 1 hr) at the below noise sensitive properties/locations shall not exceed the following limits:

Chalk Farm: 52dB LAeq 1hr
Bowker Close: 45dB LAeq 1hr
Debden Road: 51dB LAeq 1hr

Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

16. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at Chalk Farm, Bowker Close and Debden Road shall not exceed 70dB LAeq 1hr. Temporary operations shall not exceed a total of eight weeks in any continuous duration 12 month duration. Five days written notice shall be given to the Waste Planning Authority in advance of the commencement of a temporary operation.

Reason: In the interests of amenity and to comply with policies policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

17. Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at the four location points shown in Figure 1 (Site Location and Noise Monitoring Position) of the Noise Assessment, undertaken by LFAcoustics, dated 21/11/2018. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations of 30 minutes separated by at least 1 hour during the working day and the results shall be submitted to the Waste Planning Authority within one month of the monitoring being carried out. Should an exceedance in the maximum noise limits secured by condition be noted, appropriate justification/commentary and/or a scheme of additional mitigation shall be presented to the Waste Planning Authority for review and approval in writing, as appropriate. The frequency of monitoring shall not be reduced unless otherwise approved in writing by the Waste Planning Authority.

Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

18. No development shall take place until a Construction Method Statement and Construction Environmental Management Plan have been submitted to and approved in writing by the Waste Planning Authority. The Statement and Plan shall provide for:

- The parking of vehicles of site operatives and visitors during initial site set up and then during operations;
- The proposed location of the site office and weighbridge during operations;
- The proposed detail/specification of any wheel and underbody vehicle washing facilities;
- A scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during operations;
- Risk assessment of potentially damaging activities;
- Identification of “biodiversity protection zones”;
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during operations/each phase (may be provided as a set of method statements) including those outlined within Table 6.2 of the Extended Phase 1 Habitat Survey Report;
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works; and
- Responsible persons and lines of communication

Reason: For the avoidance of doubt as to the general layout of the site during operations, in the interests of highway and site safety, ecology and amenity and to comply policies 10 and 12 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN1, GEN3, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, TA1, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

19. No fixed lighting shall be erected or installed on-site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the Waste Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate. The details submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential nuisance of light spill to adjacent properties, highways and/or any features/habitat of ecological interest/value. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to the surrounding area and environment and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN4 and GEN7 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, EN7 and C1 of the

Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

20. No development shall take place until a scheme to minimise dust emissions has been submitted to and approved in writing by the Waste Planning Authority. The dust management scheme/plan shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development (and all operations undertaken on the site). The development shall be implemented in accordance with the approved scheme with the approved dust suppression measures being retained and maintained in a fully functional condition for the duration of the development hereby permitted.

Reason: To reduce the potential for dust disturbance from the site on the local environment and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policy GEN4 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN15 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

21. No development shall take place until a detailed layout plan for the proposed recycling area (phase 2) as detailed on 'Progressive Operations Plan', drawing no. 1425/PO/1 v4, dated 05/12/2018 has been submitted to and approved in writing by the Waste Planning Authority. The layout plan shall seek to show the proposed layout of this area including indications of all plant and machinery (together with specification) and location and maximum heights for stockpiles. For the sake of completeness, no materials shall be stockpiled on-site unless within the recycling area (phase 2) or chalk processing area (phase 4) as indicated on the submitted drawing titled 'Progressive Operations Plan', drawing number: 1425/PO/1 v4, dated 05/12/2018.

Reason: For the avoidance of doubt as to the layout and machinery/plant approved, in the interests of amenity and to comply with policy S5 of the Essex Minerals Local Plan (2014); policies 1, 3 and 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN3, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

22. No stripping or handling of topsoil or subsoil shall take place until details of any and all temporary stockpiles/holding bunds and a scheme of machine and soil movements for the stripping and replacement of soils has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall:
- a) Be submitted at least three months prior to the expected commencement of soil stripping and detail how soils will be handled, maintained and re-spread for restoration;
 - b) Define the type or machinery to be used to strip and replace soils; and include
 - c) Confirmation that soil will only be stripped and handled when in a dry and friable condition*; and that no area of the site traversed by heavy goods vehicles or machinery (except for the purpose of stripping that part or stacking of topsoil in that part) unless all available topsoil and/or subsoil has been stripped from that part of the site.

The development shall be implemented in accordance with the approved

scheme.

**The criteria for determining whether soils are dry and friable involves an assessment based on the soil's wetness and lower plastic limit. This assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean glazed tile using light pressure from the flat of the hand. If a thread of 15cm in length and less than 3mm in diameter can be formed, soil moving should not take place until the soil has dried out. If the soil crumbles before a thread of the aforementioned dimensions can be made, then the soil is dry enough to be moved.*

Reason: *To ensure the retention of existing soils on the site, to minimise structural damage and compaction of the soil to aid final restoration works, in the interests of amenity and to comply with policy S12 of the Essex Minerals Local Plan (2014); policies 10 and 13 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN4, GEN7, ENV3, ENV8 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, EN7 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

23. No existing topsoil or subsoils shall be removed from the site.

Reason: *To ensure any soils stripped from the site are re-used as part of the restoration, to reduce the amount of material needing to be imported, in the interest of amenity to comply with policy S12 of the Essex Minerals Local Plan (2014); policies 10 and 13 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN4, GEN7, ENV3, ENV8 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, EN7 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

24. No waste shall be accepted at or deposited until a scheme showing the levels of the final base of the excavation in all proposed phases, the provision of a restoration cap (if required), and side and basal liner for each landfill cell has been submitted to and approved in writing by the Waste Planning Authority. No waste shall be deposited in any phases unless the side and basal liner has been completed in accordance with the approved scheme and no restoration soils shall be replaced unless the clay capping (if required) has been completed in accordance with the approved details. The development shall be undertaken in accordance with the approved scheme.

Reason: *To ensure that that the development does not give rise to undue groundwater impacts, that the water environment of the Debden Water SSSI is not impacted by contaminants and to comply policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN3, GEN7 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP12, EN7, EN10, EN11 and EN14 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

25. No development shall take place until a scheme for monitoring groundwater and surface water quantity and quality throughout each of phases of the development (including an implementation timetable) has been submitted to and approved in writing by Waste Planning Authority. In respect of this:

- No development shall take place until all of the water monitoring devices relied upon by the approved scheme are provided in their entirety and are operational.
- Working phases 1-4 shall only be implemented entirely in accordance with the approved monitoring scheme.
- Monitoring shall be carried out in accordance with the timetable within the approved scheme.
- The Waste Planning Authority shall be advised in writing of all significant changes when they arise and of details of any mitigation measures, including a timetable for implementation, shall be submitted to and approved in writing by the Waste Planning Authority.
- Monitoring results and details of any necessary mitigation measures shall be submitted to and approved in writing by the Waste Planning Authority no less than annually, in accordance with the timetable contained within the approved scheme.
- All approved mitigation measures shall be implemented in their entirety in accordance with the approved details and timetable.

***Reason:** To ensure that that the development does not give rise to undue groundwater impacts, that the water environment of the Debden Water SSSI is not impacted by contaminants and to comply policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN3, GEN7 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP12, EN7, EN10, EN11 and EN14 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

26. No development shall take place until a surface water drainage scheme, management and maintenance plan for the development (site) has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include, but not be limited to:
- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure.
 - Limiting discharge rates to 37l/s for the 1:1, 83l/s for the 1:30, and 129l/s for the 1:100 year storm event.
 - Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
 - Storage should half empty within 24 hours wherever possible. If the storage required to achieve this via infiltration or a restricted runoff rate is considered to make the development unviable, a longer half emptying time may be acceptable. An assessment of the performance of the system and the consequences of consecutive rainfall events occurring should be provided. Subject to agreement, ensuring the drain down in 24 hours provides room for a subsequent 1 in 10 year event may be considered acceptable.
 - Final modelling and calculations for all areas of the drainage system.
 - The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
 - Detailed engineering drawings (including cross sections) of each component of the drainage scheme inclusive of specified depths and

grading of surface water bodies proposed.

- Planting arrangements for the attenuation pond, to obscure access to the water by waterfowl.
- A final drainage plan which details exceedance and conveyance routes, ground levels and location and sizing of any drainage features.
- Maintenance arrangements including responsibility for different elements of the surface water drainage system, activities/frequencies proposed and details of recording for work undertaken.
- A written report summarising the final strategy and highlighting any minor changes from that suggested at the application stage.

The scheme and plans shall be implemented in accordance with the approved details.

Reason: To ensure that that the development does not give rise to undue groundwater impacts, that the water environment of the Debden Water SSSI is not impacted by contaminants, prevent flood risk, ensure the effective operation and maintenance of drainage features and to comply policies 10 and 11 of the Essex and Southend Waste Local Plan (2017); policies GEN3, GEN7 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP12, EN7, EN10, EN11 and EN14 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

27. No development shall take place until a scheme for groundwater and surface water monitoring, post restoration, has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that that the development does not give rise to undue groundwater impacts, that the water environment of the Debden Water SSSI is not impacted by contaminants and to comply policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN3, GEN7 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP12, EN7, EN10, EN11 and EN14 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

28. The top metre of the infill shall consist of either overburden or clean fill and shall not contain any objects larger than 150mm in any dimension.

Reason: To ensure appropriate restoration to a condition suitable for use as grassland, protection of groundwater from infiltration of surface water run-off and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN3, GEN7, ENV3 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP12, EN7, EN11, EN14 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

29. No development shall take place until a revised hard and soft landscaping and boundary treatment plan/scheme has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include detail of all existing trees and vegetation together with areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall be implemented within the first available planting season (October to March

inclusive) on the basis of the approved programme of implementation. The landscape scheme shall be implemented in full and maintained therefore in accordance with conditions attached to this permission.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), on the basis that insufficient detail is contained on the submitted plan, to improve the appearance of the site in the interest of visual amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7, ENV3 and ENV8 of the Uttlesford District Council Local Plan (2005); and policies SP10 and SP12, D1, EN7, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

30. Any tree or shrub forming part of a landscaping scheme approved in connection with the development that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the Mineral Planning Authority.

Reason: In order to maintain the appearance of the site, in the interest of visual amenity and to comply policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7, ENV3 and ENV8 of the Uttlesford District Council Local Plan (2005); and policies SP10 and SP12, D1, EN7, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

31. No development shall take place until a revised restoration plan has been submitted to and approved in writing by the Waste Planning Authority. The restoration plan shall seek to detail final land levels both pre and post settlement; provide details of geological faces proposed to be retained including elevations and sections and a supporting engineering/stability report for the exposed face; and be updated to reflect any changes made to drainage features and landscaping, as secured by other conditions attached to this decision notice. The plan shall furthermore be amended to reflect the removal of the access track to the site from Widdington Road and the subsequent restoration of this land. The development shall be undertaken and the site restored in accordance with the approved revised restoration plan.

Reason: For the avoidance of doubt as to the restoration levels proposed, in the interests of landscape and visual amenity and to comply with policy S12 of the Essex Minerals Local Plan (2014); policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7, ENV3 and ENV8 of the Uttlesford District Council Local Plan (2005); and policies SP10 and SP12, D1, EN7, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

32. No development shall take place until a Landscape and Ecological Management Plan (LEMP) (aftercare scheme) has been submitted to and approved in writing by the Waste Planning Authority. The plan/scheme shall include:

- Steps that are necessary to bring the land to the required standard for the intended use (calcareous grassland) including a plan/statement detailing how and where sufficient chalk would be retained on-site to be

- spread on all relevant phases as restoration progresses;
- Description and evaluation of features to be managed;
- Ecological trends and constraints on site that might influence management;
- Aims and objectives of management;
- Appropriate management options for achieving aims and objectives inclusive of details of all ecological 'enhancement' measures proposed including specification and location on-site (with reference to measures referred in section 6.5 of the Extended Phase 1 Habitat Survey Report);
- Prescriptions for management actions;
- Preparation of a work schedule for the five year aftercare period (together with a general annual work plan capable of being rolled forward over long term);
- Details of the body or organisation responsible for implementation of the plan; and
- Ongoing monitoring and remedial measures.

Whilst the formal aftercare period for the site shall be five years, the LEMP shall seek to cover a minimum of 25 years and include details of any legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

***Reason:** To ensure the satisfactory restoration of the site, safeguard for the long term and to comply with in accordance with the details submitted and deemed to comply with policy S12 of the Essex Minerals Local Plan (2014); policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7, ENV3 and ENV8 of the Uttlesford District Council Local Plan (2005); and policies SP10 and SP12, D1, EN7, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

33. There shall be no retailing or direct sales of soils, aggregates and/or chalk to the public from the site.

***Reason:** To ensure that there are no adverse impacts on the local amenity or highway network from the development not assessed as part of the application details and to comply with policies 10 and S12 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN1, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP10 and SP12, TA1, EN17, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

34. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no building, structure, fixed plant or machinery and/or gate, except as detailed in the development details hereby approved or otherwise approved pursuant to conditions, shall be

erected, extended, installed or replaced on the site without the prior approval or express planning permission of the Waste Planning Authority.

***Reason:** To enable the planning authority to adequately control any future development on-site, assess potential accumulation and minimise potential impacts on the local area, landscape, amenity and environment in accordance with policies contained within the Essex Minerals Local Plan (2014); Essex and Southend Waste Local Plan (2017); Uttlesford District Council Local Plan (2005); and Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

EQUALITIES IMPACT ASSESSMENT

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

LOCAL MEMBER NOTIFICATION

UTTLESFORD – Stansted

**APPENDIX 1 – APRIL 2019 COMMITTEE REPORT
(INCLUSIVE OF CHANGES MADE BY WAY OF THE ADDENDUM)**

DR/10/19

committee DEVELOPMENT & REGULATION

date 26 April 2019

MINERALS AND WASTE DEVELOPMENT

Proposal: **Importation of inert material, installation and use of recycling plant to produce secondary aggregate and the final disposal of inert residues to facilitate restoration of the site to calcareous grassland, together with the continued extraction of chalk reserve**

Location: **Newport Chalk Quarry, Chalk Farm Lane, Newport, Saffron Walden, Essex**

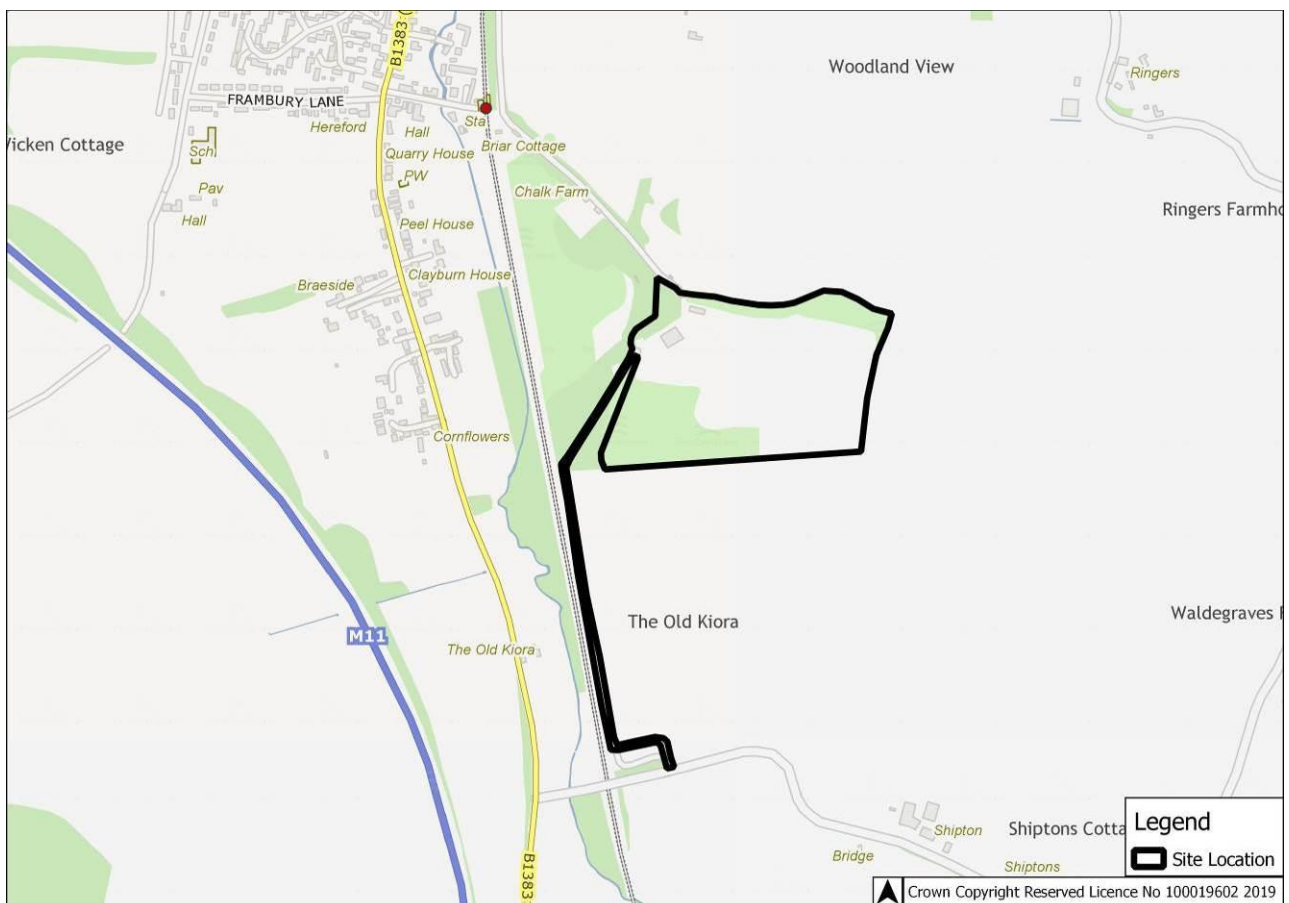
Ref: **ESS/42/18/UTT**

Applicant: **Ingrebourne Valley Ltd**

Report by Chief Planning Officer (County Planning and Major Development)

Enquiries to: Tom McCarthy Tel: 03330 320943

The full application can be viewed at www.essex.gov.uk/viewplanning

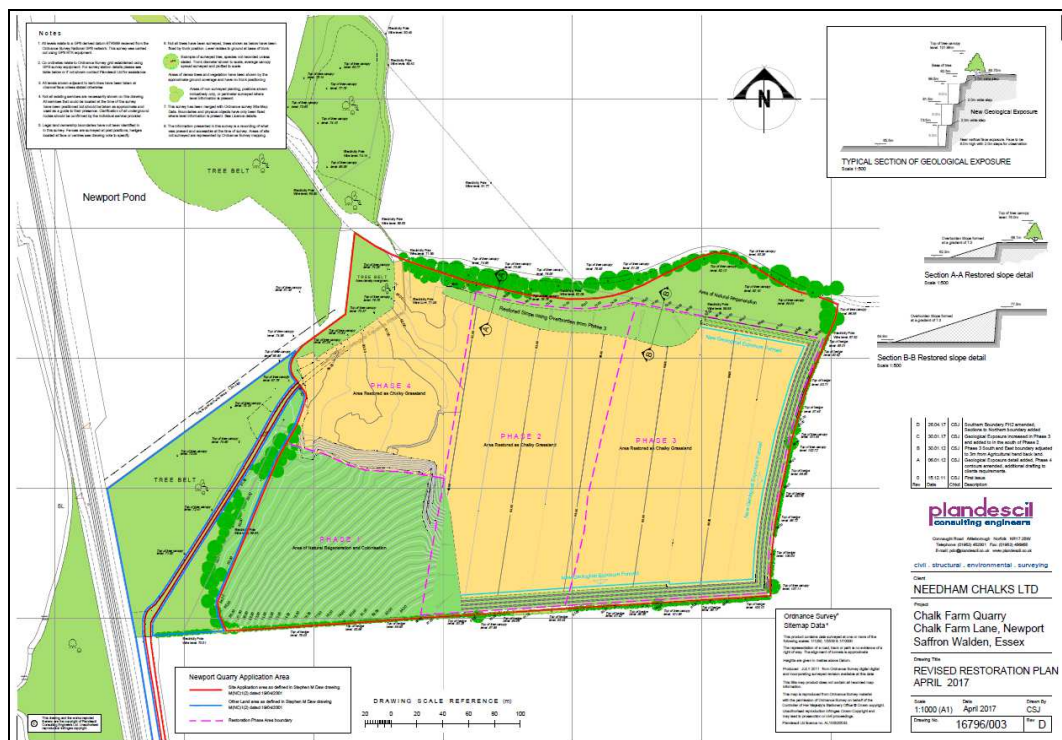


1. BACKGROUND & SITE

The chalk pit at Newport is approximately 10 hectares in size and consists of land that is currently being extracted for chalk (phases 2 & 3 as per the labelling on the below drawing), a former worked area (phase 1) now restored and a processing/storage area for extracted material (phase 4) as per planning permission ref: ESS/32/17/UTT.

The restoration approved as part of ESS/32/17/UTT is low level (no importation) to chalky grassland with steep geological exposures left around the quarry void.

'Revised Restoration Plan', drawing no. 16796/003 (Rev D), dated 26/04/17 – approved as part of ESS/32/17/UTT



Extraction of chalk has taken place at this site since 1980 and is currently operational six months of year (April to September) producing approximately 22,000 tonnes of chalk annually. The reserve remaining on-site in 2017 was estimated to be 900,000 tonnes. Although, for confirmation, the current planning permission is not restrictive in terms of the quantity of material which can be extracted from the site (overall or per annum) and/or that the site can only be worked for six months of the year.

The site was promoted through the call for sites for the Essex and Southend-on-Sea Waste Local Plan for inert waste recycling and landfill on the basis that it was suggested that the site could provide additional void capacity whilst still being restored to deliver lowland calcareous grassland, with areas also retained to demonstrate the sites geological importance. And, the site was chosen as a preferred site for inert waste recycling (15,000tpa) and inert landfill capacity

(300,000m3).

The site is situated in an area of undulating agricultural landscape with established vegetation on the western, northern and eastern boundaries. The site is accessed from Widdington Road via a private haul road which runs in a vertical direction, parallel to the Cambridge to Bishop Stortford railway line. Byway 20 (Newport) runs parallel with the northern boundary of the site but is unaffected by the development.

The centre of Newport Village is situated some 700 metres to the north-west of the site and Newport Pond (a Local Wildlife Site) is 250 metres away, again to the north-west, both of which straddle the B1383 (London Road). The M11 lies approximately 700 metres to the west.

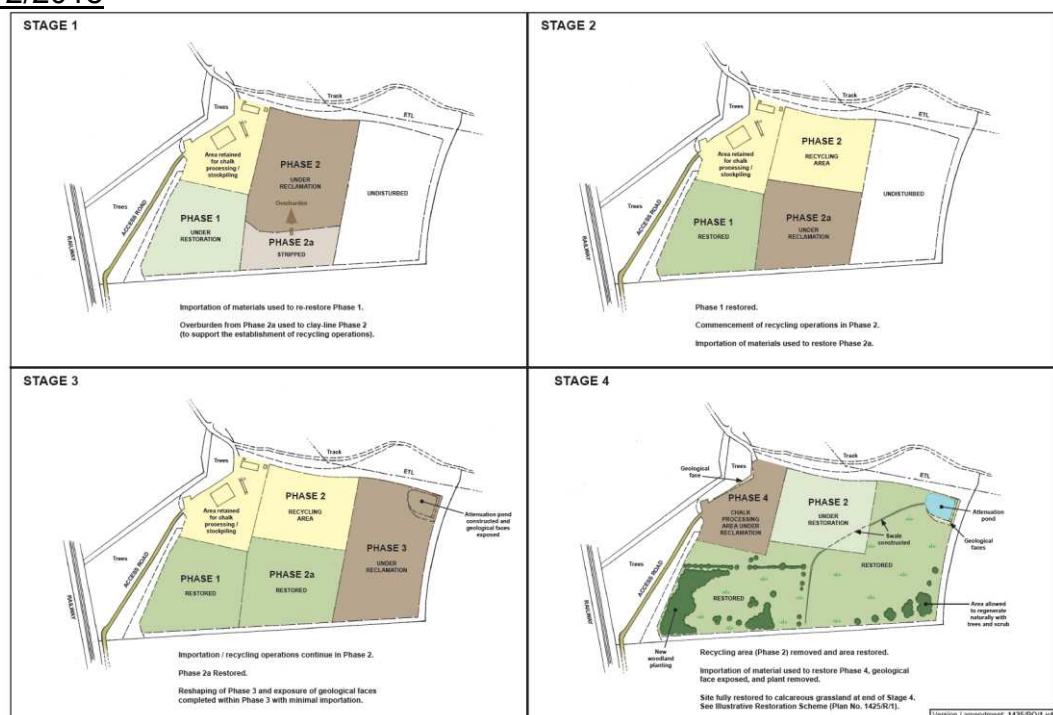
The application site is not itself located within a 'sensitive area', as defined by the EIA Regulations and is not located near any a RAMSAR, SPA or SAC. The site is however located approximately 900m south of the Debden Water SSSI. The site is located in Flood Zone 1.

2. PROPOSAL

The proposed development is to establish recycling facilities and import inert materials to produce secondary aggregates which can be sold back into the local market place with the residual materials used to restore the site back to as close to original ground levels as possible. It is expected that the restoration project would take between 7 and 10 years to complete with extraction, recycling and restoration operations taking place simultaneously.

The applicant proposes to work the site in four phases, with four main stages of operation.

Extract from 'Progressive Operations Plan', drawing no. 1425/PO/1 v4, dated 05/12/2018



As part of stage one, material would be imported to re-restore phase 1 (as per the above labelling). Overburden from phase 2a would then be stripped and used to clay line phase two ready for the establishment of recycling operations. Stage two would see phase one restored; commencement of recycling operations in phase two; and importation of material to restore phase 2a.

Stage three which would follow the restoration of phase 2a would see importation and recycling operations continue with re-shaping/engineering of phase three including exposure of geological faces and construction of the attenuation pond. Stage four would see engineering/restoration of phase three complete; and the recycling area within phase two removed. This phase would also as part of stage four be restored; as would the remaining part of the site (phase four – the chalk processing area). The site would then be restored to calcareous grassland or allowed to regenerate naturally with the addition of new woodland, tree and hedgerow planting.

Extract from 'Illustrative Restoration Scheme', drawing no. 1425/R/1 v2, dated 25/10/2018



In terms of the proposal in numbers, the applicant has suggested that the landfill capacity of the site is 500,000m³ (850,000 tonnes on the basis of 1.7t per m³). Noting that the application proposes to recycle material import to realise secondary aggregate which would subsequently be exported back to the market – the total amount of material proposed to be imported would be in excess of the above figure.

The applicant has not suggested a maximum amount of material which would be imported – on this basis that this is dependent on the recycling rate which could be anything between 0-50%. The Transport Statement submitted in support of the application has however assessed the development on the basis of 150,000 tonnes of material being imported every year for seven years (so 1.05 million tonnes in total). This is around a 20% recycling rate which is slightly below 30% which

officers would generally expect (from a theoretical assessment) but no fundamental concerns are raised to this in respect of an understanding/appraising potential effects.

On average, it has been suggested that the development would give rise to 54 HGV movements a day would result (27 in and 27 out). However, allowing for fluctuations the applicant is seeking permission for up to 80 HGV movements a day (40 in and 40 out) and it is on this basis that the Transport Statement has been submitted.

Hours of operation of between 07:00-18:00 hours Monday to Friday; 07:00-13:00 hours Saturdays; with no working on Sundays or Bank Holidays are proposed.

The application is accompanied by an Environmental Statement (submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017). A copy of the conclusions formed by the applicant for each topic considered (extract from the Non-Technical Summary) is provided at Appendix 1. To confirm, officers are content that the Statement submitted accords with the Regulations and an assessment of the conclusions formed, including reference to where additional or revised information has been sought can be found within the appraisal section of this report.

3. POLICIES

The following policies of the Essex Minerals Local Plan (MLP), adopted July 2014; Essex and Southend-on-Sea Waste Local Plan (WLP), adopted 2017; and the Uttlesford District Council Local Plan (ULP), adopted 2005 provide the development plan framework for this application. The following policies are of relevance to this application:

Essex Minerals Local Plan

S5 – Creating a Network of Aggregate Recycling Facilities

S7 – Provision for Industrial Minerals

S12 – Mineral Site Restoration and After-Use

Essex and Southend Waste Local Plan

Policy 1 – Need for Waste Management Facilities

Policy 3 – Strategic Site Allocations

Policy 10 – Development Management Criteria

Policy 11 – Mitigating and Adapting to Climate Change

Policy 12 – Transport and Access

Policy 13 – Landraising

Uttlesford District Council Local Plan

Policy S7 – The Countryside

Policy GEN1 – Access

Policy GEN3 – Flood Protection

Policy GEN4 – Good Neighbourliness

Policy GEN7 – Nature Conservation

Policy ENV3 – Open Spaces and Trees

Policy ENV8 – Other Landscape Elements of Importance for Nature Conservation

The Revised National Planning Policy Framework (NPPF) was published on 24 July 2018 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

Planning policy with respect to waste is set out in the National Planning Policy for Waste (NPPW published on 16 October 2014). Additionally, the National Waste Management Plan for England (NWMPE) is the overarching National Plan for Waste Management and is a material consideration in planning decisions.

Paragraphs 212 and 213 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

Paragraph 48 of the NPPF states, in summary, that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF.

Uttlesford District Council submitted a 'new' Local Plan to the Secretary of State for Examination in Public (EiP) on 18 January 2019. Hearing dates have yet to be formally scheduled however as the Local Plan has been submitted it is considered that the policies within hold some weight in the determination of planning applications. That said the weight to be applied to relevant policies is restricted by

the fact the Plan has not yet been through EiP and formally adopted.

The following policies of the Uttlesford – Regulation 19 Pre-Submission Local Plan (ULP-19) are considered relevant to this application:

Policy SP1 – Presumption in Favour of Sustainable Development

Policy SP10 – Protection of the Countryside

Policy SP11 – London Stansted Airport

Policy SP12 – Sustainable Development Principles

Policy TA1 – Accessible Development

Policy D1 – High Quality Design

Policy EN7 – Protecting and Enhancing the Natural Environment

Policy EN10 – Minimising Flood Risk

Policy EN11 – Surface Water Flooding

Policy EN14 – Pollutants

Policy EN15 – Air Quality

Policy EN17 – Noise Sensitive Development

Policy C1 – Protection of Landscape Character

NEIGHBOURHOOD PLANS

Newport, Quendon & Rickling Neighbourhood Plan – The parishes of Newport, Quendon & Rickling were designated as a neighbourhood plan area by Uttlesford District Council in February 2017.

The neighbourhood plan which is currently being compiled by local residents and the two parish councils has been consulted on (pre-submission draft - Regulation 14) but has yet to be submitted to Uttlesford District Council for formal publication, consultation and examination (Regulation 15-18). The plan at the current time is therefore considered to hold very limited, if any weight in the determination of planning application. That said, noting the quarry site is referenced within the Regulation 14 draft commentary will be provided within the Principle of Development section of this report for completeness.

4. CONSULTATIONS

UTTLESFORD DISTRICT COUNCIL – No objection subject to the safe importation of the materials and that imported materials will not contaminate the ground or subsequently affect the use of the site.

NATIONAL PLANNING CASEWORK UNIT – No comments to make on the Environmental Statement.

ENVIRONMENT AGENCY – No objection subject to conditions showing the levels of the final base of excavation, the provision of a restoration cap and side and basal liners for each landfill cells; a scheme for groundwater and surface water monitoring; a scheme to provide a surface water management plan; submission of a site survey following restoration of each phase; a scheme to provide for monitoring groundwater and surface water quantity and quality; no waste shall be received until detailed infilling and restoration plans have been submitted and approved; the top metre of infill shall consist of either overburden or clean fill and shall not contain any objects larger than 150mm in any dimension.

NATURAL ENGLAND – Standard advice provided. Natural England's initial screening of this planning application suggests that impacts to designated sites caused by this application need to be considered by your authority.

STANSTED AIRPORT – No objection subject to conditions. The infiltration lagoon has the potential to attract and support hazardous waterfowl. The presence of steep banks on two sides will help to reduce the attraction, as will the likely fast infiltration rate, but it is requested that a condition be attached to any approval granted requiring the infiltration lagoon to be planted with a dense margin of emergent and marginal planting to further obscure access to the water by waterfowl.

NETWORK RAIL – No comments received.

PIPELINE / COMMUNICATION / UTILITY COMPANIES – Either no comments received; no objection; no objection subject to standard advice; or no comments to make.

HIGHWAY AUTHORITY – The application proposes to use the existing access from the quarry onto Widdington Road and turn on the B1383 and the impact of the proposal on these junctions is considered acceptable in highway terms. The bridge over the railway adjacent to the site is owned and maintained by Network Rail. At this point Widdington Road narrows and whilst, at the moment, there is an informal priority arrangement in place it is recommended that a financial contribution be secured, should planning permission be granted, to fund a formal priority working arrangement over the bridge. Conditions are furthermore recommended in respect of the submission of a construction management plan; details of wheel and under vehicle cleaning facilities; and that access is limited to the existing access to the south onto Widdington Road only.

LEAD LOCAL FLOOD AUTHORITY – No objection subject to conditions requiring submission of a detailed surface water drainage scheme and a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works.

THE COUNTY COUNCIL'S LANDSCAPE CONSULTANT – A Landscape and Visual Impact Assessment was carried out in accordance with the Guidelines for Landscape and Visual Impact Assessment, 3rd Edition (2013). It includes appropriate viewpoints located on nearby lanes and PRoWs, the mitigation approach and an assessment of visual amenity and landscape character. The LVIA concludes that the restoration of the site will have a 'slight beneficial effect' on the landscape resource and local landscape character, leading to a 'moderate beneficial effect' once planting has established. This conclusion is considered an accurate assessment of the proposal. In respect of this it is however suggested that the restoration proposals be amended to include a different hedgerow alignment and a different hedge, grass and herb mix. Conditions covering a landscape scheme in general; landscape management plan (25 years suggested); and further details of the sustainable urban drainage system proposed are all recommended.

THE COUNTY COUNCIL'S ECOLOGY CONSULTANT – Supports the proposed restoration of the site to chalk grassland, which complies with the WLP – albeit it is unclear as to why the importation of materials is required to create chalk grassland? There is an area of the quarry which has already been restored. An ecology report, submitted with a previous application at this site, recommended that the area of the site already restored be left intact as it supports a number of grass and flower species, some of which are rare or whose populations are diminishing. The ecological report submitted with this application suggests something contrary however it is accepted that this may be down to the time the survey was completed. No objection is nevertheless raised subject to conditions requiring the submission of a construction environmental management plan and landscape and ecological management plan. With regard to this, it is recommended the long term management plan should cover a period of at least 25 years (five years after care plus an additional 20 years).

THE COUNTY COUNCIL'S ARBORICULTURE CONSULTANT – Support the comments made from a landscape and ecology perspective.

THE COUNTY COUNCIL'S NOISE CONSULTANT – No objection subject to conditions covering hours of operation; all plant and machinery being silenced and fitting with white noise reversing alarms; noise limits for normal and temporary operations; submission of a noise monitoring scheme and subsequent submission of noise monitoring for the life of the development.

THE COUNTY COUNCIL'S AIR QUALITY CONSULTANT – No objection subject to the submission of an updated dust management plan. Furthermore should stockpiles or bunds be left in-situ for more than six months, it is recommended that these are seeded or covered and their management detailed with any interim landscape management plan and/or within the dust management plan.

NEWPORT PARISH COUNCIL – No comments received.

WIDDINGTON PARISH COUNCIL – No comments received.

LOCAL MEMBER – UTTLESFORD – STANSTED – Any comments received will be reported.

5. REPRESENTATIONS

16 properties were directly notified of the application. The application was also advertised by way of site notice and press advert. No letters of representation have been received.

6. APPRAISAL

The key issues for consideration are:

- A. Principle of Development
- B. Landscape
- C. Ecology
- D. Hydrogeology and Hydrology
- E. Amenity

F. Transport

A PRINCIPLE OF DEVELOPMENT

As per the description of the development, this application seeks the continued extraction of the chalk reserve on-site. Whilst it is acknowledged by the applicant that the full reserve would not necessarily be released (i.e. the site fully worked), extraction is proposed to take place within the exposed quarry if there is a market demand (until such a time as restoration works progress and the mineral stream is no longer workable). Such extraction would however continue under the extant details approved by way of application ref: ESS/32/17/UTT. This application, if approved, would however supersede requirements and details previously approved in terms of general site working/phasing; and restoration.

Initially from a minerals perspective, is noted that that policy 7 of the MLP acknowledges that small-scale extraction of chalk for agricultural and pharmaceutical uses takes place at Newport Quarry and accordingly safeguards the site/reserve (as per other existing and preferred sites within the plan). As clarified at paragraph 2.29 chalk is not however accounted for within or as part of a separate landbank. With the supporting text to the MLP clarifying that there is only limited interest in chalk extraction and as such no national requirement to maintain a landbank.

This application is therefore principally being considered/determined as a waste development. That said given the link between the mineral extraction and the need for the importation of material, crossover of policy and that the proposal is in effect facilitating restoration of a mineral site reference to policies S5 and S12 of the MLP is considered appropriate. Policy S5 relates to aggregate recycling (relevant as a processing plant is proposed as part of this application) and policy S12 relates to mineral site restoration and after-use.

As a waste site, Newport Quarry is allocated as a strategic site for both inert waste recycling and inert landfill within the WLP. The allocation as per Table 16 of Appendix B of the WLP is for 300,000m³ inert landfill capacity and 15,000tpa inert recycling capacity.

This application proposes the importation and processing of more material than this, as per the below comparison, and also includes the south-west corner of the site which was not included in the red line of the WLP allocation (as considered already 'restored'):

	Inert landfill capacity	Inert recycling capacity
WLP	300,000m ³ / 510,000 tonnes ¹	75,000 tonnes (15,000tpa for 5 years)
ESS/42/18/UTT	500,000m ³ / 850,000 tonnes	200,000 tonnes (circa 28,500tpa for 7 years ²)

¹ On the basis of 1.7 tonnes of material for every m³

² Noting no maximum importation figure has been suggested as part of the application details – this calculation has used the 1.05 million tonne figure suggested as part of the Transport Statement. With the surplus importation (200,000 tonnes) presumed to be secondary aggregate realised from the processing plant over a 7 year period of operations/plant being in-situ.

Difference	+ 200,000m³ / 340,000 tonnes	+ 125,000 tonnes / 13,500tpa over the 5 year period and then 28,500tpa for two additional years
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It is accepted that the figures and timeframes suggested within the WLP were indicative or estimates and it was fully expected that final details of need/capacity would be revealed as part of any application coming forward. An assessment of the development proposed, in context of this and the site specific issues and options for the site within the WLP can as such be found in the proceeding sections of this report.

In general terms, it is nevertheless accepted that the principle of inert landfill and (in association) inert recycling on this site has been established through the allocation of the site in the WLP. Policy 1 furthermore states that, even with the allocations in the WLP, there is a predicted shortfall in capacity of b) up to 1.95 million tonnes per annum by 2031/32 for the management of inert waste. The supporting text to this policy seeks to clarify that local construction, demolition and excavation waste arisings were 3.62mtpa in 2014 (including 0.31mt of waste imported from London) and it was identified that there was/is a need for additional 1.95mtpa (recycling or disposal) capacity by 2031/32, partly due to the expiry of existing temporary planning permission.

Nonetheless, discounting that some permissions will expire/sites get completed/restored, the WLP acknowledges that there is a need for some 7.05mt additional capacity. And, since no other submitted sites have been deemed suitable for the management of inert waste in the Plan area, the WLP details that locational criteria policies are to be used to assess any additional future inert waste management proposals.

The most recent published update by the Council (Minerals and Waste Authority Monitoring Report (AMR) 1 April 2016 to 31 March 2017) suggested that as of 2016 the shortfall in inert management stood at just over a million tonnes per annum. That said, since 2016 (and the last AMR) notable planning permissions granted for 'new' inert recycling facilities include Crown Quarry (application ref: ESS/07/17/TEN), Sandon Quarry (application ref: ESS/41/17/CHL) and Martells Quarry (application ref: ESS/32/18/TEN). A more up to date picture of capacity will be available when the 2017-18 and 2018-19 AMRs are published, although as noted in previous AMRs obtaining reliable construction, demolition and excavation data can be difficult.

Accordingly, in context of the above, the overall acceptability of the proposed inclusion of the previously restored south-west corner of the site; general increase in site restoration levels (more landfill capacity); and greater recycling throughput will be appraised in the proceeding sections of this report with a view to deciding if the development, as proposed, complies with all relevant policies of the development plan.

Newport, Quendon & Rickling Neighbourhood Plan

The draft Newport, Quendon & Rickling Neighbourhood Plan seeks to suggest that this site may be suitable for up to 150 dwelling or a mixed commercial / residential development. With regard to the allocation in the WLP, the supporting text to the proposed allocation in the Neighbourhood Plan suggests landfilling (with inert material) the high level part of the site would achieve restoration of much of the visible grassland; with the potential housing count is based on the lower flat of the site – so a combination of inert landfill and housing or mixed commercial and housing is considered viable, beneficial and a good use of the site.

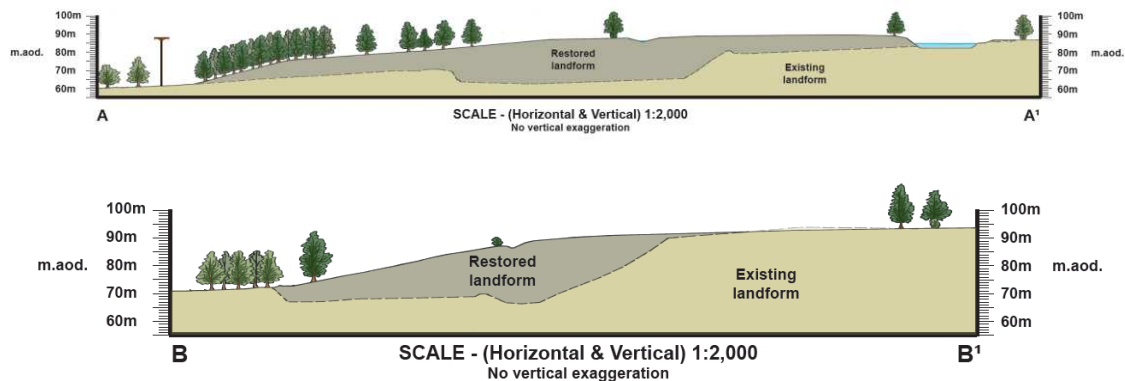
As part of the Regulation 14 consultation, ECC as WPA raised a holding objection to the proposed allocation of Newport Quarry for residential or mixed use, given the conflict with the MLP and WLP. The site is furthermore not allocated for housing within the emerging Uttlesford Local Plan. That said, whilst the restoration (landfill) of the site to original levels would counter that suggested re: the existing lower flat part of the site (as existing) being developed – the importation of material and restoration of the site to former levels would not in any way prejudice a future application for development on this land. Any such application would simply be considered in context of relevant circumstances, context and planning policy by Uttlesford at the time.

B LANDSCAPE

This application seeks the importation of material to restore the existing quarry to near former levels. With regard to this, the application red line includes the restored south-west corner of the site, which is not included in the WLP allocation.

The issues and opportunities identified with the WLP for the site include careful consideration of the environmental and visual impacts, particularly if a proposal relates to already restored areas.

Whilst not formally stated as part of the application details, it is presumed on review of the existing site levels, that phase one (as per the previous drawings in this report) has been included and proposed to be raised further to avoid a particularly steep gradient/interchange of the restored profile. The highest part of the site as existing (south-east corner) is 95m AOD with the lowest part of the site (along the western boundary) 60m AOD. As existing phase one slopes up from 60m AOD to 85m AOD on a slight curve. The gradient as existing is relatively gentle between 60 and 80m but then rises significantly to 95m. The restoration profile, proposed as part of this application would see the extent of land at 95m AOD increase and generally land levels slightly higher. That said, the profile proposed has not sought to increase the overall land level (of 95m AOD at its peak) and has been designed to reflect local character in terms of gradient; support the proposed afteruse and features such as the attenuation pond.



Policy 10 of the WLP states that proposals for waste management development will only be permitted where it can be demonstrated that the development would not have an unacceptable impact on: the appearance, quality and character of the landscape, countryside and visual environment and any local features that contribute to its local distinctiveness; the natural and geological environment; and the character and quality of the area (only criteria relevant to landscape detailed). In respect of landraising (policy 13), proposals must demonstrate that there is a proven significant benefit that outweighs any harm caused; the amount of waste material used to raise the level of the land must be the minimum amount necessary to achieve restoration; and in the case of land remediation and other projects provide significant improvement to damaged or degraded land and/or provide a greater environmental or agricultural value than the previous land use.

At a district/local level policy S7 of the ULP states the countryside is considered to represent all areas beyond the Green Belt not within a settlement or site boundary. Planning permission in the countryside will only be given to development that needs to take place there or is appropriate to a rural area. Any such development should protect or enhance the character of the countryside. Expanding on this policy ENV3 states the loss of traditional open spaces, groups of trees and/or fine individual species as a result of development will not be permitted unless the need for the development outweighs the impact/harm. With policy ENV8 seeking to afford protection to other landscape elements including hedgerows, woodlands, semi-natural grasslands and ponds for example. The above policy positions are replicated in the emerging ULP-19 with policy SP10 relating to the protection of the countryside, SP12 covering a range of issues including retaining and enhancing the character, appearance and setting of area, D1 which (although principally built form focussed) relates to design and responding to landscape, local and longer-views and the natural and historic environment and C1 which relates to the protection of landscape character stating, amongst other things, development should preserve and enhance landscape pattern and structure of woodland areas, hedgerows and individual trees; and preserve and enhance historic landscape character of field patterns and sizes.

A Landscape and Visual Impact Assessment (LVIA) has been submitted in support of this application. This identifies that at a national level, the site forms part of the South Suffolk and North Essex Clayland character area (profile 86). Key characteristics of the area, relevant to this site, are suggested as: (paraphrased) undulating chalky boulder clay plateau, dissected by numerous river valleys, giving a topography of gentle slopes in the lower wider valleys and steeper slopes in the narrower upper parts; soils of a calcareous character; south-east flowing streams and rivers drain the clay plateau with watercourse winding slowly across flood plains; lowland wood pasture, ancient woodland and large, often ancient, hedgerows link woods and copses; predominate arable agricultural landscape with irregular field patterns; and a strong network of public rights of way.

Moving to a county level, the site lies on the edge of the Central Essex Farmlands (B1) and Cam River Valley (C1) character areas. Key characteristics of Central Essex Farmlands, are suggested, to include: irregular field patterns of mainly medium sized arable fields marked with hedgerows and ditches; small woods and copses; network of narrow widening lanes and mostly tranquil character away from major roads and Stansted Airport. The condition of hedgerows and woodlands, in the character area, are considered moderate overall; localised erosion of character has taken place due to sand and gravel working; and some modern planting around farmsteads has taken place. The sensitive to mineral extraction/waste disposal is deemed moderate.

Key characteristics of the Cam River Valley character area are suggested to include broad valleys, rolling valley sides in the north, gentler slopes to the south and predominately large scale, open arable farmland. The condition of some hedgerows on valley sides in the character area is noted as poor due to lack of management and farming practices and also gravel workings, chalk pits, pylons and the M11 create some localised visual intrusions in the landscape. Similarly the sensitivity to development is deemed moderate.

At a district level, the site in the majority lies within the LCA A1 Cam River Valley character area, with the eastern part of the site forming part of the LCA B7 Debden Farmland Plateau. Without seeking to repeat key characteristics, which largely follow the above, the proposed strategy objective for the Cam River Valley is one of conservation. With suggested landscape planning guidelines including conserving and enhancing the landscape setting of settlements; maintaining cross-valley views; considering the landscape pattern and structure of large woodland area and the role that they have in the composition of views; and ensuring that new woodland planting is designed to enhance landscape character and that species composition reflects local character. For Debden Farmland again the strategy objective is conservation albeit management guidelines state conserving historic lands and unimproved roadside verges; and establishing arable field margins as important nature conservation habitats.

The LVIA submitted in support of this application seeks to suggest that the existing baseline conditions of the site as a working quarry provide a negative contribution to landscape character. That said, the sites visibility is relatively limited and where the quality of views is such that there are a number of incongruous elements, local people are likely to be indifferent to the view.

The LVIA has not sought to assess that proposed against the existing approved restoration for the quarry. That said the LVIA does assess the impact/landscape effects of the proposed restoration in context of the site as existing i.e. no further operations/development. In this regard, whilst a moderate adverse effect would result throughout the working phases 1-4; the overall site restoration has been assessed to represent a slight beneficial effect (both from a landscape and visual impact perspective). In coming to this opinion it is suggested that the restoration would complement the scale, landform and pattern of the landscape incorporating measures for mitigation to ensure the scheme will be integrated with the surrounding landscape; reduce the visibility of the intrusive nature quarry and its exposed quarry faces resulting in the removal of incongruous or intrusive elements; have beneficial effects on the current level of tranquillity of the landscape; restore existing landscape character and increase biodiversity; and the effect of large area of new species rich calcareous grassland would be relatively soon after completion of the phase.

Once established, the beneficial effect is considered to enhance to moderate on the basis that vegetation would have established to provide new semi natural habitats to increase ecological diversity; and retained geological features would have naturally regenerated providing new habitat diversity for flora and fauna.

The Council's landscape consultant has raised no objection in principle to the development coming forward including the proposed restoration profile, agreeing with the conclusions formed within the submitted LVIA. In respect of the proposed restoration scheme, it is considered that a north/south field alignment pattern would however be more in keeping than that proposed. And, it is recommended that final details (hedgerow mix etc..) of landscaping and planting timetable, as well as final detailed topographical plans, including sections, and proposed planting plans for drainage features proposed and exposed quarry faces be secured by condition.

With regard to management, the Council's consultant furthermore recommends a management plan be secured for a minimum of 25 years. It is considered necessary and appropriate to secure a management plan for the site. However, it is noted that the Council's standard 'aftercare' period is 5 not 25 years. Whilst calcareous grassland is a priority habitat, as a WLP rather than MLP allocation, this site was not identified as a flagship site within the Council's Mineral Site Restoration for Biodiversity Supplementary Planning Guidance (June 2016) which is where support for a 25 management plan could be drawn. Whilst the SPG applies to all minerals development, not just that associated with flagship schemes, it is considered that securing a long term management scheme for anything above 5 years might not necessarily comply with relevant tests as a condition and/or obligation in this instance.

The reasons for the suggested long term management, by the Council's landscape (and ecology) consultants are however acknowledged. In the circumstances, without prejudice, should planning permission be granted it is therefore considered that as part of the management plan (aftercare scheme) formally secured for five years, the condition could be worded in such a way to require details (including funding and management) for a longer 25 year period. Whilst in planning terms the management for the additional 20 year would not be enforceable, this would, at least, offer some long term comfort on management and allow longer term

aspirations to be incorporated. On a slightly separate note, in respect of this, the provision of a long term management plan could potentially also unfavourably prejudice future aspirations for part of the site to be developed for housing and/or commercial purposes.

Accordingly, subject to conditions as suggested above being attached to any decision made, it is considered that the development would comply, from a landscape perspective, with policies 10 and 13 of the WLP; policies S7, ENV3 and EN8 of the ULP and policies SP10, SP12, D1 and C1 of the ULP-19.

C ECOLOGY

Policy S12 of the MLP states that mineral extraction sites, as part of their restoration, shall provide biodiversity gain demonstrating their contribution to priority habitat creation and integration with local ecological networks. Policy 10 of the WLP states proposals should not have an unacceptable impact on the natural environment with policy 13 requiring, in respect of land remediation, a greater environmental value than the previous land use.

Policy GEN7 of the ULP states development that would have a harmful effect on wildlife or geological features will not be permitted unless the need for the development outweighs the importance of the feature to nature conservation. Where the site includes protected species or habitats suitable for protected species, a nature conservation survey will be required. In the event of identified impact the policy requires measures to mitigate and/or compensate for the and, as appropriate, enhance biodiversity through the creation of appropriate new habitats. This position is reflected in policy EN7 of the ULP-19.

An extended Phase 1 Habitat Survey has been submitted with this application. The conclusions of this is that the development is not anticipated to impact on any surrounding designed and non-designated sites, with the site offering no direct link or impact to any sites within the locality. Expanding on this, it is acknowledged that the proposed development would result in some ecological impact although primarily this would be already heavily disturbed areas and common and widespread habitats which are considered to have a low ecological value. Areas of higher ecological value, such as hedgerows and mosaic habitats, would be retained and enhanced as part of the development.

With regard to protected species, the Habitat Survey does not anticipate that the site supports significant numbers of notable bird species; or that trees on-site have significant bat roosting potential. The presence of reptiles is unknown although in view of the habitat present it is considered likely that some species will be present on site. Noting that post restoration it is suggested that the development would enhance ecological value, to avoid any temporary or short-term impact, a precautionary working methodology is proposed which would include fingertip searches by a qualified ecologist prior to any works taking place in areas where reptiles may exist.

The Council's ecological consultant supports the proposed restoration to chalk grassland. However, questions why material needs to be imported to create this habitat. As suggested by the Council's consultant the extant planning permission

for chalk extraction proposes restoration to chalk grassland at a low level with no importation. This application, and the proposed infilling, however follows the allocation within the WLP – with the site allocated for such purposes to meet the identified need for inert landfill and recycling during the plan period. Whilst it is acknowledged that material does not need to be imported to facilitate restoration to calcareous grassland, the principle of restoring the site to former levels rather than at a low level has been established through the WLP allocation process.

The Council's consultant furthermore raises questions about the inclusion and re-engineering of phase 1 (the area previously considered restored). The Council's consultant makes reference to an ecological survey undertaken in 2016 (to support a variation of condition application pursuant to the chalk extraction permission) in which it is suggested that this area, as existing, supports a good number of grass and flower species and habitat. The consultant raises this as a point of discrepancy rather than an objection to the development or Habitat Survey submitted in support of this application. In the event that planning permission is granted conditions in respect of construction management (ecological protection) and long term management (landscape and ecology) are recommended. See Landscape section for comments on suggested 25 year management period.

It is considered that the restoration of this site would realise a rare opportunity in Essex to create a reasonable sized area of chalk grassland. Whilst it is accepted that the importation of material and landraising in itself is not facilitating this, the profile and features created would support this use long term. Furthermore, the operations subject to suitable safeguarding conditions would not give rise to any significant impacts to habitat and in the long term, through appropriate management, it is considered that the development would result in net biodiversity gain in accordance with relevant policy.

D HYDROGEOLOGY AND HYDROLOGY

A Hydrogeological Impact Assessment has been submitted with this application. This seeks to suggest that the groundwater within the chalk aquifer at the site flows northwards towards Debden Water and that the River Cam may be hydraulically isolated. There are two public water catchments within 3km of the site, and the site lies within the source protection zones for one of these – albeit ground water is not towards it.

Following assessment of the development proposed and potential impact on surface water flows and water quality, the Assessment submitted concludes no significant effects.

With regard to flood risk and drainage, the site lies entirely within flood zone 1. The railway line that runs to the west of the site acts as a barrier between the site and the River Cam and flood risk zones 2 and 3 associated with this. Flood zones 2 and 3 associated with Debden Water are located around 825m north of the site. In respect of surface water flooding from local/small watercourses risk varies across the site from low to high. The high risk area representing the channel in the western part of the quarry void. Similarly for groundwater flooding, information submitted from Geosmart's Groundwater Flood Risk Map, indicates part of the site and surrounding area are at high risk of groundwater flooding. Across the site, this

risk varies however due to the presence of the quarry void, the base of which extends to a depth which is only just above typical groundwater level elevated groundwater flood risk is associated.

Peak runoff rates/volume for the site, as existing, have been calculated at 3,186m³ with a runoff rate of 3,324m³ suggested if the site was restored in accordance with the extant mineral permission in a 1 in 100 year 6 hour event.

The drainage strategy for the site has sought to intercept and attenuate any additional flow, resulting from the development, over and above existing rates (as the lower figure of the above). In this regard, the applicant proposes creation a swale across the site that would act as an interceptor for runoff from the upper part of the site, redirecting runoff to the attenuation lagoon. Runoff from the lower part of the site is proposed to continue to the land westwards, albeit in comparison to existing rates would be reduced as a result of the swale.

No objection to the development coming forward, in respect of this, has been raised by the Environment Agency and/or Lead Local Flood Authority subject to the imposition of conditions. As such, with the aforementioned conditions attached to any decision made it is considered that the development would comply with relevant aspects of policies 10 and 11 of the WLP, policies GEN3 and ENV12 of the ULP and policies S12, ENV10 and ENV11 of the ULP-19.

Airport Safeguarding

For completeness, this site is located within the London Stansted safeguarding area. The Airport has been consulted on this application and has raised no objection in principle. A condition with regard to the landscaping/planting of the attenuation pond is however requested in the interests of seeking to prevent the development attracting and/or supporting hazardous waterfowl. The imposition of such a condition is not considered to unduly impact on the ponds flood attenuation function and furthermore with such a condition imposed compliance with policy 10 of the WLP and policies SP11 and SP12 from an airport safeguarding perspective can be ensured.

E AMENITY

Policy 10 of the WLP states waste management development will only be permitted if, amongst other things, it does not give rise to unacceptable impacts on local amenity (including noise levels, odour, air quality, dust, litter, light pollution and/or vibration). Similarly policy GEN4 of the ULP states development and uses, whether they involve the installation of plant or machinery or not, will not be permitted where: a) noise or vibrations generated, or b) smell, dust, light, fumes, electromagnetic radiation, exposure to other pollutants; would cause material disturbance or nuisance to occupiers of surrounding properties. With policy ENV11 specifically relating to noise and noise generating development.

In terms of the ULP-19, policy EN14 relates to pollutants, policy EN15 relates to air quality and EN17 relates to noise sensitive development.

Noise

The National Planning Practice Guidance in respect of noise suggests that MPAs should aim to establish noise limits, through a planning condition, at the noise-sensitive property that does not exceed the background noise level (LA90,1h) by more than 10dB(A) during normal working hours (0700-1900). Where it would be difficult not to exceed the background level by more than 10dB(A) without imposing unreasonable burdens on the mineral operator, the limit set should be as near that level as practicable. In any event, the total noise from the operations should not exceed 55dB(A) LAeq, 1h (free field). For operations during the evening (1900-2200) the noise limits should not exceed the background noise level (LA90,1h) by more than 10dB(A) and should not exceed 55dB(A) LAeq, 1h (free field). For any operations during the period 22.00 – 07.00 noise limits should be set to reduce to a minimum any adverse impacts, without imposing unreasonable burdens on the mineral operator. In any event the noise limit should not exceed 42dB(A) LAeq,1h (free field) at a noise sensitive property.

The hours of operation proposed by this application are considered to be standard for a development such as this and indeed align with the extant permission for chalk extraction (as per application ref: ESS/32/17/UTT). The hours proposed are 07:00-18:00 hours Monday to Friday; and 07:00-13:00 hours Saturday with no working on Sundays or Bank Holidays. And, in principle no concerns are therefore raised to these.

With regard to potential noise impact, the applicant has undertaken a noise assessment, which has sought to establish background noise levels at nearby sensitive locations. The levels evidenced are provided below, with a proposed maximum working limit to comply with that suggested in the NPPG:

Location	Background Noise Level (dB LA90) - Weekday	Background Noise Level (dB LA90) - Saturday	Proposed Freefield Working Limit (dB LAeq, 1hr)
Chalk Farm	47	42	55
Properties along Debden Road	41	41	51
Bowker Close	53	53	55

The Council's noise consultant in view of the above has raised no objection, considering that subject to the imposition of appropriate noise limits by way of condition that the development should not give rise to significant noise nuisance.

With regard to this, noting the difference in background noise level between a weekday and Saturday at Chalk Farm, it has however been suggested/recommended that the lower figure be used and the freefield working limit imposed at Chalk Farm of 52dB LAeq,1hr. The Council's consultant considers this to be an more appropriate limit, given the Saturday background level, and operationally as the submitted noise assessment predicts a normal working level of 47dB(A) the operator still has a +5dB(A) flex. Taking this advice on board, subject to the imposition of an appropriate worded condition and the requirement for routine monitoring no objection on noise grounds is raised to the development

coming forward.

Air Quality

An air quality assessment has been submitted with this application which acknowledges that the proposal has the potential to cause air quality impacts at sensitive locations in the vicinity of the site, as a result of fugitive dust and vehicle exhaust emissions. With regard to fugitive dust there are two potential impacts:

- Fine particulars, caused by PM₁₀ (particulate matter with an aerodynamic diameter of less than 10 micrometres) which can remain suspended in air for long periods and are fine enough to be inhaled and therefore have potential to cause health effects; and
- Larger particles of dust, visible to the naked eye, which although not causing health effects, may cause soiling/staining on window ledges, cars, laundry etc...

Guidance on the Assessment of Mineral Dust Impacts for Planning v1.1 produced by the Institute of Air Quality Management (2016) states that if the long term background PM₁₀ concentration levels is than 17µg/m³ then there is little risk that emission from a mineral extraction facility would lead to exceedances of relevant Area Quality Objective at the locations of relevant. Noting, background PM₁₀ levels in this area are 15.25µg/m³, the impact to human health is predicted, within the assessment submitted, to be negligible.

In terms of larger particulates, only one property is identified as having a moderately effective pathway for potential impact (The Old Kiora – some 75m from the site), In context of the operations and distance from the site, subject to good working practices the dust impact risk is however considered low with only a slight magnitude of impact.

The Council's air quality consultant agrees with the aforementioned conclusions and as such has raised no objection to the development. It has been recommended that dust management plan be secured by condition and as such with an appropriately worded condition attached to any decision made it is considered that the development would comply with the aforementioned policies from an air quality perspective.

F TRANSPORT

Access to the site is proposed from the existing access to chalk pit, off the road which leads to Widdington from the B1383 (London Road). Widdington Road is a country lane which crosses over the railway line on a bridge, having a carriageway width of approximately 6m between the site access and B1383, except at the railway bridge where the carriageway narrows to 5m. The Transport Statement submitted in support of the application acknowledges that although Widdington Road is a local access road to Widdington, the road (as existing) functions as a HGV access route to Saffron Walden which avoids the low railway bridge in Newport.

The applicant has suggested that all HGVs would be expected to arrive and depart from the site access from/to the west (and the B1383). In terms of vehicle

movements, it is proposed that there would be a maximum of 80 HGV movements a day (40 in and 40 out). However, an annual average of 54 movements (27 in and 27 out) is suggested as more representative of that likely to result day to day. The above average having being calculated on the basis of 275 operational days per year; 150,000 tonnes being imported per year; and a 20 tonne average vehicle payload.

Turning this into a daily count, noting the proposed hours of operation, the below provides a breakdown of movements³ (Monday and Friday) including expected movements during both AM (08:00-09:00) and PM (17:00-18:00) peaks:

Period	HGV movements	Light Vehicle movements
Daily (Mon – Fri)	54 (80)	6 (9)
AM peak	6 (8)	0 (1)
PM peak	1 (2)	3 (4)

The Transport Statement in respect of this, and traffic surveys undertaken on nearby roads, suggests that the (maximum amount of) vehicle movements resulting from this development would result in a 1.9% increase in overall traffic on the B1383 (6.2% increase if HGVs are considered in isolation).

Noting that this application proposes use of an existing access associated with a mineral site, frequently used by HGVs, no principle objection from an accessibility point of view is raised by the Highway Authority. That said it has been recommended that a financial contribution be secured, should planning permission be granted, to potentially fund a formal priority working over the bridge on Widdington Road. This (the requirement for additional traffic management) was noted as a potential issue within the WLP allocation and it is therefore considered that any such requirement for a financial contribution would be supported by policy.

On the basis that the bridge is however owned by Network Rail the Highway Authority acknowledge that any potential works to this would be subject to their approval. Therefore, in securing any such contribution it is considered appropriate to word any such legal obligation in a way that ensures unused/unspent funds after five years or sooner, in the event that Network Rail formally seek to issue a direction prohibiting any such works, are returned back to the applicant. This approach has been agreed with the Highway Authority.

Overall, in context of the above, it is not considered that the level of activity proposed (vehicle movements) would fundamentally result in unacceptable impacts on the efficient and effective operation of the road network, including safety and capacity, local amenity and the environment. Subject to suitable conditions limiting the maximum number of HGV movements per day; securing a routeing agreement; construction management plan; the prevention of mud and debris being deposited onto the highway; and a legal agreement to secure the financial contribution towards the potential implementation of a priority working over the bridge, it is therefore considered that the development would comply with the relevant highway aspects of policies 10 and 12 of the WLP, policy GEN 1 of the ULP and policies

³ Main figure is an average with the bracketed figure representing the suggested maximum

7. CONCLUSION

As an allocated site within the Essex and Southend-on-Sea Waste Local Plan (2017) for both inert landfill and inert recycling no in-principle objection is raised to this development coming forward.

That said, it is noted that more (quantity) material, a more intense recycling operation and a longer timeframe to restore the site/complete the development is proposed as part of this application. In consideration of this, and relevant policy, it is however considered that operationally the importation of additional material and longer time frame would not fundamentally conflict with relevant stipulations of the development plan and/or give rise to undue impacts.

It is considered that the proposed restoration profile would be in keeping with the locality and, upon completion, give rise to benefits from both a landscape resource and character and visual amenity perspective. Proposed features, enhancements and management would ensure no undue impact on ecology, water quality and/or flood risk and with appropriate conditions attached to control the overall intensity and nature of operations it is not considered that the development would result in significant or unsustainable impacts from an amenity or transport perspective.

Accordingly it is considered that the proposal represent sustainable development, as per the definition with the NPPF, and it is recommended that planning permission be granted subject to conditions and legal agreement.

8. RECOMMENDED

That:

Subject to the completion, within 6 months, of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) requiring restoration of the site, as per the approved details, within 10 years of commencement; aftercare following restoration of the site; and a financial contribution of £19,200 (index linked from the date of this recommendation but subject to conditions/limitations of use) to fund the design and implementation of a traffic management scheme in the vicinity of the site;

planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years. Written notification of the date of commencement shall be sent to the Waste Planning Authority within 7 days of such commencement.

Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 'Application Plan', drawing no. 1425/A/1 v1, dated 04/07/2018; 'Site Plan (as existing)', drawing no.1425/S/1 v2, dated 25/10/2018;

'Progressive Operations Plan', drawing no. 1425/PO/1 v4, dated 05/12/2018; 'Illustrative Restoration Scheme', drawing no. 1425/R/1 v2, dated 25/10/2018; 'Illustrative Cross Sections', drawing no. 1425/CS/1 v2, dated 25/10/2018; 'Illustrative Detail of Typical Office & Weighbridge', drawing no. Gen./02 v3, dated 20/02/2017; and 'Illustrative Detail of Typical 12m Office / Messroom, drawing no. Gen./03 v3, dated 23/11/2016 and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Waste Planning Authority, except as varied by the following conditions:

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and to comply with policies S5, S7 and S12 of the Essex Minerals Local Plan (2014); policies 1, 3, 10, 11, 12 and 13 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN1, GEN3, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP1, SP10, SP11, SP12, TA1, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

3. The development hereby permitted shall be limited to a period of 10 years, from the notified date of commencement of the development, by which time the site shall be restored in accordance with the approved restoration scheme.

Reason: To ensure development is carried out in accordance with submitted details, to minimise the duration of disturbance from the development hereby permitted and to comply with policies 10, 12 and 13 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN1, GEN4, GEN7 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, EN7, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

4. Any building, plant, machinery, foundation, hardstanding, roadway, structure, plant or machinery constructed, installed and/or used in connection with the development hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed. In any case this shall not be later than 10 years from the notified date of commencement, by which time the land shall have been restored in accordance with the approved restoration scheme.

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to enable the Waste Planning Authority to adequately control the development and to ensure restoration of the site within the approved timescale and to comply with policy S12 of the Essex Minerals Local Plan (2014); policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN4, GEN7 and ENV8 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, EN7 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

5. Except in emergencies (which shall be notified to the Waste Planning Authority as soon as practicable) the development hereby permitted shall only be carried out during the following times:

07:00 to 18:00 hours Monday to Friday
07:00 to 13:00 hours Saturday

and at no other times or on Sundays, Bank and/or Public Holidays

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

6. The total number of heavy goods vehicle movements* associated with all operations undertaken from the site (inclusive of mineral extraction) shall not exceed the following limits:

80 movements (40 in and 40 out) per day (Monday to Friday); and
40 movements (20 in and 20 out) per day (Saturdays)

No movements shall take place outside the hours of operation authorised by this planning permission.

** For the avoidance of doubt a heavy goods vehicle shall have a gross vehicle weight of 7.5 tonnes or more*

Reason: In the interests of highway safety, safeguarding local amenity and to comply with policies 10 and 12 of the Essex and Southend Waste Local Plan (2017); policies GEN1, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12, TA1, EN15 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

7. A written record shall be maintained at the site office of all movements in and out of the site by heavy goods vehicles; such records shall contain the vehicle registration number and the time and date of the movement and shall be made available for inspection by the Waste Planning Authority within seven days of written request.

Reason: To allow the Mineral Planning Authority to adequately monitor activity at the site and to ensure compliance with permitted levels of intensity and to comply with policies 10 and 12 of the Essex and Southend Waste Local Plan (2017); policies GEN1, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12, TA1, EN15 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

8. All vehicle access and egress to and from the site shall be from Widdington Road, as indicated on drawing titled 'Application Plan', drawing no. 1425/A/1 v1, dated 04/07/2018. No importation shall nevertheless take place until details of a scheme of signage; driver instruction sheet and enforcement protocol has

been submitted to the Waste Planning Authority for approval in writing in respect of vehicle routing to the site. The aforementioned shall seek to ensure all vehicular traffic arrives from and departs towards the B1383 (London Road) and not towards Widdington via Widdington Road, unless serving the village itself.

Reason: In the interests of highway safety and to comply with policies 10 and 12 of the Essex and Southend Waste Local Plan (2017); policies GEN1, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12, TA1, EN15 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

9. No commercial vehicle shall leave the site unless its wheels and underside chassis have been cleaned to prevent materials, including mud and debris, being deposited on the public highway.

Reason: In the interests of highway safety, safeguarding local amenity and to comply with policies 10 and 12 of the Essex and Southend Waste Local Plan (2017); policies GEN1 and GEN4 of the Uttlesford District Council Local Plan (2005); and policies SP12 and TA1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

10. Only non-contaminated inert waste material, which has been detailed and defined within of the approved application details, shall be imported to the site for the purposes of recycling/processing, land raising and restoration.

Reason: To ensure that there are no adverse impacts on the local amenity from the development not assessed as part of the application details and to comply with policies 1, 3, 10 and 13 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP11, SP12, EN7, EN14 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

11. The development shall be undertaken on a phased basis, as indicated on the submitted drawing titled 'Progressive Operations Plan', drawing number: 1425/PO/1 v4, dated 05/12/2018. Operations shall commence in phase 1 and progress in numerical and stage order.

Reason: In the interests of ensuring a phased restoration, local amenity and to comply with policies 3, 10 and 11 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN3, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

12. Following notified commencement of the development, every six months a progress report shall be submitted to the Waste Planning Authority for review and comment. The report shall detail how much waste has been imported to the site (over the preceding six months) together with a breakdown of how much material has subsequently been exported. For every alternate submission (so annually) and upon completion/restoration of each phase (1-4

inclusive), a land level survey shall also be submitted to evidence progress/achievement of phased restoration. In addition to the land level survey a short statement on progress and operations to be undertaken/completed within the forthcoming 12 month period shall be submitted.

Reason: In the interests of ensuring a phased restoration, local amenity and to comply with policies 3, 10 and 11 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN3, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

13. In the event of a cessation of operations hereby permitted for a period in excess of 12 months, prior to the achievement of the completion of the approved scheme, which in the opinion of the Waste Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990 (as amended), a revised scheme of restoration and aftercare shall be submitted to and approved in writing by the Waste Planning Authority. Within six months of the 12 month period of cessation of operations the revised scheme of restoration and aftercare shall be submitted to the Waste Planning Authority for approval in writing. The development shall subsequently be implemented in accordance with the revised scheme of restoration and aftercare.

Reason: To secure a satisfactory alternate restoration of the site in the event of a cessation of operations, in the interest of local amenity and the environment and to comply with policy S12 of the Essex Minerals Local Plan (2014); policies 10 and 13 the Essex and Southend Waste Local Plan (2017); policies S7, GEN3, GEN4, GEN7, ENV3, ENV8 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

14. No vehicles and/or mobile plant used exclusively on site shall be operated unless they have been fitted with white noise alarms (or equivalent) to ensure that, when reversing, they do not emit a warning noise that would have an adverse impact on residential or rural amenity.

Reason: In the interests of local amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

15. The free field Equivalent Continuous Noise Level (LAeq, 1 hr) at the below noise sensitive properties/locations shall not exceed the following limits:

Chalk Farm: 52dB LAeq 1hr
Bowker Close: 45dB LAeq 1hr
Debden Road: 51dB LAeq 1hr

Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

16. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at Chalk Farm, Bowker Close and Debden Road shall not exceed 70dB LAeq 1hr. Temporary operations shall not exceed a total of eight weeks in any continuous duration 12 month duration. Five days written notice shall be given to the Waste Planning Authority in advance of the commencement of a temporary operation.

Reason: In the interests of amenity and to comply with policies policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

17. Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at the four location points shown in Figure 1 (Site Location and Noise Monitoring Position) of the Noise Assessment, undertaken by LFAcoustics, dated 21/11/2018. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations of 30 minutes separated by at least 1 hour during the working day and the results shall be submitted to the Waste Planning Authority within one month of the monitoring being carried out. Should an exceedance in the maximum noise limits secured by condition be noted, appropriate justification/commentary and/or a scheme of additional mitigation shall be presented to the Waste Planning Authority for review and approval in writing, as appropriate. The frequency of monitoring shall not be reduced unless otherwise approved in writing by the Waste Planning Authority.

Reason: In the interests of amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN17 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

18. No development shall take place until a Construction Method Statement and Construction Environmental Management Plan have been submitted to and approved in writing by the Waste Planning Authority. The Statement and Plan shall provide for:
- The parking of vehicles of site operatives and visitors during initial site set up and then during operations;
 - The proposed location of the site office and weighbridge during operations;
 - The proposed detail/specification of any wheel and underbody vehicle washing facilities;
 - A scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during operations;
 - Risk assessment of potentially damaging activities;

- Identification of “biodiversity protection zones”;
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during operations/each phase (may be provided as a set of method statements) including those outlined within Table 6.2 of the Extended Phase 1 Habitat Survey Report;
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works; and
- Responsible persons and lines of communication

***Reason:** For the avoidance of doubt as to the general layout of the site during operations, in the interests of highway and site safety, ecology and amenity and to comply policies 10 and 12 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN1, GEN3, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, TA1, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

19. No fixed lighting shall be erected or installed on-site until details of the location, height, design, luminance and operation have been submitted to and approved in writing by the Waste Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate. The details submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential nuisance of light spill to adjacent properties, highways and/or any features/habitat of ecological interest/value. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

***Reason:** To minimise the nuisance and disturbances to the surrounding area and environment and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN4 and GEN7 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, EN7 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

20. No development shall take place until a scheme to minimise dust emissions has been submitted to and approved in writing by the Waste Planning Authority. The dust management scheme/plan shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development (and all operations undertaken on the site). The development shall be implemented in accordance with the approved scheme with the approved dust suppression measures being retained and maintained in a fully functional condition for the duration of the development hereby permitted.

***Reason:** To reduce the potential for dust disturbance from the site on the local environment and to comply with policy 10 of the Essex and Southend Waste*

Local Plan (2017); policy GEN4 of the Uttlesford District Council Local Plan (2005); and policies SP12 and EN15 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

21. No development shall take place until a detailed layout plan for the proposed recycling area (phase 2) as detailed on 'Progressive Operations Plan', drawing no. 1425/PO/1 v4, dated 05/12/2018 has been submitted to and approved in writing by the Waste Planning Authority. The layout plan shall seek to show the proposed layout of this area including indications of all plant and machinery (together with specification) and location and maximum heights for stockpiles. For the sake of completeness, no materials shall be stockpiled on-site unless within the recycling area (phase 2) or chalk processing area (phase 4) as indicated on the submitted drawing titled 'Progressive Operations Plan', drawing number: 1425/PO/1 v4, dated 05/12/2018.

Reason: For the avoidance of doubt as to the layout and machinery/plant approved, in the interests of amenity and to comply with policy S5 of the Essex Minerals Local Plan (2014); policies 1, 3 and 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN3, GEN4, GEN7, ENV3, ENV8, ENV11 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, D1, EN7, EN10, EN11, EN14, EN15, EN17 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

22. No stripping or handling of topsoil or subsoil shall take place until details of any and all temporary stockpiles/holding bunds and a scheme of machine and soil movements for the stripping and replacement of soils has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall:
- d) Be submitted at least three months prior to the expected commencement of soil stripping and detail how soils will be handled, maintained and re-spread for restoration;
 - e) Define the type or machinery to be used to strip and replace soils; and include
 - f) Confirmation that soil will only be stripped and handled when in a dry and friable condition*; and that no area of the site traversed by heavy goods vehicles or machinery (except for the purpose of stripping that part or stacking of topsoil in that part) unless all available topsoil and/or subsoil has been stripped from that part of the site.

The development shall be implemented in accordance with the approved scheme.

**The criteria for determining whether soils are dry and friable involves an assessment based on the soil's wetness and lower plastic limit. This assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean glazed tile using light pressure from the flat of the hand. If a thread of 15cm in length and less than 3mm in diameter can be formed, soil moving should not take place until the soil has dried out. If the soil crumbles before a thread of the aforementioned dimensions can be made, then the soil is dry enough to be moved.*

Reason: To ensure the retention of existing soils on the site, to minimise structural damage and compaction of the soil to aid final restoration works, in

the interests of amenity and to comply with policy S12 of the Essex Minerals Local Plan (2014); policies 10 and 13 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN4, GEN7, ENV3, ENV8 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, EN7 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

23. No existing topsoil or subsoils shall be removed from the site.

Reason: To ensure any soils stripped from the site are re-used as part of the restoration, to reduce the amount of material needing to be imported, in the interest of amenity to comply with policy S12 of the Essex Minerals Local Plan (2014); policies 10 and 13 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN4, GEN7, ENV3, ENV8 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP10, SP12, EN7 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

24. No waste shall be accepted at or deposited until a scheme showing the levels of the final base of the excavation in all proposed phases, the provision of a restoration cap (if required), and side and basal liner for each landfill cell has been submitted to and approved in writing by the Waste Planning Authority. No waste shall be deposited in any phases unless the side and basal liner has been completed in accordance with the approved scheme and no restoration soils shall be replaced unless the clay capping (if required) has been completed in accordance with the approved details. The development shall be undertaken in accordance with the approved scheme.

Reason: To ensure that that the development does not give rise to undue groundwater impacts, that the water environment of the Debden Water SSSI is not impacted by contaminants and to comply policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN3, GEN7 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP12, EN7, EN10, EN11 and EN14 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

25. No development shall take place until a scheme for monitoring groundwater and surface water quantity and quality throughout each of phases of the development (including an implementation timetable) has been submitted to and approved in writing by Waste Planning Authority. In respect of this:

- No development shall take place until all of the water monitoring devices relied upon by the approved scheme are provided in their entirety and are operational.
- Working phases 1-4 shall only be implemented entirely in accordance with the approved monitoring scheme.
- Monitoring shall be carried out in accordance with the timetable within the approved scheme.
- The Waste Planning Authority shall be advised in writing of all significant changes when they arise and of details of any mitigation measures, including a timetable for implementation, shall be submitted to and approved in writing by the Waste Planning Authority.
- Monitoring results and details of any necessary mitigation measures shall be submitted to and approved in writing by the Waste Planning

Authority no less than annually, in accordance with the timetable contained within the approved scheme.

- All approved mitigation measures shall be implemented in their entirety in accordance with the approved details and timetable.

***Reason:** To ensure that that the development does not give rise to undue groundwater impacts, that the water environment of the Debden Water SSSI is not impacted by contaminants and to comply policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN3, GEN7 and ENV12 of the Uttlesford District Council Local Plan (2005); and policies SP12, EN7, EN10, EN11 and EN14 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.*

26. No development shall take place until a surface water drainage scheme, management and maintenance plan for the development (site) has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include, but not be limited to:

- Verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure.
- Limiting discharge rates to 37l/s for the 1:1, 83l/s for the 1:30, and 129l/s for the 1:100 year storm event.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.
- Storage should half empty within 24 hours wherever possible. If the storage required to achieve this via infiltration or a restricted runoff rate is considered to make the development unviable, a longer half emptying time may be acceptable. An assessment of the performance of the system and the consequences of consecutive rainfall events occurring should be provided. Subject to agreement, ensuring the drain down in 24 hours provides room for a subsequent 1 in 10 year event may be considered acceptable.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings (including cross sections) of each component of the drainage scheme inclusive of specified depths and grading of surface water bodies proposed.
- Planting arrangements for the attenuation pond, to obscure access to the water by waterfowl.
- A final drainage plan which details exceedance and conveyance routes, ground levels and location and sizing of any drainage features.
- Maintenance arrangements including responsibility for different elements of the surface water drainage system, activities/frequencies proposed and details of recording for work undertaken.
- A written report summarising the final strategy and highlighting any minor changes from that suggested at the application stage.

The scheme and plans shall be implemented in accordance with the approved details.

Reason: To ensure that that the development does not give rise to undue groundwater impacts, that the water environment of the Debden Water SSSI is not impacted by contaminants, prevent flood risk, ensure the effective operation and maintenance of drainage features and to comply policies 10 and 11 of the Essex and Southend Waste Local Plan (2017); policies GEN3, GEN7 and ENV12 of the Uttlesford District Council Local Plan (2005); and polices SP12, EN7, EN10, EN11 and EN14 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

27. No development shall take place until a scheme for groundwater and surface water monitoring, post restoration, has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that that the development does not give rise to undue groundwater impacts, that the water environment of the Debden Water SSSI is not impacted by contaminants and to comply policy 10 of the Essex and Southend Waste Local Plan (2017); policies GEN3, GEN7 and ENV12 of the Uttlesford District Council Local Plan (2005); and polices SP12, EN7, EN10, EN11 and EN14 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

28. The top metre of the infill shall consist of either overburden or clean fill and shall not contain any objects larger than 150mm in any dimension.

Reason: To ensure appropriate restoration to a condition suitable for use as grassland, protection of groundwater from infiltration of surface water run-off and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN3, GEN7, ENV3 and ENV12 of the Uttlesford District Council Local Plan (2005); and polices SP12, EN7, EN11, EN14 and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

29. No development shall take place until a revised hard and soft landscaping and boundary treatment plan/scheme has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include detail of all existing trees and vegetation together with areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall be implemented within the first available planting season (October to March inclusive) on the basis of the approved programme of implementation. The landscape scheme shall be implemented in full and maintained therefore in accordance with conditions attached to this permission.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), on the basis that insufficient detail is contained on the submitted plan, to improve the appearance of the site in the interest of visual amenity and to comply with policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7, ENV3 and ENV8 of the Uttlesford District Council Local Plan (2005); and polices SP10 and SP12, D1, EN7, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

30. Any tree or shrub forming part of a landscaping scheme approved in connection with the development that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with a tree or shrub to be agreed in advance in writing by the Mineral Planning Authority.

Reason: In order to maintain the appearance of the site, in the interest of visual amenity and to comply policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7, ENV3 and ENV8 of the Uttlesford District Council Local Plan (2005); and policies SP10 and SP12, D1, EN7, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

31. No development shall take place until a revised restoration plan has been submitted to and approved in writing by the Waste Planning Authority. The restoration plan shall seek to detail final land levels both pre and post settlement; provide details of geological faces proposed to be retained including elevations and sections and a supporting engineering/stability report for the exposed face; and be updated to reflect any changes made to drainage features and landscaping, as secured by other conditions attached to this decision notice. The plan shall furthermore be amended to reflect the removal of the access track to the site from Widdington Road and the subsequent restoration of this land. The development shall be undertaken and the site restored in accordance with the approved revised restoration plan.

Reason: For the avoidance of doubt as to the restoration levels proposed, in the interests of landscape and visual amenity and to comply with policy S12 of the Essex Minerals Local Plan (2014); policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7, ENV3 and ENV8 of the Uttlesford District Council Local Plan (2005); and policies SP10 and SP12, D1, EN7, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

32. No development shall take place until a Landscape and Ecological Management Plan (LEMP) (aftercare scheme) has been submitted to and approved in writing by the Waste Planning Authority. The plan/scheme shall include:

- Steps that are necessary to bring the land to the required standard for the intended use (calcareous grassland) including a plan/statement detailing how and where sufficient chalk would be retained on-site to be spread on all relevant phases as restoration progresses;
- Description and evaluation of features to be managed;
- Ecological trends and constraints on site that might influence management;
- Aims and objectives of management;
- Appropriate management options for achieving aims and objectives inclusive of details of all ecological 'enhancement' measures proposed including specification and location on-site (with reference to measures referred in section 6.5 of the Extended Phase 1 Habitat Survey Report);
- Prescriptions for management actions;
- Preparation of a work schedule for the five year aftercare period (together with a general annual work plan capable of being rolled forward

over long term);

- Details of the body or organisation responsible for implementation of the plan; and
- Ongoing monitoring and remedial measures.

Whilst the formal aftercare period for the site shall be five years, the LEMP shall seek to cover a minimum of 25 years and include details of any legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure the satisfactory restoration of the site, safeguard for the long term and to comply with in accordance with the details submitted and deemed to comply with policy S12 of the Essex Minerals Local Plan (2014); policy 10 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN7, ENV3 and ENV8 of the Uttlesford District Council Local Plan (2005); and policies SP10 and SP12, D1, EN7, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

33. There shall be no retailing or direct sales of soils, aggregates and/or chalk to the public from the site.

Reason: To ensure that there are no adverse impacts on the local amenity or highway network from the development not assessed as part of the application details and to comply with policies 10 and S12 of the Essex and Southend Waste Local Plan (2017); policies S7, GEN1, GEN4 and ENV11 of the Uttlesford District Council Local Plan (2005); and policies SP10 and SP12, TA1, EN17, and C1 of the Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

34. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no building, structure, fixed plant or machinery and/or gate, except as detailed in the development details hereby approved or otherwise approved pursuant to conditions, shall be erected, extended, installed or replaced on the site without the prior approval or express planning permission of the Waste Planning Authority.

Reason: To enable the planning authority to adequately control any future development on-site, assess potential accumulation and minimise potential impacts on the local area, landscape, amenity and environment in accordance with policies contained within the Essex Minerals Local Plan (2014); Essex and Southend Waste Local Plan (2017); Uttlesford District Council Local Plan (2005); and Uttlesford District Council Regulation 19 Pre-Submission Local Plan.

BACKGROUND PAPERS

Consultation replies
Representations

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)

The proposed development would not be located adjacent to a European site. Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 is not required.

EQUALITIES IMPACT ASSESSMENT

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER

In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure)(England) Order 2015.

LOCAL MEMBER NOTIFICATION

UTTLESFORD – Stansted

5. ENVIRONMENTAL IMPACTS

5.1 A number of specialist consultant reports have been commissioned to review the working design and whether this would give rise to any unacceptable environmental impacts. The conclusions of the reports are set out below.

Landscape

The existing bunds do provide adequate screening but there are still some limited views into the site due to the elevated nature of the valley which the village of Newport sits on. Upon completion of the proposed restoration scheme, and once the new planting has fully established there will be moderate improvements to the landscape with the visual intrusion of the quarry significantly reduced.

Ecology

The site has a very low ecological footprint as the area has been quarried to various levels and is significantly disturbed. The surrounding areas of hedge and woodland have greater interest but as none of these areas will be disturbed there will be little impact. At completion the land is restored to calcareous grassland so there will be no residual impacts with an overall gain in biodiversity and new habitats.

Water

Whilst there are areas of historic landfilling in the locality, the excavation will be sealed by clay lining so there is no risk of any poor quality water entering the site. Furthermore, it

is proposed to work the site dry and therefore there is no risk of contaminating groundwater. The site lies within Flood Zone 1, which has the lowest probability of flooding, but it is accepted that there is a higher risk of groundwater flooding in the western area of the site. However, the proposed reclamation operations will slowly raise the ground levels back above typical groundwater levels, which will reduce the risk of groundwater flooding. Once fully restored, a swale and attenuation pond as well as exposed geological faces will provide good natural drainage.

Noise

There are existing high background noise levels from the M11 motorway and railway line both situated to the west of the application site. Whilst the proposed development will create noise through the plant and machinery it will be contained as operations are undertaken on a below ground platform and will not go above recognised criteria or be noticeable locally.

Air Quality

The site does not sit within an Air Quality Management Zone and given the low level of activity there will be no significant impacts in terms of air quality from traffic or dust. Furthermore, the proposed development provides a long-term solution for the site and once restored will not increase levels of dust or traffic.

Traffic

The level of vehicle movements generated by the site have been assessed with a modest increase of HGV traffic on the B1383 south of the site if all traffic approaches and leaves the site from the south. Clearly, if some material arrives from the north, through Newport, the HGV additional percentage will reduce. It should be noted that the assessment is based on the maximum number of vehicles per day that may be generated and is therefore a worst-case scenario which makes the traffic assessment robust.

Archaeology

As the application area is an active chalk quarry and therefore already disturbed, there is no requirement for an archaeological assessment as these impacts have been scoped out. There will be no further extraction outside of the application area or on any land that has not previously been assessed for archaeological significance.

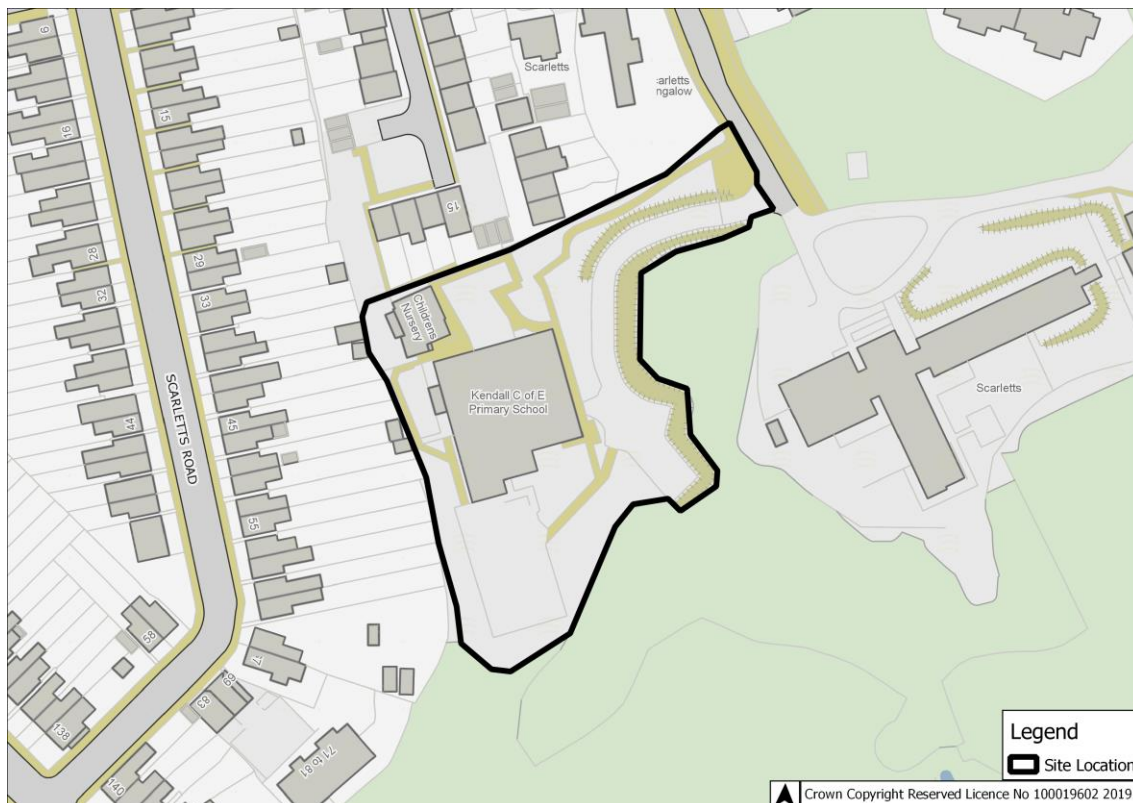
Agriculture

Similarly to the archaeological assessment, as this site is an active quarry and therefore already disturbed, there is no requirement for an agricultural/agronomist report as these impacts have been scoped out. There will be no further extraction outside of the application area or on any land that has not previously been assessed for agricultural significance or soil quality.

date 25 October 2019

Applicant: **Essex County Council**

The full application can be viewed at www.essex.gov.uk/viewplanning



1. BACKGROUND

There is a fairly short planning history for the school site. The most recent planning permission was granted in July 2018 for the partial replacement of external walls, windows and doors to match existing (CC/COL/19/18).

2. SITE

Kendall Primary School is located on Recreation Road to the south east of Colchester town centre.

The school site is located in a predominantly residential area with properties to the north in Philbrick Close and Recreation Road and west in Scarletts Road.

Vehicular and pedestrian access is via Recreation Road.

The existing school is a modular concrete panel building with a flat roof and was constructed in the late 1960's-mid 1970's. A pre-school building is located to the north west of the school site. This was granted planning permission by Colchester Borough Council in July 2010.

There is hard play area to the south of the main school building and a further hard play area to the north. There is no playing field on the school site although the school has access to the nearby Old Heath Recreation Ground.

There is established vegetation to a majority of the school boundary.

3. PROPOSAL

It is proposed to create a new ramped access route to allow users to travel safely from street level to the school's main entrance. Access is currently via stepped access or an internal road providing access for delivery vehicles and staff to the school car park.

It is further proposed to provide a new cycle store adjacent to the main entrance of the school to reduce the number of bikes ridden down the internal road which has health and safety implications.

4. POLICY CONSIDERATIONS

The following policies of the [Colchester Local Plan Adopted Focused Review of the Core Strategy \(2008\) and Development Policies \(2010\) reviewed in July 2014](#) provide the development plan framework for this application. The following policies are of relevance to this application:

[Colchester Local Plan Adopted Focused Review of the Core Strategy \(2008\) and Development Policies \(2010\) reviewed July 2014 \(AFR\)](#)

Policy DP1 – Design and Amenity

Policy DP17 – Accessibility and Access

Policy DP21 – Nature Conservation and Protected Lanes

The Revised National Planning Policy Framework (NPPF) was published on 19 February 2019 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

Paragraphs 212 and 213 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The level of consistency of the policies contained within the Colchester Local Plan Adopted Focused Review of the Core Strategy (2008) and Development Policies (2010) reviewed in July 2014 is considered further in the report.

Paragraph 48 of the NPPF states, in summary, that local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF.

On 9 October 2017 Colchester Borough Council, together with Braintree District Council and Tendring District Council, submitted their Local Plans and accompanying documents to the Planning Inspectorate.

Due to strategic cross-boundary policies and allocations Braintree, Colchester, and Tendring's Local Plan share an identical Section 1 and as a result of this Section 1 was considered through a joint examination in public (EiP).

The Session 1 Plan examination began in October 2017 and hearing sessions were held in January and May 2018. After considering all the evidence and representations and the discussion at the hearing sessions the Inspector wrote to Braintree District Council, Colchester Borough Council and Tendring District Council on 8 June 2018 identifying aspects of the Section 1 Plan and its evidence base which were considered to require significant further work.

The 3 Councils have carried out further work on the evidence base and Sustainability Appraisal. Public consultation on this work ran from 19 August 2019 until 30 September 2019.

The requirement for the further work on Section 1 of the Plan has resulted in delays to the examination of Section 2 which deals with site allocations and policies. The emerging Local Plan is a material consideration in the determination of this application. However, the weight which can be given to the policies contained within Section 2 is limited in light of the delay to the EiP.

Publication Draft of the Colchester Borough Local Plan 2017-2033 July 2017 (PD)

Policy DM15 – Design and Amenity
Policy DM21 – Sustainable Access to Development
Policy ENV1 - Environment

5. CONSULTATIONS

COLCHESTER BOROUGH COUNCIL – Any comments received will be reported
PLACE SERVICES (Landscape) – Any comments received will be reported
PLACE SERVICES (Historic Environment) – Any comments received will be reported
PLACE SERVICES (Ecology) – Any comments received will be reported
PLACE SERVICES (Trees) – Any comments received will be reported
HIGHWAY AUTHORITY – No objection
LOCAL MEMBER – COLCHESTER - ABBEY – Any comments received will be reported

6. REPRESENTATIONS

19 properties were directly notified of the application. Two letters of representation have been received. These relate to planning issues covering the following matters:

<u>Observation</u>	<u>Comment</u>
Welcome any change which improves safety for children and parents but concerned design has a major flaw.	Noted
Both the existing steps and proposed ramp end at the same place, next to the entrance to year one/Puddleduck pre-school.	Noted. See appraisal

The area is already crowded and very difficult to negotiate at drop off and pick up times.	Noted
With both access points ending here it will create a huge bottle neck, especially with the addition of buggies, wheelchairs and bikes.	Noted. See appraisal
Don't feel it would be feasible to expect every single child and parent to enter and leave through the same narrow point.	Noted. See appraisal
If the school needed to be evacuated this could provide problematic.	The proposed ramp would not impede emergency exit routes as the school do not send children out of the front of the school in the event of a fire/emergency as there is no safe muster point at the front.
My second concern is the siting of the new bike shed, placing it away from the school on a dark, unlit lane, which is an open invitation to bike thieves.	Noted. See appraisal
Quite a few children come to school on a bike or scooter, which should be encouraged but I wouldn't feel safe leaving my bike on the access road.	Noted. See appraisal
Before any changes are considered the owner of the road should be asked to clear the pathway leading to the school. This is very overgrown and bordering on useable, forcing everyone to walk in the road.	This is outside the scope of this application but the comments have been passed to the applicant.
Hope the addition of a safer access is not a precursor to the owner of the site being allowed to open the road to all traffic again as it would be incredibly dangerous given the narrow lane particularly at the entrance to the school drive.	This is outside the scope of this application and out of the control of the applicant. However there is no intended increase in road use from the school's perspective
Parents have worked hard to make this road safer and would like to think that ECC will support us on this issue.	Noted. See above

A large proportion of pedestrians and all pushchairs and cyclists use the main access road to get to the bottom of the hill. All cyclists and a proportion of the pushchairs then go directly to the main playground or cycle storage next to the main playground and do not go near the access path.	Noted. See appraisal
Under new system all pedestrian traffic going to school and bicycles going to the lower cycle store will be going through the crossroads at level landing 14.890 which will result in a bottleneck.	Noted. See appraisal
This presents significant potential of risk of injury given that many people are in a rush in the mornings.	Noted
This will be exacerbated by cyclists having to manoeuvre down (reversed in the afternoon) while parents with pushchairs are moving up and down.	Noted. See appraisal
Majority of cyclists would be unwilling to leave their bikes at the additional proposed cycle store due to its location well away from the school and potential for theft, preferring to leave them in the current lower cycle store.	Noted. See appraisal
Added to this are at times long queues of parents waiting to get in the locked gates next to the landing to collect children from Puddleducks nursery and year 1 playground.	Noted. See appraisal
Only possible solution would be to still allow pedestrian traffic along the main school access road. To my knowledge there have been no accidents or injuries due to vehicles along this short stretch of road on the schools 43 year history.	Noted. See appraisal
Main gates are locked to vehicular traffic at busy times of the day eliminating risk to pedestrians.	Noted. See appraisal
Road leading from Recreation Road to the school access road used to be plagued by inconsiderate drivers but	Noted

since the introduction of parking enforcement by cameras there is now negligible use of the road other than by authorised traffic and the traffic is calmed somewhat by road restrictions and a sharp bend in the road.

With regards to the school access road it would appear that in many places traffic calming can be achieved by using a 'shared space' philosophy. The 'vehicle access route' is primarily used as a car park during the day.

Noted. However this is outside the scope of this application

Could an alternative proposal be envisaged where the 'vehicle access route' is not used as a car park and some of the width of the road be given over to pedestrian access

This is outside the scope of this application

There are spaces for vehicles at the top of the hill in the disused Scarletts Care Home, which seem to be within the Kendall school property boundary – could these not be utilised?

This is outside the scope of this application.

While new bicycle storage is to be welcomed, that proposed is unnecessary given that the current secure lower cycle storage on site has been partially given over as a paper recycling storage area. If stored elsewhere the equivalent amount of space that the proposal is seeking would be freed up.

Noted. Comments have been passed to the applicant

The site of the proposed new (insecure) cycle storage is in an area that is hidden from view along a dead-end road with no residential properties and very little traffic.

Noted. See appraisal

Have concerns about light pollution but it seems there are no more plans for lighting; the existing streetlighting should be more than adequate

Noted. No new lighting is proposed as part of this application

The new works may potentially provide a safe route for pedestrians whilst walking in orderly single file, but not for parents holding hands with a

Noted.

child/children, pushing buggies with children hanging off them or child cyclists forced to walk alongside their bicycles – all in a rush!

The solution at Kendall is not simple and this proposed solution to a single problem could well introduce new issues, potentially just as serious as the one it is intended to solve. Noted. See appraisal

Given the expense and the disruption (minimum 6 weeks) this does not seem like value for money and perhaps other solutions could be investigated?

Noted. However no alternative solutions have been put forward and therefore the application must be determined on its own merits.

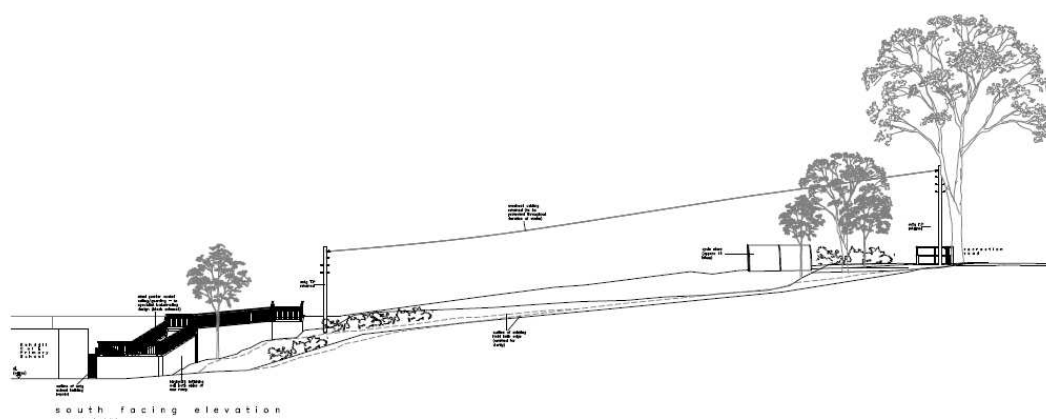
7. APPRAISAL

The key issues for consideration are:

- A. Need
- B. Policy considerations
- C. Design
- D. Impact on Natural Environment

A NEED

There is a change in ground level of approximately 7 metres in height from the public highway down to the school building entrance.



The current access to the school hinders full accessibility for parents/guardians/carers with pushchairs, wheelchair users and those with restricted mobility as they are unable to use the designated pathway due to the number of steps in places to accommodate the change in ground level.



Whilst a secondary route exists for vehicle access, it is an unsafe route for pedestrians as there is no safe refuge from oncoming cars and delivery vehicles which use the roadway.



The current poor provision of a safe route to the school buildings presents a significant health and safety issue for the school, resulting in a need to provide a safe and accessible route for visitors.

It is proposed to provide a secondary access route comprising of ramped access suitable for use by pushchairs and wheelchairs.

It is also proposed to provide a new cycle shelter adjacent to the school entrance

to reduce the number of bikes travelling down the existing internal roadway and the potential conflict with vehicles also using the roadway. This proposed cycle shelter would be in addition to the existing shelter provided at the bottom of the internal roadway.

It is considered that the need for the secondary access comprising of an accessible ramp from the main entrance to the school buildings has been demonstrated as it would improve access for all users of the school site.

B POLICY CONSIDERATIONS

Paragraph 92(a) of the NPPF states inter alia *“that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environment.”*

Paragraph 1279(a) of the NPPF states inter alia that *“planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being.”*

AFR Policy DP17 (Accessibility and Access) states inter alia that *“proposals for development shall incorporate satisfactory and appropriate provision for pedestrians, including disabled persons and those with impaired mobility and cyclists, including routes, secure cycle parking and changing facilities where appropriate. Access to all development should be created in a manner which maintains the right and safe passage of all highway users.”*

PD Policy DM21 (Sustainable Access to Development) states inter alia that *“proposals for development should give priority to the movement of people walking and cycling; create safe, secure, convenient and attractive layouts which minimise conflicts between traffic, cyclists and pedestrians and ensure accessibility for those with impaired mobility.”*

The proposed ramp would provide access for wheelchair users and those with impaired mobility and would also provide improved access for parents/guardians/carers with pushchairs. The ramp has been designed in accordance with Volume 2 of Approved Document M (Access to and use of buildings) of Building Regulations. The proposed ramp would also help reduce potential conflict between pedestrians and vehicles using the existing internal roadway.

The proposed new cycle shelter close to the pedestrian access would provide additional cycle parking facilities. It would also reduce potential conflict between cyclists and cars using the internal roadway.

The construction of the proposed ramp would also help improve security for the school as it would allow the main vehicular gates to be closed during the day thereby restricting access to the school grounds by unauthorised visitors.

It is considered that the proposed access ramp and provision of an additional cycle

shelter would be in accordance with the provisions of the NPPF and Policy DP17 and Policy DM21.

C DESIGN

AFR Policy DP1 (Design and Amenity) states inter alia that *“All development must be designed to a high standard, avoid unacceptable impacts on amenity and demonstrate social, economic and environmental sustainability.”* It goes on to say that *“development proposals must demonstrate that they will provide a design and layout that takes into account the potential users of the site including giving priority to pedestrian and cycling access and the provision of satisfactory access provision for disabled people and those with restricted mobility.”*

PD Policy DM15 (Design and Amenity) states inter alia that *“development must be designed to a high standard, positively respond to its context, achieve good standards of amenity and demonstrate social, economic and environmental sustainability.”*

The proposed new ramp would be required to act as a retaining structure for the existing landscaping. It would be constructed from red brickwork to match existing elements of the main school.

It would be 1.8m in width to allow users to pass each other and approximately 53m in length. Landing levels would be provided along the length of the ramp

On the ramp side the brickwork would be approximately 150mm above the ramp level, whilst the retaining element of the ramp would vary in height to reflect the changing landscape position around it. A black steel powder coated railing would be installed to the perimeter of the ramp to a height of 1.1m above the ramp with landing levels in accordance with Building Regulation requirements. The ramp would have a gradient of 1 in 10.

The new ramp would be finished with tarmac, utilising a black tarmac finish to the ramped areas and a red tarmac to the level landing areas to provide a visual contrast between surfaces for visually impaired users.



P.6 Visual illustrating the proposed ramp when viewed from the West.

The Highway Authority has no objection to the proposals. However it has suggested that:

- A handrail is provided at a height easily reachable by all users of the proposed ramp, especially smaller children
- There is sufficient traction on the surface of the ramp to assist users in inclement weather
- The ramp has sufficient lateral fall to assist with water run off
- The location of the proposed cycle storage facility may not benefit from sufficient surveillance to deter theft or loss, being adjacent to the access.

The applicant has responded by stating that the proposed ramp would be provided with a lower level handrail, non-slip surfaces and rainwater run-off. Further information would be provided to Colchester Borough Council at Building Regulation stage should planning permission be granted.

Two representations have been received stating that both the existing stepped access and proposed ramp access would end in the same location next to the entrance of the year one/Puddleduck preschool. It is considered that this area is already very crowded and the addition of buggies, bikes and wheelchairs would create a huge bottleneck.

Concerns have also been raised about bikes being taken up and down the access ramp causing further congestion.

The applicant has responded by stating that having the steps and ramp terminating in close proximity does not change the current entry/exit point or the number of people using the access. It is considered that access would be improved by providing two routes. Further the level access at the bottom of the ramp would allow the area to be opened up more where currently it is a grassy bank and does not allow people to pass easily.

Pupils would be encouraged to leave bikes/scooters in the new secure cycle shelter adjacent to the pedestrian entrance rather than take them down the access ramp into the school site.

Two representations have been received stating that the location of the proposed additional cycle shelter on a dark unlit lane would not be safe and would discourage users from leaving cycles there.

The proposed cycle shelter would be located within the school site, close to the existing pedestrian entrance of the school, which is only open at school pick up and drop off times. This area is also covered by CCTV which allows surveillance of the area by school reception/office staff.



P.4 Plan illustrating location of proposed new ramp and cycle store. (NTS)

The proposed ramp would allow current security at the school to be improved. The existing vehicular gates currently remain open during the school day to allow visitors who cannot use the stepped access access to the school. These gates cannot be operated remotely. The proposed ramp would enable the vehicular gates to be closed to the public and allow the school to control access to the site via an intercom on the main pedestrian gate.

The pedestrian gate would be open during drop off and pick up times but the applicant considers that the large number of pupils and parents in the area would provide natural surveillance for the new cycle shelter.

It is considered that the proposed ramp has been designed to a high standard, positively responding to its context within the school site. It is further considered that the proposed ramp would give priority to pedestrians and provide satisfactory access provision for disabled people and those with restricted mobility and would therefore be in accordance with Policy DP1 and Policy DM15.

IMPACT ON THE NATURAL ENVIRONMENT

It would be necessary to remove a total of 6 trees to allow the construction of the proposed ramp. The removal of a small section of a group of trees would be required to allow the provision of the proposed cycle shelter.

AFR Policy DP1 (Design and Amenity) states inter alia that *“development proposals must demonstrate that they will respect or enhance the landscape and other assets that contribute positively to the site and the surrounding area.”*

AFR Policy DP21 (Nature Conservation and Protected Lanes) states inter alia that *“development proposals where the principal objective is to conserve or enhance biodiversity and geodiversity interests will be supported in principle. Development will only be supported where it is supported with acceptable ecological surveys*

where appropriate.”

PD Policy ENV1 (Environment) states inter alia that “*development will only be supported where it is supported with appropriate ecological surveys where necessary.*”

An Arboricultural Impact Assessment (AIA) was submitted as part of the application.

The AIA concluded that none of the trees to be removed are subject to TPOs. Two of the trees (a lime and an oak) are category B trees but they are not large specimens and far from their mature status. Overall the impact of the proposed tree removals is low.

The ramp would involve excavations within the Root Protection Area (RPA) of 2 further trees which would inevitably result in some root loss but would not cause instability in the tree. Some short-term increase in water stress and reduced shoot extension may occur, but the trees are likely to recover within 2 years or so. After construction is complete, mulching grass or other soft landscape areas within the RPAs of these trees with 75-100mm of wood chip would mitigate the impacts of root loss by conserving soil moisture.

The trees to be retained could be protected by suitable tree protective fencing and ground protection.

An ecological survey was also submitted as part of the application. It states that none of the trees proposed for removal are ecologically significant in age/form and their loss could easily be compensated for post development.

All vegetation to be removed/affected was inspected for potential bat roost features but none were found. No active bird nests were found and it is recommended that any vegetation removal is carried out between September and February inclusive unless a next check has been carried out by an ecologist immediately prior to works.

The AIA further recommends that any trenches are covered overnight to prevent nocturnal mammals becoming trapped. Any spoil should also be covered overnight and stored only for short periods.

The off-site woodland should be treated as a construction exclusion zone and be protected with HERAS fencing, unless otherwise advised by the project Arboriculturalist. All retained trees should be protected to prevent damage.

The AIA recommends that at least three replacement native wildlife friendly trees are planted within the school grounds in mitigation. Species such as hawthorn, guelder rose, hornbeam, field maple and hazel are recommended for their wildlife value.

It is further recommended that one generalist bird box and one house sparrow terrace are installed either on a northern or eastern building wall or boundary tree. Where practical, amenity grassland area could be improved by over seeding with a

wildflower mix to attract pollinators.

It is considered that providing the recommendations of the AIA and ecological survey are implemented the proposal would be in accordance with Policy DM1, DP21 and Policy ENV1.

8. CONCLUSION

It is considered that planning permission should be granted for the proposed ramp as it would provide access to the school buildings for wheelchair users, those with restricted mobility and parents/guardians/carers with pushchairs. It would also reduce the potential for conflict between pedestrians, cyclists and vehicles using the internal roadway.

The provision of the proposed ramp would also help improve security for the school as the existing vehicular gates would be closed during the school day restricting access to the site.

The provision of an additional cycle storage facility close to the pedestrian entrance of the school would also help reduce the amount of bikes being taken into the school site and reduce the potential for conflict between cyclists and vehicles using the internal roadway.

It is not considered that the proposals would have a significant detrimental impact on the landscape, visual or residential amenity of the surrounding area and would be in accordance with the provisions of the NPPF and Policy DP1 (Design and Amenity), Policy DP17 (Accessibility and Access) and Policy DP21 (Nature Conservation and Protected Lanes) of the Colchester Local Plan Adopted Focused Review of the Core Strategy (2008) and Development Policies (2010) reviewed July 2014 and Policy DM15 (Design and Amenity), Policy DM21 (Sustainable Access to Development) and Policy ENV1 (Environment) of the Publication Draft of the Colchester Borough Local Plan 2017-2033 July 2017.

9. RECOMMENDED

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission.

Reason: *To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).*

2. The development hereby permitted shall be carried out in accordance with the details of the application reference CC/COL/68/19 dated 10 September 2019 and validated on 13 September 2019 together:

- Design and Access Statement
- Ecological Survey prepared by Hybrid Ecology Ltd – 30 August 2019

- Arboricultural Impact Assessment prepared by Arborterra Ltd (Project Ref 560) dated 12 September 2019

and Drawing Numbers:

- 1583/12 Rev A Proposed Elevations 09/19
- 1583/13 Proposed Cycle Shelter September 2019
- 1583/11 Rev C Proposed Layout 09/19
- 1583/10 Rev B Existing Layout 09/19

And in accordance with any non-material amendments as may be subsequently approved in writing by the County Planning Authority except as varied by the following conditions:

Reason: *For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with Policy DP1 (Design and Amenity), Policy DP17 (Accessibility and Access) and Policy DP21 (Nature Conservation and Protected Lanes) of the Colchester Local Plan Adopted Focused Review of the Core Strategy (2008) and Development Policies (2010) reviewed July 2014 and Policy DM15 (Design and Amenity), Policy DM21 (Sustainable Access to Development) and Policy ENV1 (Environment) of the Publication Draft of the Colchester Borough Local Plan 2017-2033 July 2017.*

3. The development hereby permitted shall be carried out in accordance with the details in the Arboricultural Impact Assessment prepared by Arborterra Ltd (Project Ref: 560) dated 12 September 2019.

Reason: *In the interest of visual amenity and to ensure protection for the existing natural environment and to comply with Policy DP21 (Nature Conservation and Protected Lanes) of the Colchester Local Plan Adopted Focused Review of the Core Strategy (2008) and Development Policies (2010) reviewed July 2014 and Policy ENV1 (Environment) of the Publication Draft of the Colchester Borough Local Plan 2017-2033 July 2017.*

4. All ecological mitigation & enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Survey prepared by Hybrid Ecology Ltd dated 30 August 2019 and agreed in principle with the County Planning Authority prior to determination.

Reason: *To conserve and enhance Protected and Priority species and allow the County Planning Authority to discharge its duties under the UK Habitats Regulations, the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species) and s17 Crime & Disorder Act 1998 and in accordance with Policy DP21 (Nature Conservation and Protected Lanes) of the Colchester Local Plan Adopted Focused Review of the Core Strategy (2008) and Development Policies (2010) reviewed July 2014 and Policy ENV1 (Environment) of the*

BACKGROUND PAPERS

Consultation replies
Representations

THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017 (AS AMENDED)

The proposed development would not be located adjacent to a European site.

Therefore, it is considered that an Appropriate Assessment under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended) is not required.

EQUALITIES IMPACT ASSESSMENT

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The recommendation has been made after consideration of the application and supporting documents, the development plan, government policy and guidance, representations and all other material planning considerations as detailed in the body of the report.

STATEMENT OF HOW THE LOCAL AUTHORITY HAS WORKED WITH THE APPLICANT IN A POSITIVE AND PROACTIVE MANNER: In determining this planning application, the County Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant/agent and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, as set out in the Town and Country Planning (Development Management Procedure)(England) Order 2015.

LOCAL MEMBER NOTIFICATION

COLCHESTER – Abbey

DR/32/19

committee DEVELOPMENT & REGULATION

date 25 October 2019

ENFORCEMENT OF PLANNING CONTROL – INFORMATION ITEM

Enforcement update.

Report by Chief Planning Officer (County Planning and Major Development)

Enquiries to Suzanne Armstrong – Tel: 03330 136 823

1. PURPOSE OF THE ITEM

To update members of enforcement matters for the period 1 July to 30 September 2019 (Quarterly Period 2).

2. DISCUSSION

A. Outstanding Cases

As at 30 September 2019 there are 28 outstanding cases. Appendix 1 shows the details of sites (9) where, after investigation, a breach of planning control is considered to have occurred.

B. Closed Cases

19 cases were resolved during the period 1 July to 30 September 2019.

LOCAL MEMBER NOTIFICATION

Countywide

Enforcement Committee Report

<u>Location</u>	Nature of problem	Remarks
Basildon		
Shot Farm, Southend Rd, Shotgate, Wickford, Essex SS11 8RZ (Land Opposite Wickford Sewage Treatment Works Entrance,)	Waste activities	An area of hardstanding opposite the Sewage treatment works is being used for the deposition and processing of waste, mainly builder's rubble, hardcore and some other mixed waste. Letter sent to land owner to cease waste activities and remove all waste from the land. Further visits to follow.
Oak Cottage Oak Lane Crays Hill Basildon CM11 2YH	Waste activities	Waste deposited, evidence of burning and creation of a bund (waste deposited within the bund). Multi Agency visits to the land. Land owner has been advised to cease all waste activities and remove waste from the land. Letters have been sent by ECC and the EA, however these have not been delivered. further visits have been arranged. Ongoing investigation.
Braintree		
Straits Mill Bocking, Braintree Essex CM7 9RP	Carpet Recycling	A material change of use of the land to a waste transfer facility. Waste is imported including wood, textiles, soils and other similar waste materials. A site office and weighbridge have been installed. Essex County Council and the Environment Agency have adopted a joint working protocol, it was considered that the EA were the appropriate authority to deal with the notice for this site. The importation and processing of the waste has ceased; however, the waste remains on the land. Continued monitoring by ECC and the EA. Further updates to follow.
Brentwood		
Land on the South Side of Church Road, (To the rear of Lizvale Farm), Church Road, Navestock, Romford, RM4 1HB	Importation of waste	A material change of use of the land to land used for the importation, deposition, storing and spreading of waste materials, subsequently raising the levels of the land. An enforcement notice has been served for the removal of the waste. A witness statement to proceed with a prosecution has been prepared and remains with Essex Legal Services. The land ownership has

		changed on numerous occasions and as the notice remains with the land any new owner is ultimately responsible for complying with the notice served. ECC continue investigations to locate such persons that have a legal interest in the land. Ongoing investigations.
Chelmsford		
Land at Hollow Lane, Hollow Lane, Broomfield, Chelmsford, Essex, CM1 7HG	Waste activities	Importation and deposit of waste, mainly building waste. In accordance with ECC and the EA's joint working Protocol it is considered that the EA are the appropriate authority to deal with this case. The EA have served a cease and desist letter on the land owner for the removal of the waste, and a deadline given for compliance. Further joint visits arranged.
Colchester		
Field adjacent to 286 Old London Road, Marks Tey, Colchester	Skip business being run from a field adjacent to 286 Old London Road, Marks Tey without planning permission.	Waste transfer facility on land adjacent to 286 London Road Marks Tey. Application submitted by Core Fusion for the 'Proposed waste transfer station (sui generis use) facilitated by the construction of a hardstanding; provision of associated welfare porta-cabin, containers for the storage of waste, plant and machinery; and installation of drainage and fencing' Additional information is required prior to the validation of this application. Further updates to follow.
Rochford		
3 Murrels Lane (Off Church Road) Hockley	Importation of waste	The unauthorised importation, deposition and spreading of waste materials, raising the levels of the land. Joint investigation ECC as Waste Planning Authority and the Environment Agency. A Planning Contravention Notice is served on the land owners which requires further information to be provided to the WPA. Ongoing investigations.
Uttlesford		
New Farm, Elsenham Road, Stansted, CM24 8SS	Importation of waste	Importation, depositing, storing and spreading of waste materials on the land. On the 5th October 2015 an enforcement notice was served. The land owner and tenant appealed the enforcement notice.

		<p>The Planning Inspectorate issued their decision in relation to the appeal on the 1st July 2016. The appeal against the enforcement notice was allowed on ground (g) such that 12 months has been given for the removal of the waste and restore the land, which commences from the 1st July 2016. The removal was required by the 1st July 2017. A site visit confirmed that the enforcement notice has not been complied with and a hearing was listed at the Magistrates Court for the 29th March 2018 to prosecute the land owner for non-compliance with the enforcement notice. Information came to light from the defendant's solicitor (land owner) that indicates further enquiries need to be undertaken. This case remains with Essex Legal Services.</p>
<p>Oakbury House, Molehill Green Takeley, CM22 6PH</p>	<p>Deposit of waste</p>	<p>Importation of waste raising the levels of the land. The waste deposited is to be removed and the land owner is working with the WPA to rectify the breach of planning control. Progress is being made, however due to the location of the land within a small village it is accepted that the removal may take some time in order to minimise the impact on residents. Officers will continue to monitor the site to ensure removal of the deposited material.</p>

DR/31/19

Committee DEVELOPMENT & REGULATION

Date 25 October 2019

INFORMATION ITEM**Applications, Enforcement and Appeals Statistics**

Report by Chief Planning Officer (County Planning and Major Development)

Enquiries to Emma Robinson – tel: 03330 131 512

or email: emma.robinson@essex.gov.uk

1. PURPOSE OF THE ITEM

To update Members with relevant information on planning applications, appeals and enforcements, as at the end of the previous month, plus other background information as may be requested by Committee.

BACKGROUND INFORMATION

None.

Ref: P/DM/Emma Robinson/

MEMBER NOTIFICATION

Countywide.

Major Planning Applications**SCHEDULE**

Nº. Pending at the end of August

26

Nº. Decisions issued in September

4

Nº. Decisions issued this financial year

19

Overall % in 13 weeks or in 16 weeks for EIA applications or applications within the agreed extensions of time this financial year (Target 60%)

100%

Nº. Delegated Decisions issued in September

2

Nº. applications where Section 106 Agreements pending at the end of September

3

Minor Applications

% of minor applications in 8 weeks or applications within the agreed extensions of time this financial year (Target 70%)

100%

Nº. Pending at the end of August

8

Nº. Decisions issued in September

3

Nº. Decisions issued this financial year

11

Nº. Delegated Decisions issued in September

2

All Applications

Nº. Delegated Decisions issued in September

4

Nº. Committee determined applications issued in September

3

Nº. of Submission of Details dealt with this financial year

77

Nº. of Submission of Details pending at the end of September

27

Nº. of referrals to Secretary of State under delegated powers in September

0

Appeals

Nº. of outstanding planning and enforcement appeals at end of September

0

Nº. of appeals allowed in the financial year

0

Nº. of appeals dismissed in the financial year

0

Enforcement

Nº. of active cases at end of last quarter

28

Nº. of cases cleared last quarter

19

Nº. of enforcement notices issued in September

0

Nº. of breach of condition notices issued in September

0

Nº. of planning contravention notices issued in September

0

Nº. of Temporary Stop Notices issued in September

0

Nº. of Stop Notices issued in September

0