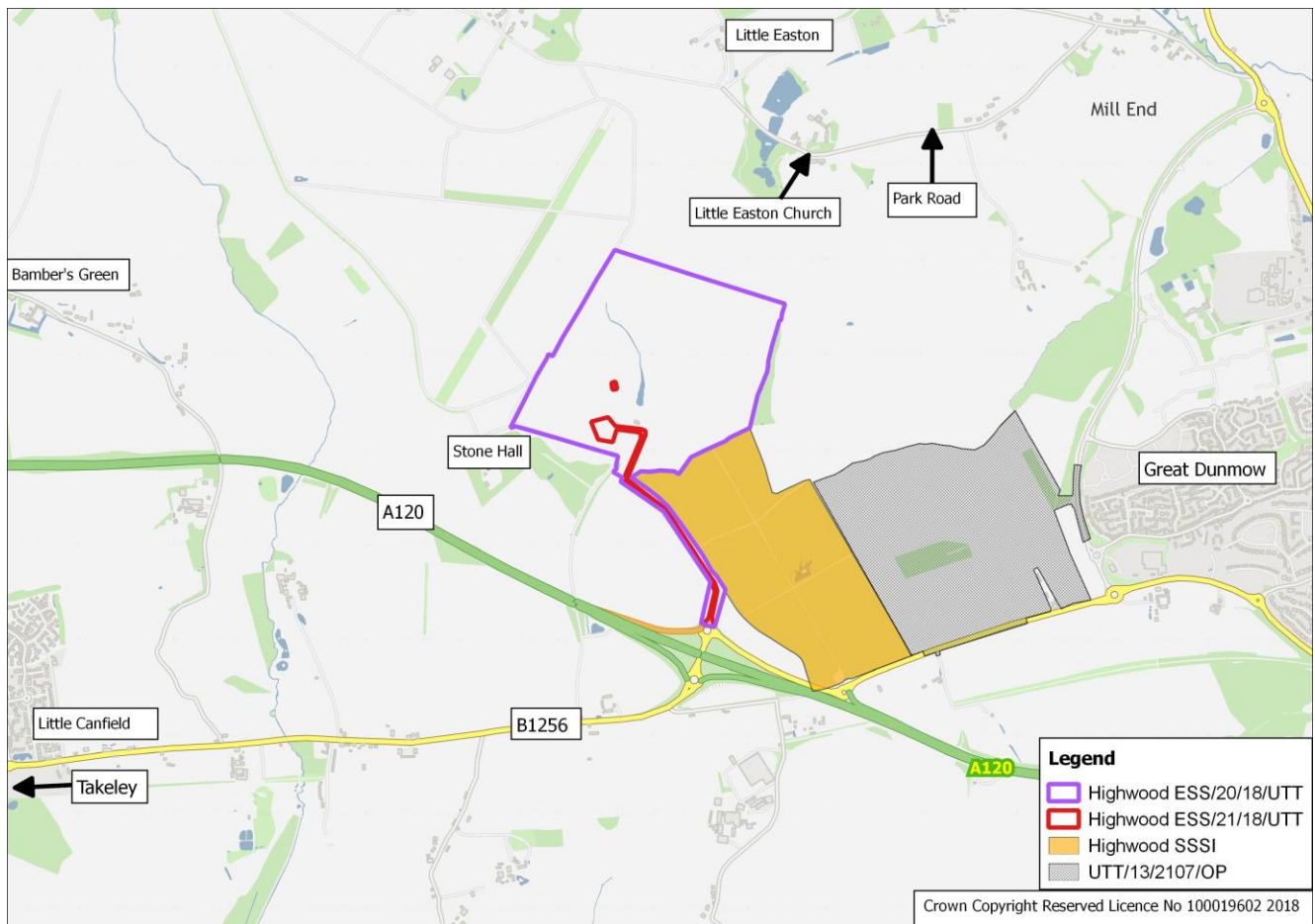


DR/18/20**Report to:** DEVELOPMENT & REGULATION (26 JUNE 2020)**Proposal:** MINERALS AND WASTE DEVELOPMENT

- 1) Continuation of the winning and working of sand and gravel, erection of a concrete plant, workshop and ancillary buildings, and the importation and treatment of inert material to produce secondary aggregate and reclamation material for progressive restoration to landscaped farmland originally permitted by planning permission ref. ESS/20/18/UTT without compliance with Conditions 4, 67 and 69 (Hours of operation) to allow heavy goods vehicles to travel off site between the hours 0600 and 0700 Monday to Saturday.
Ref: ESS/16/20/UTT
- 2) Continuation of the Importation of 70,000m³ per annum of inert waste and the installation and use of a soils washing plant for the recycling of waste, together with associated access onto the highway and a separate silt press as permitted by planning permission ref. ESS/21/18UTT without compliance with condition 4, 6, 17 and 19 (Hours of operation) to allow heavy goods vehicles to travel offsite between the hours 0600 and 0700 Monday to Saturday.
Ref: ESS/17/20/UTT

Ref: ESS/16/20/UTT & ESS/17/20/UTT**Applicant:** Sewells Reservoir Construction Limited**Location:** Highwood Quarry, Stortford Road, Great Dunmow, Essex, CM6 1SL**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Claire Tomalin Tel: 03330 136821The full application can be viewed at <https://planning.essex.gov.uk>



1. BACKGROUND

This report deals with two planning applications; both applications are for the variation of similar conditions on the same site, but different permissions. The variation of conditions relates to a change in operational hours, to allow HGVs to leave the site at 6:00am as opposed to 7:00am. As the planning issues are the same for both the applications they are being reported together.

Highwood Quarry was first granted planning permission in 2011 (ESS/65/06/UTT) for sand and gravel extraction with restoration through the importation of inert waste. The planning permission was subject to conditions and a legal agreement. The site became operational in 2012.

In 2015, planning permission (ESS/45/14/BTE) was granted for an additional volume of waste to be imported for processing and a soil washing plant to allow inert waste to be washed and screened to generate clean secondary aggregates.

There have been variations to both these permissions, an application for a bagging facility (ESS/77/12/UTT) and other minor applications at the site with respect to provision of offices and car parking.

In January 2017 the Development & Regulation Committee considered two similar planning applications (ESS/34/16/UTT & ESS/35/16/UTT), which proposed the

same change in hours as currently proposed. The Committee resolved to refuse permission and planning permission was refused in February 2017. No appeal was made.

In June 2018 it came to the attention of the mineral/waste planning authority that HGV vehicles were leaving the site between 6:00am and 7:00am in breach of planning control. The operator subsequently stopped but applied to allow early exit from the site through the two planning applications, one relating to the mineral's permission (ESS/20/18/UTT), the other relating to the waste permission (ESS/21/18/UTT).

These applications were considered by the Development and Regulation in October 2018, where it was resolved to grant planning permission, but for one year trial period, to assess the impact of HGVs leaving between 6am and 7am. In addition, a condition was imposed requiring the submission of data as to the time and destination of HGVs leaving the site. The applicant also obligated through a legal agreement, to only to deliver to London by HGVs leaving between 6am and 7am and not to travel east or west from the site on the B1256.

Notification was provided by the applicant that the one year trial commenced on 9 April 2019.

The current applications seek to allow the continuation of HGVs being able to leave the site between 6am and 7am for the rest of the life of the permitted development. The minerals extraction and restoration are required to be completed by the 25 March 2025 and landfilling/importation of waste by 25 March 2026.

2. SITE

Highwood Quarry is located south of Little Easton village on the redundant Easton Airfield, west of Great Dunmow. The site is accessed from the south by a purpose-built access road and access is directly onto the grade separated junction of the B1256 and A120(T).

The nearest residential property to the site is Stone Hall (Grade II Listed Building) located approximately 250m to the south west of the application site within woodland, currently unoccupied. B Lodge lies to the south of the extraction and is being used as office facilities for the mineral/waste operator. Little Easton village lies to the north, the church being approximately 1.2km from the minerals and waste processing yard. Properties on Stortford Road, Little Canfield south of the A120(T) are approximately 1km from the application site. Existing properties to the east in Great Dunmow are approximately 1.35km away from the site, although new housing is permitted such that once these properties are built the nearest property east of the site will be approximately 500m from the access road.

To the south east of the site and north east of the haul road is High Wood, an SSSI and an Ancient Woodland.

Little Easton Footpath 24 lies just south of the processing/extraction area and crosses the haul road.

The quarry/landfill and processing area lies within the parish of Little Easton, the access road and junction with the A1256 lie within Little Canfield Parish. The site does not lie within Gt Dunmow Town Council boundary, but the southern half of High Wood SSSI, is within the parish of Gt Dunmow

3. PROPOSAL

Planning Application – ESS/16/20/UTT: Planning permission ESS/20/18/UTT is the main planning permission for the site for sand and gravel extraction with inert landfilling to achieve pre-extraction restoration levels and includes permission for the processing plant and weighbridge. The planning application seeks to vary condition 4 (hours of operation), 67 (one year trial period for early hours) and 69 (early hours HGV records) of this permission.

Planning Application – ESS/17/20/UTT: Planning permission ESS/21/18/UTT gives planning permission for the soil washing plant and some additional importation of inert waste. The planning application seeks to vary, conditions 4 (hours of operation), 6 (HGV movement restriction within permitted hours), 17 (one year trial for early hours) and 19 (early hours HGV records) of the permission.

Extracts setting out the full wording of these conditions is included in Appendix A

The proposals seek to allow the continuation of HGVs to be allowed to leave the site one hour earlier than normal standard working hours i.e. from 6:00am as opposed to 7:00am for the life of the permitted mineral and waste developments. The earlier start would only relate to HGV movements leaving the site. There would be no operation of plant and machinery. All HGVs would be loaded the night before and would be parked facing to leave the site, avoiding the need for any reversing.

The earlier start was and is proposed to enable deliveries to London, such that the HGVs can get into London via A120(T) and M11 early in the morning avoiding the morning rush hour. This also means deliveries are made to construction projects in London in time for when they start works at 7:00am ensuring the constructions projects have the materials they need at the start of the day. The early return of HGVs then enables the quarry to focus on local deliveries and get materials to local construction projects earlier in the day aiding the construction of local projects. The applicant also drew attention to the fact that avoiding the London rush hour helps in some way to alleviate congestion and the resulting idling vehicle emissions.

The current proposals do vary slightly compared to the original trial period in that the applicant seeks to allow HGVs to travel west on the A120 and then be allowed to travel both south and north on the M11, thus not only allowing early deliveries to London, but those north on the M11 such as Hertfordshire and Cambridgeshire.

4. POLICIES

The following policies of the, Minerals Local 2014, Waste Local Plan 2017 and Uttlesford Local Plan 2005 provide the development plan framework for this application. The following policies are of relevance to this application:

MINERALS LOCAL PLAN (MLP)

- S1 Presumption in favour of sustainable development
- S10 Protecting and enhancing the environment and local amenity
- DM1 Development Management Criteria

WASTE LOCAL PLAN (WLP) 2017

- Policy 1 Need for Waste Management Facilities
- Policy 10 Development Management Criteria

UTTLESFORD DISTRICT LOCAL PLAN (2005)

- S7 Countryside
- S8 The Countryside Protection Zone
- GEN 1 Access
- GEN4 Good neighbourliness
- GEN5 Light pollution
- GEN7 Nature Conservation
- ENV7 The Protection of the Natural Environment – Designated Sites
- ENV11 Noise generation

NEIGHBOURHOOD PLAN

Little Easton and Little Canfield have no Neighbourhood Plan, but Great Dunmow has an Adopted Neighbourhood Plan, the following policies are relevant.

- NE1 Identified Woodland Sites
- NE2: Wildlife Corridors

High Wood SSSI and Ancient Woodland in part lies within Dunmow Town Council boundary and High Wood forms part of both the Flitch Way Wildlife Corridor and The Ancient Woodland Corridor, identified in the Great Dunmow Neighbourhood Plan.

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.

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 Uttlesford Local Plan was considered by Uttlesford District Council against the NPPF 2012, no update has been provided since publication of the 2018 NPPF, consistency of policies will be 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. Uttlesford District Council have recently withdrawn their emerging replacement local plan.

5. CONSULTATIONS

Summarised as follows for both applications:

UTTLESFORD DISTRICT COUNCIL (PLANNING DEPARTMENT): No objection.

UTTLESFORD DISTRICT COUNCIL (ENVIRONMENTAL HEALTH DEPARTMENT): No objection. The noise monitoring information provide indicates the impact of the continuation of HGV movements between the hours 0600 and 0700 Monday to Saturday would be negligible, in that noise from the HGV movements was below the ambient noise levels at all monitoring locations and therefore largely inaudible above the ambient noise environment. The reports predict that allowing HGV movements at these times would still enable the site noise limit of 42 dB at each receptor to be achieved.

It is recommended that monitoring of noise levels and vehicle movement numbers is monitored to ensure continued compliance with the site noise levels that have already been set under the original planning consent.

PLACE SERVICES (Ecology): No objection, subject to securing biodiversity mitigation measures, namely a speed limit of 15mph at the pinch point i.e. High Wood SSSI and woodland adjacent to B Lodge which is likely part of a wildlife

corridor and foraging route for bats.

COUNTY'S NOISE CONSULTANT: No objection, subject to conditions with respect to noise monitoring as previously imposed. In addition, that the monitoring location for Stone Hall should be that which would provide for the worst-case noise from the site access road and noise levels at the worst affected residential location should be modelled at the earliest opportunity within the development east of High Wood SSSI.

HIGHWAYS - STRATEGIC DEVELOPMENT: No comments received.

LITTLE EASTON PARISH COUNCIL: No objection to continuation of early HGV movements.

LITTLE CANFIELD PARISH COUNCIL: No comments received.

GREAT DUNMOW TOWN COUNCIL: Object to continuation of early hours for the life of the site. Stone Hall is currently unoccupied and when reoccupied the new occupiers could find the impact of noise and disturbance unacceptable. The TC would not object to a temporary rolling consent for earlier hours.

UTTLESFORD – DUNMOW (Access Road): Clarification requested as to whether there had been any complains during the 12-month period

Comment: Confirmed no complaints received within 12-month period. Any further comments will be reported.

UTTLESFORD – THAXTED (Mineral/Landfill area): Any comments will be reported.

6. REPRESENTATIONS

One property was directly notified of the applications and no letters of representation have been received.

7. APPRAISAL

The key issues for consideration are:

- A. Need and Principle of Development
- B. Traffic & Highways
- C. Noise
- D. Visual Impact
- E. Ecology
- F. Legal agreement and Temporary/Trial Planning Permission

A NEED AND PRINCIPLE OF DEVELOPMENT

The applicant is seeking through the variation of conditions to make permanent for the life of the mineral/landfill development the ability for HGVs to leave the site at 6:00am, one hour earlier than standard mineral/waste operational hours.

Operation of the site including mineral processing, waste processing and mineral extraction and landfilling would not commence until 7:00am.

The standard hours of operation for quarries and landfill facilities within Essex are Monday to Friday 7am to 6:30pm and Saturdays 7am to 1pm, no working Sundays or public holidays.

The current permissions allowed a one-year trial to assess the impact of the earlier leaving of HGVs. During that period noise monitoring has been undertaken and records submitted of the times and destination of the HGVs for the 1-hour earlier period.

The request was made by the operator to enable deliveries to London to be completed early in the morning, which would provide the operator more time during the day to focus on local deliveries.

The access road for the site is directly onto the B1256 roundabout junction with the A120(T). Vehicles travelling to London would utilise the A120 and M11 towards London and as a result it is not necessary for HGVs heading to London to pass any residential properties fronting the public highway, until after they leave the M11.

The nearest residential property to the site and access road is Stone Hall which at its closest point is approximately 510m from the access road. Stone Hall is surrounded by woodland. Planning permission (UTT/13/2107/OP) has been granted by Uttlesford District Council for residential development west of Great Dunmow, which lies on the eastern boundary of High Wood SSSI, the properties when built will be approximately 500m from the access road to the quarry.

During an early morning site visit in May 2019 HGVs were observed leaving the site entrance a few minutes before 6am. In addition, HGVs were not limited to those travelling west on the A120, some travelling east not in accordance with the planning permission. Also, HGVs associated with the bagging facility were also leaving the site which operates under a separate planning permission for which there was no permission to leave before 7am.

These matters were brought to the attention of the site operator and measures put in place to ensure HGVs did not leave the site before 6am and the requirement for movements to only be in a westerly direction reaffirmed. There had been a misunderstanding by the bagging facility operator who believed the facility was also permitted to allow HGVs to leave early, this was corrected and HGV from the bagging plant leaving before 7am stopped.

HGV records have been submitted monthly since June 2019. Records of HGVs submitted identified that HGVs were on occasion also not just serving London, but heading north on the M11, contrary to the application details. The operator had to be advised more than once before this activity ceased.

A further monitoring visit in August 2019 was made and all HGV movements observed were in accordance with the conditions and legal obligations. While it is disappointing that there were some breaches in the initial months to comply with

the planning conditions and legal obligations, once the importance of compliance was drawn to the operator's attention, the breaches were eventually addressed.

There have been no complaints, since the trial period commenced in April 2019.

Section 6 (Building a strong, competitive economy) of the NPPF in paragraph 80 states

Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

and goes on in paragraph 83 (Supporting a prosperous rural economy):

Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*

While the proposals would not result in any expansion of business at the quarry, it would assist the quarry business in continuing to meet the needs of its London and local customers by enabling earlier delivery of materials to construction projects and supporting the business and economic growth overall, which is considered to be in accordance with the principles of the NPPF.

The applications when submitted also sought planning permission to allow vehicles to travel north as well as south on the M11. It was not considered that adequate justification had been provided for this as there is no particular congestion problem heading north on the M11, that warranted the operator being permitted to allow HGV movements prior to the standard 7am start. The applicant has subsequently confirmed they withdraw this element of the proposal and would be willing to enter into legal obligations such that all early HGV movements would be to London area only.

Allowing HGVs to leave a minerals/waste site in Essex before 7:00am is unusual although it has been permitted before in similar circumstances. Bulls Lodge Quarry on the north east side of Chelmsford has been given permission to allow loaded vehicles to leave between 6:00am and 7:00am as the access from this quarry to the A12(T) is currently via a short section of minor road before the Boreham interchange which gives access to the A12(T) road. As with Highwood Quarry, the route from Bulls Lodge Quarry does not require vehicles to pass any residential properties on the highway before gaining access to the trunk road. Granting permission at Highwood Quarry would not set a precedent for early

opening at all sites in Essex as any application would have to be considered on its individual merits.

It is considered in this case that to allowing HGVs to leave from 6:00am for deliveries to London would give the operator greater flexibility to continue to meet the needs of its customers and meets the economic dimension of sustainable development as set out within the NPPF. However, it is necessary to consider the social and environmental dimensions, particularly whether the proposals would give rise to unacceptable adverse impact on residential amenity.

B HIGHWAYS & TRAFFIC

While the application seeks to allow the continuation of HGV movements earlier in the morning, the application proposes no increase in the total number of daily HGV movements from the site.

Both the existing planning permission for the quarry and landfilling and the permission for the waste processing facility, limit the total number of HGVs movements from these combined activities to 312 per day (156 in 156 out) Monday to Friday and 156 HGV movements on Saturdays (78 in 78 out).

National and Local Plan policies (MLP policies S11 [Access and Transportation] and DM1 [Development Management criteria], WLP policies 10 [Development Management Criteria] and 12 [Transport and Access] and ULP policy GEN1 [Access] seek to minimise adverse impact on highway safety and capacity.

The Highway Authority has raised no objection to the application subject to the re-imposition of conditions limiting the total number of HGV movements.

Allowing the HGVs to travel before the morning congestion into London would make a small contribution to alleviating congestion and reduce the time HGVs might be idling in traffic queue with associated vehicle emissions.

Subject to the imposition of conditions with respect to maximum HGV movements it is considered there are no highway safety or capacity grounds to refuse planning permission and that the proposals with respect to highways and traffic are in accordance with MLP policy S11 and DM1 and WLP policy 10 and 12.

C NOISE

National and local plan policies seek to minimise the impact of noise from development on residential amenity, MLP policies DC10 (Protecting and enhancing the environment and local amenity) and DM1 (Development Management Criteria), WLP policy 10 (Development Management Criteria) and ULP policies GEN 4 (Good neighbourliness) and ENV11 (noise)

The National Planning Policy Guidance for minerals states that normal working hours for mineral operations are 7am to 7pm. The guidance states that *“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. Impacts on residential and local amenity includes, noise and visual impact.” It is considered that this guidance is also relevant to waste management development carried out in conjunction with mineral development as this give rise to similar environmental impacts.

The application is accompanied by the original noise assessment submitted with the 2018 applications and two sets of monitoring results undertaken during the early morning HGV movements. The County's Noise Consultant has no objection to the applications as the noise monitoring has shown compliance with 42dB(A) LAeq,1h maximum limit. However, the County's Noise Consultant has requested that maximum noise limit conditions and noise monitoring conditions are re-imposed with respect to Stone Hall and for nearest property once built within the new development east of High Wood SSSI. In addition, the County's Noise Consultant commented that the noise levels for Stone Hall had been calculated from readings taken on the site rather than as requested from a monitoring point close to Stone Hall property itself and this should be corrected in future.

Objection has been raised by Great Dunmow Town Council due to the potential for adverse impact upon residential amenity upon Stone Hall the nearest property, particularly as this property has been empty during the trial year. The Town Council would not object to a rolling temporary permission, such that permission could be withheld if complaints were received from any new occupiers. Consideration of a rolling temporary permission is considered later in the report.

To continue to ensure early HGVs movements are only associated with deliveries to London the applicant has indicated a willingness to re-enter into legal obligations such that all early moments would only be associated with deliveries to London via the A120 westbound and M11. This would prevent HGV movements before 7am along the B1256 towards Dunmow or towards Takeley which would result in HGVs passing residential properties.

In order to be able to continue to verify whether the conditions and obligations associated with the early hours are being complied with it is considered appropriate to reimpose the condition for records to be maintained and required to be submitted should there be any evidence in the future that these conditions/obligations were not being complied with.

Subject to the re-imposition conditions with respect to noise and legal agreements securing the obligations described above, it is considered that there is no justification to withhold planning permission for the life of the minerals and waste on noise grounds. The proposal would be in accordance with MLP policy DM1, WLP policy 10 and ULP policies ENV11 and GEN 4.

D VISUAL IMPACT

Highwood Quarry access road and processing area is well screened from residential properties. Stone Hall is surrounded woodland and High Wood SSSI forms a screen to the east of the access road. Due to existing vegetation and screening bunds, HGVs leaving the site would not be visible from residential properties. Other residential properties are located to the north of site in Little Easton approximately 1.2km from the site, within Little Easton to the south are

1km away and within Great Dunmow to the east are 1.35 Km from the site, however due to distance and intervening vegetation and bunding the access road and processing area are not visible from these properties. It is acknowledged planning permission has been granted for residential properties to the west of Dunmow which will bring the edge of Great Dunmow closer to the site. The edge of the outline planning permission is 500m from the haul road. However existing screening bunds and existing vegetation including High Wood screen views of the quarry processing areas and the access road.

It is therefore considered there are no grounds to withhold planning permission on visual amenity grounds and that the proposals are in accordance with MLP policy DM1 and WLP policy 10.

E ECOLOGY

The haul road is adjacent to the High Wood SSSI. As part of the permitted quarry a buffer of 20m was required between the haul road and the SSSI. In addition, a new hedgerow has been provided on the edge of the haul road adjacent to the SSSI and the buffer area planted with groups of trees.

National (Chapter 15 NPPF) and local plan policies seek to protect nationally designated sites, and protected habitats and species, including MLP policy DM1, WP policy 10 and ULP policies GEN7 (Nature Conservation) and ENV7 Protection of the Natural Environment – Designated Sites).

The County's Ecologist has raised concern with respect to the impact upon protected species e.g. bats, particularly when the late rising of the sun, in autumn and spring, would result in disturbance on the haul road in hours of darkness. Through studies undertaken with respect to nearby developments, it is likely that there are bat foraging routes that cross the haul road where High Wood SSSI is closest to the haul road and there is existing trees and woodland to the southwest. This concern was not unfortunately raised as part of the previous applications. Biodiversity corridors that pass through this pinch point are highlighted in the Gt Dunmow Neighbourhood Plan. Additional information has been provided and it has been suggested that a 15 mph speed limit could be imposed to slow HGVs at the pinch point. The County Ecologist is now satisfied that sufficient information has been provided to determine the application and subject to a condition limiting the speed of vehicles to 15 MPH at the pinch point raises no objection to the application.

It is therefore considered that planning permission could not be withheld on ecology grounds and the proposals are in accordance with MLP policy DM1, WLP policy 10 and ULP policy GEN 7 and ENV7.

F LEGAL AGREEMENT AND TEMPORARY/TRIAL PLANNING PERMISSION

There was an existing legal agreement associated with the mineral/landfill permission and in association with the trial permission (ESS/20/18/UTT) a deed of variation was signed.

The deed of variation included additional obligations namely:

- HGVs movements between 6:00am and 7:00am would only be for deliveries westwards onto the A120(T) to the M11.
- No HGVs exiting between 6:00am and 7:00am would use the B1256 eastwards through Great Dunmow or westwards through Little Canfield.
- No HGVs would enter the site between 6:00am and 7:00am.

A deed of variation would be required in association with ESS/16/20/UTT to carry these obligations forward for the mineral and landfill permission, if planning permission were to be granted.

A separate legal agreement was entered into in association with the permission for the waste processing permission (ESS/21/18/UTT) which secured the same legal obligations and a deed of variation would be required in association with ESS/17/20/UTT to carry forward these obligations to the new permission if granted.

Great Dunmow Town Council (adjacent parish) has raised concern with respect to noise impact on the nearest residential property at Stone Hall, particularly as the property has been vacant during the trial 1 year period and has suggested a rolling temporary permission.

Guidance with respect to temporary planning permissions is such that temporary planning permission should only be granted for development which is of a temporary nature or to allow a trial period. The previous planning permissions were to allow a 1 year trial period to assesses the actual impacts. Monitoring has shown compliance with noise conditions and there have been no complaints. Mineral extraction with landfilling is by its nature temporary development. If early hours were now granted it would be for the life of the permitted minerals and waste development i.e. until 25 March 2026. There would be no further opportunity to withdraw the permission to allow early exit of HGVs (unless a further application were made, which is not in the control of the Mineral/Waste Planning Authority). However, it is considered unreasonable and not in accordance with guidance to require the applicant to reapply each year for early hours start for HGVs, as suggested by Great Dunmow Town Council.

Noise monitoring has demonstrated compliance with the noise limits imposed and while it is appreciated that Stone Hall has been unoccupied there have been no other complaints.

8. CONCLUSION

It is acknowledged that both Essex standard planning conditions and NPPG guidance considers a normal morning start to be 7:00am and anything before 7:00am is considered night-time hours.

The applicant seeks to allow vehicles which have been loaded the night before to leave westwards on the A120 towards London between 6:00am and 7:00am. However, as the access is located on the junction of the B1256 with the A120(T), HGVs leaving the site for London would not directly pass by any residential properties.

No objections have been received from the Local Parish Councils, but Great Dunmow Town Council adjacent parish has raised concern with respect to noise impact on the nearest residential property.

The need for the early hours has been justified by the applicant as wishing to undertake deliveries to London leaving the rest of the day for local deliveries. Early departure would avoid some of the commuter congestion into London. The early start would also enable materials to be delivered ready for the start of construction operations in London at 7:00am and the earlier return of vehicles from London to start on local deliveries at an earlier aiding construction projects both in London and locally. The applicant's willingness to re-enter into legal obligations to restrict early activity to only these deliveries to London, would give the Minerals/Waste Planning Authority the means to restrict HGVs using local routes between 6:00am and 7:00am.

While the ability for HGVs to make to deliveries to London would not expand the business at Highwood Quarry, it would enable the business to meet the needs of its customer and so support the business overall, which is considered to be in accordance with NPPF in terms of building a strong and competitive economy.

It is therefore considered that subject to conditions and legal obligations as suggested throughout the report the proposals would be in accordance with the development plan as a whole and would be in compliance with MLP policies. It is considered that there are no planning grounds to refuse planning permission for early hours HGV movements for the life of the developments.

The NPPF refers to the 3 strands of sustainable development, social, economic and environmental. It is considered that the proposals would comply with the 3 strands allowing greater flexibility for the operator (economic) while protecting residential and local amenity (social and environmental).

9. RECOMMENDED

That planning permission be GRANTED subject to:

ESS/16/20/BTE

1. The prior completion within 6 months of a deed of variation to the existing legal agreement to address the following:

1.1 To ensure the original legal agreement remains associated with new planning permission ESS16/20/UTT

1.2 To impose the following obligations:

- a. Restricting HGVs leaving the site between 6am and 7am to only those travelling westwards on the A120(T) to the M11 and onwards to London
- b. No HGVs to exit the site between 6am to 7am to use the B1256 eastwards through Great Dunmow or westwards through Little Canfield
- c. No HGVs to arrive at the site between 6am and 7am

2. Planning permission be subject to the following conditions:

Condition 4

Except in emergencies to maintain safe quarry and landfill working (which shall be notified to the Mineral Planning Authority as soon as practicable) and except for HGV movements as defined in condition 67: -

(a) No operations including temporary operations, other than water pumping and environmental monitoring, shall be carried out at the site except between the following times: -

07:00 to 18:30 hours Monday to Friday
07:00 to 13:00 hours Saturdays

(b) No operations including temporary operations other than environmental monitoring and water pumping at the site shall take place on Sundays, Bank or Public Holidays.

For the avoidance of doubt 'operations' shall include the loading of vehicles.

Condition 13

Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at noise sensitive properties as set out in condition 11 and condition 68. 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 during the working day and the results shall be submitted to the Mineral Planning Authority within 1 month of the monitoring being carried out. The frequency of monitoring shall not be reduced, unless otherwise approved in writing by the Mineral Planning Authority.

Condition 67

HGV movements shall not take place outside the following hours:

06:00 to 18:30 hours Monday to Friday
06:00 to 13:00 hours Saturdays

No HGV movements shall take place on Sundays, Bank or Public Holidays.

Without prejudice to the foregoing, all HGV movements between the hours of 06.00 – 07:00 hours shall be limited to out-bound movements only.

NB For the avoidance of doubt for the purpose of this planning permission a heavy goods vehicle (HGV) shall mean a vehicle with a gross vehicle weight of 7.5

tonnes or more

Condition 68

The free field Equivalent Continuous Noise Level [LAeq, 1 hr] at Stone Hall and such other noise sensitive property within the development permitted by UTT/13/2107/OP (the location of such property which shall be agreed with the Mineral Planning Authority), due to all permitted operations between 6am and 7am Monday to Saturday shall not exceed 42dB, when measured no closer than 3.5 metres from the façade of the property or other reflective surface and shall be corrected for extraneous noise.

Condition 69

Records shall be maintained of all HGV movements from the site between 06:00 hours to 07:00 hours and retained for a period of 2 years. The records shall include the time the HGVs left the site and the destination of the HGVs. The records shall be submitted to the Mineral Planning Authority within 14 days of a written request.

Condition 70

The total number of heavy goods vehicles (HGV) movements associated with the development hereby permitted when combined with all planning permissions at Highwood Quarry shall not exceed the following limits:

312 movements (156 in and 156 out) per day (Monday to Friday)
156 movements (78 in and 78 out) per day (Saturdays)

For the purpose of this condition, each vehicle entering the site shall constitute one movement, and each vehicle leaving the site shall constitute a separate movement.

A written record of daily HGV movements shall be maintained and kept for a period of 2 years and shall be provided to the Waste Planning Authority within 14 days of written request.

NB For the avoidance of doubt for the purpose of this planning permission a heavy goods vehicle (HGV) shall mean a vehicle with a gross vehicle weight of 7.5 tonnes or more

New Condition 71

Within 3 months of the date of implementation of this permission signage shall be put in place on the haul road restricting vehicle speed limit to 15mph for the section of haul road where the haul road is in closest proximity to High Wood SSSI. All drivers shall be notified of this speed limit. The signage shall be maintained for the life of the development

3. the re-imposition of all other existing conditions updated as appropriate

The draft wording of conditions and reasons is set out in Appendix B for ESS/16/20/UTT.

ESS/17/20/UTT

1 The prior completion, within 6 months, of a Legal Agreement under the Planning to secure obligations covering the following matters:

- a. Restricting HGVs leaving the site between 6am and 7am to only those travelling westwards on the A120(T) to the M11 and onwards to London
- b. No HGVs to exit the site between 6am to 7am to use the B1256 eastwards through Great Dunmow or westwards through Little Canfield
- c. No HGVs to arrive at the site between 6am and 7am

2. That planning permission be subject to the following amended conditions:

Condition 6

The total number of heavy goods vehicles (HGV) movements associated with the development hereby permitted when combined with all planning permissions at Highwood Quarry shall not exceed the following limits:

312 movements (156 in and 156 out) per day (Monday to Friday)
156 movements (78 in and 78 out) per day (Saturdays)

A written record of daily HGV movements shall be maintained and kept for a period of 2 years and shall be provided to the Waste Planning Authority within 14 days of written request.

NB For the avoidance of doubt for the purpose of this planning permission a heavy goods vehicle (HGV) shall mean a vehicle with a gross vehicle weight of 7.5 tonnes or more.

Condition 9

Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at noise sensitive properties as set out in condition 8 and condition 18. 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 during the working day and the results shall be submitted to the Mineral Planning Authority within 1 month of the monitoring being carried out. The frequency of monitoring shall not be reduced, unless otherwise approved in writing by the Mineral Planning Authority.

Condition 17

HGV movements shall not take place outside the following hours:

06:00 to 18:30 hours Monday to Friday

06:00 to 13:00 hours Saturdays

No HGV movements shall take place on Sundays, Bank or Public Holidays.

Without prejudice to the foregoing, all HGV movements between the hours of 06.00 – 07:00 hours shall be limited to out-bound movements only.

For the purpose of this condition, each vehicle entering the site shall constitute one movement, and each vehicle leaving the site shall constitute a separate movement.

Condition 18

The free field Equivalent Continuous Noise Level [LAeq, 1 hr] at Stone Hall and such other noise sensitive property within the development permitted by UTT/13/2107/OP (the location of such property which shall be agreed with the Mineral Planning Authority), due to all permitted operations between 6am and 7am Monday to Saturday shall not exceed 42dB, when measured no closer than 3.5 metres from the façade of the property or other reflective surface and shall be corrected for extraneous noise.

Condition 19

Records shall be maintained of all HGV movements from the site between 06:00 hours to 07:00 hours and retained for a period of 2 years. The records shall include the time the HGVs left the site and the destination of the HGVs. The records shall be submitted to the Mineral Planning Authority within 14 days of a written request.

New Condition 20

Within 3 months of the date of implementation of this permission signage shall be put in place on the haul road restricting vehicle speed limit to 15mph for the section of haul road where the haul road is in closest proximity to High Wood SSSI. All drivers shall be notified of this speed limit. The signage shall be maintained for the life of the development.

And:

3 The re-imposition of all other existing conditions updated as appropriate

The draft wording of conditions and reasons is set out in Appendix C for ESS/17/20/UTT.

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 - Dunmow
UTTLESFORD - Thaxted

Appendix A

Wording of existing conditions proposed to be amended

ESS/20/18/UTT

Condition 4

Except in emergencies to maintain safe quarry and landfill working (which shall be notified to the Mineral Planning Authority as soon as practicable) and except as defined in condition 67: -

(a) No operations including temporary operations, other than water pumping and environmental monitoring, shall be carried out at the site except between the following times: -

07:00 to 18:30 hours Monday to Friday

07:00 to 13:00 hours Saturdays

(b) No operations including temporary operations other than environmental monitoring and water pumping at the site shall take place on Sundays, Bank or Public Holidays.

For the avoidance of doubt 'operations' shall include the loading of vehicles.

Condition 67

For a period of one year from the date of commencement of development under this permission as notified under condition 2 of this planning permission HGV movements shall not take place outside the following hours:

06:00 to 18:30 hours Monday to Friday

06:00 to 13:00 hours Saturdays

No HGV movements shall take place on Sundays, Bank or Public Holidays.

Without prejudice to the foregoing, all HGV movements between the hours of 06.00 – 07:00 hours shall be limited to out-bound movements only.

After the one year period the hours of operation shall revert to those as set out in condition 4.

NB For the avoidance of doubt for the purpose of this planning permission a heavy goods vehicle (HGV) shall mean a vehicle with a gross vehicle weight of 7.5 tonnes or more.

Condition 69

Records shall be maintained of all HGV movements from the site between 06:00 hours to 07:00 hours and retained for a period of 2 years. The records shall include the time the HGVs left the site and the destination of the HGVs. The records shall be submitted monthly to the Mineral Planning Authority from the date of implementation of the planning permission for a period of 12 months.

ESS/21/18/UTT

Condition 4

The development hereby permitted shall only be carried out during the following times:

07:00 to 18:30 hours Monday to Friday

07:00 to 13:00 hours Saturdays

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

Except as amended by condition 17.

Condition 6

The total number of heavy goods vehicles (HGV) movements associated with the development hereby permitted (when combined with the vehicle maximum permitted vehicle movements under planning permission ESS/65/06/UTT) shall not exceed the following limits:

312 movements (156 in and 156 out) per day (Monday to Friday)

156 movements (78 in and 78 out) per day (Saturdays)

No HGV movements shall take place outside the hours of operation authorised in Condition 4 of this permission.

For the purpose of this condition, each vehicle entering the site shall constitute one movement, and each vehicle leaving the site shall constitute a separate movement.

A written record of daily HGV movements shall be maintained and kept for a period of 2 years and shall be provided to the Waste Planning Authority within 14 days of written request.

Condition 17

For a period of one year from the date of commencement of development under this permission as notified under condition 2 of this planning permission HGV movements shall not take place outside the following hours:

06:00 to 18:30 hours Monday to Friday

06:00 to 13:00 hours Saturdays

No HGV movements shall take place on Sundays, Bank or Public Holidays.

Without prejudice to the foregoing, all HGV movements between the hours of 06.00 – 07:00 hours shall be limited to out-bound movements only.

After the one year period the hours of operation shall revert to those in condition 4.

NB For the avoidance of doubt for the purpose of this planning permission a heavy goods vehicle (HGV) shall mean a vehicle with a gross vehicle weight of 7.5 tonnes or more.

Condition 19

Records shall be maintained of all HGV movements from the site between 6am to 7am. The records shall include the time the HGV left site and the destination of the HGV. The records shall be submitted monthly to the Mineral Planning Authority from the date of implementation of the planning permission for 12 months.