



Essex County Council

## Development and Regulation Committee

<b>10:30</b>	<b>Friday, 24 July 2020</b>	<b>Online Meeting</b>
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The meeting will be open to the public via telephone or online. Details about this are on the next page. Please do not attend County Hall as no one connected with this meeting will be present.

**For information about the meeting please ask for:**

Sophie Campion, Democratic Services Officer

**Telephone:** 033301 31642

**Email:** [democratic.services@essex.gov.uk](mailto:democratic.services@essex.gov.uk)

### Essex County Council and Committees Information

All Council and Committee Meetings are held in public unless the business is exempt in accordance with the requirements of the Local Government Act 1972.

In accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, this meeting will be held via online video conferencing.

Members of the public will be able to view and listen to any items on the agenda unless the Committee has resolved to exclude the press and public from the meeting as a result of the likely disclosure of exempt information as defined by Schedule 12A to the Local Government Act 1972.

#### How to take part in/watch the meeting:

**Participants:** (Officers and Members) will have received a personal email with their login details for the meeting. Contact the Democratic Services Officer if you have not received your login.

## **Members of the public:**

### **Online:**

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## **Accessing Documents**

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The agenda is also available on the Essex County Council website, [www.essex.gov.uk](http://www.essex.gov.uk). From the Home Page, click on 'Running the council', then on 'How decisions are made', then 'council meetings calendar'. Finally, select the relevant committee from the calendar of meetings.

Please note that an audio recording may be made of the meeting – at the start of the meeting the Chairman will confirm if all or part of the meeting is being recorded.

		<b>Pages</b>
<b>1</b>	<b>Membership, Apologies, Substitutions and Declarations of Interest</b>	<b>6 - 6</b>
<b>2</b>	<b>Minutes</b> To approve the minutes of the meeting held on 26 June 2020.	<b>7 - 36</b>
<b>3</b>	<b>Identification of items involving Public Speaking</b> To note where members of the public are speaking on an agenda item. These items may be brought forward on the agenda.	
<b>4</b>	<b>Minerals and Waste</b>	
<b>4.1</b>	<b>Pitsea Landfill, Pitsea,</b> To consider Report DR/20/20, relating to continuation of installation of waste pre-treatment facilities and recontouring of the landfill to facilitate restoration permitted by ESS/35/06/BAS without compliance with condition 4 (completion timescales), to allow waste to be deposited on site until 31 December 2025 and the site restored to nature conservation by 31 December 2027 and without compliance with condition 3 (waste geographical sources) to allow importation of waste from outside Essex and Southend and also without the development of the previously permitted waste pre-treatment facility. Location: Pitsea Landfill, Pitsea Hall Lane, Pitsea, Basildon, SS16 4UH Reference: ESS/49/14/BAS	<b>37 - 40</b>
<b>5</b>	<b>County Council Development</b>	

<b>5.1</b>	<b>Paxman Academy, Colchester</b> To consider Report DR/21/20, relating to the provision of a new Multi Use Games Area (MUGA) and associated works and the provision of a new emergency vehicular access from Paxman Avenue to replace the existing emergency vehicle access from Walnut Way . Location: Paxman Academy, Paxman Avenue, Colchester CO2 9DQ Reference: CC/COL/100/19	<b>41 - 61</b>
<b>6</b>	<b>Enforcement</b>	
<b>6.1</b>	<b>Enforcement of Planning control - Quarterly Update</b> To update Members of enforcement matters for the period 1 April to 30 June 2020 (Quarterly Period 1). Report DR/22/20	<b>62 - 65</b>
<b>7</b>	<b>Information Item</b>	
<b>7.1</b>	<b>Applications, Enforcement and Appeals Statistics</b> 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/23/20	<b>66 - 67</b>
<b>8</b>	<b>Urgent Business</b> 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.	
<b>9</b>	<b>Date of next meeting</b> To note that the next meeting is scheduled for Friday 28 August 2020.	

### **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.

## **Agenda item 1**

**Committee:** Development and Regulation Committee

**Enquiries to:** Sophie Campion, 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 B Aspinell	
Councillor D Blackwell	
Councillor M Garnett	
Councillor D Harris	
Councillor S Hillier	
Councillor J Jowers	
Councillor M Mackrory	
Councillor J Moran	
Councillor J Reeves	
Councillor M Steptoe	

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## Minutes of the meeting of the Development and Regulation Committee, held as an online video conference on Friday, 26 June 2020

### Present:

Cllr C Guglielmi (Chairman)	Cllr S Hillier
Cllr J Aldridge	Cllr J Jowers
Cllr B Aspinell	Cllr J Moran
Cllr M Garnett	Cllr J Reeves
Cllr D Harris	Cllr M Steptoe

### 1. Membership, Apologies, Substitutions and Declarations of Interest

Apologies were received from Cllr M Mackrory.

There were no declarations of interest.

### 2. Minutes

The minutes of the meeting held on 22 May 2020 were agreed as a correct record.

### 3. Identification of Items Involving Public Speaking

There were none.

The meeting was adjourned at 10.40am due to a technical issue. The meeting resumed at 10.49am.

### 4. Highwood Quarry, Great Dunmow

The Committee considered report DR/18/20 by the Chief Planning Officer.

Members noted that in October 2018 permission had been granted through two planning applications to allow an early exit from the site, on a trial one year period, to assess the impact of HGVs leaving between 6.00am and 7.00am. This application seeks to allow the continuation of HGVs being able to leave the site between 6.00am and 7.00am for the rest of the life of the permitted development and in addition, also be allowed to deliver sites in Hertfordshire, such as St Albans. The minerals extraction and restoration are required to be completed by the 25 March 2025 and landfilling/importation of waste by 25 March 2026.

Members noted the addendum to the agenda.

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:

- Need and Principle of Development
- Traffic & Highways

- Noise
- Visual Impact
- Ecology
- Legal agreement and Temporary/Trial Planning Permission

Members noted:

- Following observations made during a site visit in May 2019, matters were brought to the attention of the site operator and measures were put in place to ensure HGVs did not leave the site before 6.00am and the requirement for movements only to be in a westerly direction was reaffirmed. A further monitoring visit in August 2019 observed that all HGV movements were in accordance with the conditions and legal obligations.
- The nearest property was currently unoccupied. Great Dunmow Town Council had raised concern that when it was reoccupied the impact of the noise and disturbance may be unacceptable. They had suggested a temporary rolling consent. It was advised that noise monitoring was done as close to the property as possible. There had been no complaints during the trial period and it was considered unreasonable and against Government Guidance to have a continued temporary rolling consent.
- With regard to local road use, it is against the planning obligations to use the B1256. The vehicles are only allowed to travel to London via the A120 and M11.
- It was confirmed that the days of operation were Monday to Saturday only, no working on Sundays or Bank Holidays.

There being no further points raised, the resolution was proposed and seconded. Following a unanimous vote of ten in favour, it was

**Resolved**

That planning permission be granted subject to:

**ESS/16/20/UTT**

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 ESS/16/20/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:



Full conditions and reasons for ESS/16/20/UTT:

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

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

2. Written notification of the date of commencement of development under this planning permission shall be sent to the Mineral Planning Authority within 7 days of such commencement.

**Reason:** *To enable the Mineral Planning Authority to adequately control the development and to comply with Adopted Essex Minerals Local Plan 2014 (MLP) policies DM1 and S10 and Adopted Essex and Southend-on-Sea Waste Local Plan 2017 (WLP).*

3. The development hereby permitted shall be carried out in accordance with the details of the application ESS/65/06/UTT dated 12 December 2006, together with:

<b><u>Description</u></b>	<b><u>Dated</u></b>
Environmental Statement – Non Technical Summary	Dec 2006
Environmental Statement – Volumes 1 & 2	Dec 2006
Email from Douglas Symes	20 Feb 2007 (07:36)
Letter & enclosures from Richard Jackson PLC	23 Feb 2007
Letter & enclosures from D K Symes Associates	9 Mar 2007
Air Quality Impact Assessment by RSK Environmental Ltd	Mar 2007
Hydro-geological risk assessment by Hafren Water Version 1.0	Mar 2007
Appraisal of Badger Activity	May 2007
Archaeological Evaluation by ECC Field Archaeology Unit	Jun 2007
Email from Douglas Symes with enclosures letter to Environment Agency dated 22/10/08 and letter to DK Symes from Hafren Water	11 Nov 2008 (10:50)
Additional Submission under Para. 19 from D K Symes Associates	Mar 2008
Additional Submission 2 from D K Symes Associates	15 September 2008
Additional Information from D K Symes Associates	June 2009
Email from Douglas Symes with letter to Environment Agency from C Leake	3 March 2009 (12:27)
Email from Douglas Symes	11 Nov 2009 (13:10)
Summary of investigation of the potential impacts of mineral extraction on the extant water regime, Little Easton (Version 1) Feb 2010	Feb 2010

Letter from D K Symes re application details, restoration proposals, RoW, S106, landscaping, plant and tonnage volumes	3 March 2010
Email from Douglas Symes	7 April 2010 (14:41)
Email from Douglas Symes with letter from Chris Leake dated 26 April 2010	27 April 2010 (10:30)
Email from Douglas Symes – re Stone Hall water supply	13 May 2010 (10:27)
Groundwater model refinement as amended by Email from Adam Taylor dated 28 July 2010 (18:52) with amended figures	26 July 2010
Letter from Chris Leake to D K Symes	9 September 2010

<b><u>Description</u></b>	<b><u>Reference</u></b>	<b><u>Dated</u></b>
Application Plan	Plan No. 89079/A	29-11-2006
Site Context	Plan No. 89079/SC/1	29-11-2006
Illustrative cross-sections looking across site from Little Easton	Plan No. 89079/SC/2	29-11-2006
Site Plan	Plan no. 89079/S	29-11-2006
Composite Operations Plan	Plan no. 89079/CO/1	29-11-2006
Illustrative Cross Sections showing Plant Site, Bunds & Access	Plan No. 89079/CO/2	29-11-2006
Illustrative Restoration Plan	Plan No. 89079/R/1	29-11-2006
Proposed Access Road Preliminary Layout	Drawing No. 33496-01	21-06-2006
Composite Operations Plan	Plan no. 89079/CO/1a	28-03-2008
Location of Cross Section A-A'	Plan No. 89079/CS/1a	01-05-2009
Illustrative cross section showing sight line from tower	Plan No. 89079/CS/2	28-03-2008
Construction of 'Picture Frame' & Recharge Drain – Year 1	Plan No 89079/RD/1	01-05-2009
Construction of 'Picture Frame' & Recharge Drain – Year 2	Plan No 89079/RD/2	01-05-2009
Construction of 'Picture Frame' & Recharge Drain (to year 5)	Plan No 89079/P/1a	01-05-2009
Illustrative Progressive Operations Plans (years 5-9)	Plan No 89079/P/2a	01-05-2009
Illustrative Progressive Operations Plans (year 9 to completion)	Plan No 89079/P/3a	01-05-2009
Off-Site Planting	Plan no. 89079/OS/1	02-03-2010

And

As amended by non-material amendment Ref ESS/65/06/NMA1 approved by the Mineral Planning Authority on 7 January 2015,

And

As amended by planning application ESS/52/13/UTT dated 12 September 2013, Supporting statement by D K Symes Associates September 2013 and drawings Application Plan 89079/A dated 29-11-2006 and Composite Operations Plan 89079/CO/1e dated 04 -09-2013,

And

As amended by planning application ESS/20/18/UTT dated 18 July 2018 and supporting statement by PDE Consulting dated July 2018,

And

As amended by planning application ESS/16/20/UTT dated 11 February 2020 and supporting statement by PDE Consulting dated February 2020

and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Mineral 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 MLP policies P1, P2, S5, S6, S10, S11, S12, DM1, DM3 and DM4 and WLP policies 9 and 10 and Adopted Uttlesford District Local Plan 2005 (UDLP) policies S7, S8, GEN1, GEN2, GEN4, GEN5, ENV2, ENV5, ENV7, ENV8, ENV9, ENV11, ENV12, ENV13.*

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.

*Reason: In the interests of limiting the effects on local amenity, to control the*

*impacts of the development and to comply with MLP policies DM1 and S10 and WLP policy 10.*

5. The developer shall notify the Mineral Planning Authority in writing 7 days in advance of the following:
  - i) intention to start stripping soils from any part of the site or new phase of working
  - ii) commencement of construction of the "picture framing" in each phase
  - iii) completion of the "picture framing" ("picture framing" shall mean the creation of a below ground clay wall as described in the "Additional Information" dated June 2009 prepared by D K Symes")
  - iv) cessation of mineral extraction
  - v) completion of inert landfilling
  - vi) Commencement of the subsoil placement on each phase, or part phase, to allow a site inspection to take place.
  - vii) completion of final restoration under this planning permission;

The following dates have been submitted and approved by the Mineral Planning Authority.

Commencement of the development	26 March 2012	Approved by MPA on 21 November 2012
Commencement of "picture framing" north of B Lodge (phase A/B)	1 September 2012	Approved by MPA on 4 July 2014
Commencement of soil stripping in phases A and B	9 May 2012	Approved by MPA on 21 November 2012
Commencement of exportation of mineral from the site	2 October 2012	Approved by MPA on 21 November 2012.
Commencement of inert landfilling	5 March 2014	Approved by MPA on 4 July 2014
Commencement of inert recycling	5 March 2014	Approved by MPA on 4 July 2014

**Reason:** *To enable the Mineral Planning Authority to control the development and to monitor the site to ensure compliance with the planning permission, to minimise the impact upon amenity and to comply with MLP policies DM1, S10 and S12 and WLP policy 10.*

6. All vehicular access and egress to and from the site shall be from B1256, as indicated on Plan No. 89079/S dated 29/11/06. No other access shall be used by vehicles entering or exiting the site.

**Reason:** *In the interest of highway safety and safeguarding local amenity and to comply with MLP policies DM1, S10 and S11, WLP policy 10 and UDLP policies GEN1, GEN4 and ENV13.*

7. The access road shall be maintained with a concreted surface from 'B' Lodge to the junction with the B1256 for the life of the mineral and landfill development and shall be kept free of mud, dust and detritus to ensure that such material is not carried onto the public highway.

*Reason: In the interest of highway safety and safeguarding local amenity and to comply with MLP policies DM1, S10 and S11, WLP policy 10 and UDLP policies GEN1, GEN4 and ENV13.*

8. The development hereby permitted shall be implemented in accordance with the road cleaning details approved on 12 March 2012 under condition 8 of planning permission ESS/65/06/UTT. The approved road cleaning details are set out in the application for approval of details reserved by condition (Ref ESS/65/06/UTT/8/1) dated 9 November 2011, including letter dated 9 December 2011 from D K Symes Associates and set out on pages 1 and 2 paragraphs 8.1 and 8.3 in the document "Details pursuant to Planning Permission ESS/65/06/UTT" Submission 1 dated December 2011.

*Reason: In the interest of highway safety and safeguarding local amenity and to comply with MLP policies DM1, S10 and S11, WLP policy 10 and UDLP policies GEN1, GEN4 and ENV13.*

9. No loaded vehicles shall leave the site unsheeted (except those carrying any materials other than washed stone in excess of 500mm in diameter).

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with MLP policies DM1 and S10 and WLP policy 10 and UDLP policies GEN1, GEN4 and ENV13*

10. 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 access unless they open inwards from the public highway towards the site and be set back a minimum distance of 6 metres from the nearside edge of the carriageway.

*Reason: In the interests of highway safety and to comply with MLP policies DM1 and S10 and WLP policy 10.*

11. Except for temporary operations, the free field Equivalent Continuous Noise Level [LAeq, 1 hr] at the noise sensitive properties listed below, due to all permitted operations on the site shall not exceed the limits set below, when measured no closer than 3.5 metres from the façade of properties of other reflective surface and shall be corrected for extraneous noise.

Little Easton Village	46 dB
Easton Lodge	42 dB
Ravens Farm	43 dB
Stone Hall	55 dB

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*Reason: In the interests of amenity and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policies ENV11 and GEN 4.*

12. For temporary operations, the free field Equivalent Continuous Noise Level [LAeq, 1 hr] at noise sensitive properties as set out in condition 11 shall not exceed 70 dB LAeq 1hr. Measurements shall be made no closer than 3.5 metres from the façade of properties or other reflective surface and shall be corrected for extraneous noise. Temporary operations shall not exceed a total of eight weeks in any continuous 12 month period. Temporary operations shall include site preparation, bund formation and removal, site stripping and restoration and any other temporary activity that has been approved in writing by the Mineral Planning Authority in advance of such a temporary activity taking place.

*Reason: In the interests of amenity and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policies ENV11 and GEN 4.*

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 agreed in writing by the Mineral Planning Authority.

*Reason: In the interests of amenity and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policies ENV11 and GEN 4.*

14. No vehicles and/or mobile plant used exclusively on site shall be operated unless they have been fitted with white noise alarms 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 amenity and to comply with MLP policies DM1 and S10 and WLP policy 10 and UDLP policies ENV11 and GEN 4.*

15. All plant, equipment and machinery shall only operate during the hours permitted under condition 4. No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and/or machinery shall be maintained in accordance with the manufacturer's specification at all times.

*Reason: In the interests of amenity and to comply with MLP policies DM1 and S10 and WLP policy 10 and UDLP policies ENV11 and GEN 4.*

16. No processed or unprocessed materials shall be stockpiled or stored at site such that they are above 94m Above Ordnance Datum. No installation of the processing plant and/or extraction of mineral except that associated with the

"picture framing" and no installation of the processing plant associated with inert recycling shall take place until such time as all the screening bunds numbered 2, 5, 6 and 7 as identified on Plan 89079/CO/1 have been completed in full.

*Reason: To minimise the visual impact of the development in the interests of visual amenity and protection of the countryside and to comply with MLP policies DM1 and S10 and WLP policy 10 and UDLP policy S7.*

17. No mineral or waste processing plant shall exceed a height of 94m Above Ordnance Datum, except for the sand plant which shall not exceed 98m Above Ordnance Datum.

*Reason: To minimise the visual impact of the development in the interests of visual amenity and protection of the countryside and to comply with MLP policies DM1 and S10 and WLP policy 10 and UDLP policy S7.*

18. Prior to the installation of any mineral processing plant, concrete batching plant, inert waste processing plant and equipment and buildings details of such shall be submitted to the Mineral Planning Authority for approval. The installation of such plant, equipment and buildings shall be in accordance with the approved details.

The details of the mineral processing plant and buildings were approved on 21 November 2012 under condition 18 of planning permission ESS/65/06/UTT. The approved details are set out in the application for approval of details reserved by condition 18 dated 3 September 2012, supporting statements entitled "Condition 18 – Details of Plant & Buildings" and the following plans

Plan No.	Date	Title
Gen./ISO/1	3/9/12	Elevations of ISO container
Gen./OM/1	3/9/12	Elevations of office/messroom
Gen./OW/1	3/9/12	Details of office & weighbridge
890079/LP/1 also SP548-LAY-01	22/9/11 amended 3/9/12	Existing washing plant aggrmax installation
89079/RP/1	30/8/12	Revised plant details
89079/P/1	3/9/12	Illustrative details of plant and operation area

and emails from D K Symes Associates dated 13 September 2012 (12:09) and email dated 3 October 2012 (17:35). The plant and buildings shall be implemented in accordance with the approved details.

The details for the workshop were approved on 4 July 2014 under condition 18 of planning permission ESS/65/06/UTT. The approved details are set out in the application for approval of details reserved by condition 19 dated 17 February 2014, Plan No. 89079/MB/S, plan of Illustrative elevations of workshop.

*Reason: To minimise the visual impact of the development in the interests of visual amenity and protection of the countryside and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy S7.*

19. No fixed lighting shall be erected or installed until details of the location, height,

design, sensors, and luminance have been submitted to and approved in writing by the Mineral Planning Authority. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties and highways. The lighting and shall thereafter be erected, installed and operated in accordance with the approved details.

Details of lighting for the processing plant and buildings were approved on 21 November 2012 under condition 19 of Planning permission ESS/65/06/UTT. The approved details are set out in the application for approval of details reserved by condition 19 dated 3 September 2012, supporting statements entitled "condition 19 – Details of lighting" and the following plans:

Date	Plan No.	Title
22/9/11	890079/LP/1	Existing washing plant aggmax installation
(amended 3/9/12)	also SP548-LAY-01	
3/9/12	89079/P/1	Illustrative details of plant and operation area

The details of lighting for the workshop were approved on 4 July 2014 under condition 19 of planning permission ESS/65/06/UTT. The approved details are set out in the application for approval of details reserved by condition 19 dated 17 February 2014 and External Lighting Proposals (Project number 3283 RKW) prepared by Coco Lighting Ltd dated 28 April 2014 and email from SRC dated 8 May 2014.

The lighting shall be implemented in accordance with the approved details.

*Reason: To minimise the nuisance and disturbances to neighbours and the surrounding countryside and to safeguard Stansted airport and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy GEN5.*

20. Floodlights/fixed lighting shall not be illuminated outside the hours as set out in condition 4 save for security lighting activated by unauthorised entry by persons or vehicles, unless otherwise agreed in writing by the Mineral Planning Authority.

*Reason: To minimise the nuisance and disturbances to neighbours and the surrounding countryside and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy GEN5.*

21. Notwithstanding the provisions of parts 17 of schedule 2 of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order amending, replacing or re-enacting that Order) -

- (a) No fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site, without prior planning permission from the Mineral Planning Authority;
- (b) No mineral waste shall be deposited except silt at the site complex without prior planning permission from the Mineral Planning Authority.



*Reason: To enable the Mineral Planning Authority to adequately control, monitor and minimise the impacts on the amenities of the local area and to minimise the impact upon landscape and safeguard Stansted Airport and to comply with MLP policies DM4, S10 and DM1 and WLP policy 10.*

22. No as raised mineral and/or primary aggregates shall be imported to the site for processing.

*Reason: To ensure that there are no adverse impacts on the local amenity from the development not assessed in the application details and to comply with MLP policies DM3, S10 and DM1.*

23. No extraction of sand and gravel shall take place below 77m Above Ordnance Datum.

*Reason: To ensure that there are no adverse impacts on the local amenity and groundwater from the development not assessed in the application details and to comply with MLP policies S10, S12 and DM1, WLP policy 10 and UDLP policy ENV12*

24. There shall be no extraction of mineral in each phase prior to the completion of the groundwater mitigation measures (picture framing, use of dewatered water into surface ditch and compensatory borehole) in that phase, except that mineral extraction necessary to implement the "picture framing".

*Reason: To ensure that there are no adverse impacts on ground water and the local amenity from development not assessed in the application details and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV12.*

25. No dewatering shall take place at the site until there is provision in place for settlement of sediment from dewatered water; this settled dewatered water shall be available for recharge via the surface water ditch to the Little Easton Ponds.

*Reason: To ensure that there are no adverse impacts on surface water and the local amenity from the development and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV12.*

26. The development hereby permitted shall be implemented in accordance with the details of the engineering, construction, phasing and a timetable for implementation of the "picture framing" including the associated "recharge trench" approved on 29 April 2020 under condition 26 of planning permission ESS/20/18/UTT (ref ESS/20/18/UTT/26/01). The approved details are set out in the application for approval of details reserved by condition dated 11 November 2019, the Statement of Support, by DK Symes Associates dated November 2019, letter from Hafren Water dated 20 November 2019, Drawing no. 89079/CO/1e entitled "Composite Operations Plan" dated 05-01-2019 and drawing no. 89079/TR/3 entitled "Cross Section showing Recharge Facility" dated 07-10-2019.

*Reason: To protect groundwater from pollution and to ensure that there are no*

*adverse impacts on ground water and the local amenity from development not assessed in the application details and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV12.*

27. Prior to the restoration of phases B, D or E construction and engineering details of the seasonal pond and its connection to the "recharge trench" shall be submitted to the Mineral Planning Authority for approval. The seasonal pond and connection to the recharge trench shall be implemented in accordance with the approved details.

Reason: *To protect groundwater from pollution and to ensure that there are no adverse impacts on ground water and the local amenity from development not assessed in the application details and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV12.*

28. The development hereby permitted shall be implemented in accordance with the details of seed mix for screening bunds and programme of maintenance approved on 12 March 2012 under condition 28 of planning permission ESS/65/06/UTT. The approved details are set out in the application for approval of details reserved by condition dated 9 November 2011 and set out on page 4 paragraphs 28.1 and 28.2 in the document "Details pursuant to Planning Permission ESS/65/06/UTT" (Submission 1) dated December 2011.

Reason: *In the interest of the amenity of the local area and to ensure development is adequately screened and to comply with MLP policies DM1 and S10 and WLP policy 10 and UDLP policy S7.*

29. The development hereby permitted shall be implemented in accordance with the scheme to minimise dust emissions submitted and approved on 21 November 2012 under condition 29 of planning permission ESS/65/06/UTT. The approved scheme as set out in the application for approval of details reserved by condition (Ref ESS/65/06/UTT/29/1) dated 9 November 2011 and as set out on 4 and 5 paragraphs 29.1 to 29.4 in the document "Details pursuant to Planning Permission ESS/65/06/UTT" Submission 1" dated December 2012.

Reason: *To reduce the impacts of dust disturbance from the site on the local environment and to comply with MLP policies DM1 and S10 and WLP policy 10.*

30. The access road used in connection with the development hereby permitted shall be sprayed with water during dry weather conditions.

Reason: *To reduce the impacts of dust disturbance from the site on the local environment and to comply with MLP policies DM1 and S10 and WLP policy 10.*

31. The development hereby permitted shall be implemented in accordance with the planting scheme for Bund 7, the buffer zone between the access road and Highwood SSSI and management plan approved 17 August 2018 under condition 31 of planning permission ESS/65/06/UTT. The approved planting scheme as set out in the application for approval of details reserved by condition dated 9 November 2011, including

- Email from D K Symes dated 22 March 2012
- Drawing 89079-OS-1c
- Drawing 89079-CO-1c
- Drawing 89079/CO/1d August 2013
- High Wood SSSI Buffer Zone - Strategy for Woodland Planting, Regeneration and Management Dated August 2013

*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 ensure the planting has the maximum period to establish and minimise the impact of the development on High Wood SSSI to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policies S7 and ENV7.*

32. Any tree or shrub forming part of a planting scheme approved in connection with the development which during or upon restoration 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 the interest of the amenity of the local area and to ensure development is adequately screened and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy S7.*

33. No development or any preliminary groundworks shall take place until:

- All retained trees (Retained trees shall be those show on Plan No 89079/P/1a – Site Preparation) have been protected by fencing of the 'HERAS' type. The fencing shall be erected around the trees and positioned from the trees in accordance with British Standard 5837 "Trees in Relation to Construction", and;
- The fencing shall be maintained throughout the life of the development
- Notices have been erected on the fencing stating "Protected Area (no operations within fenced area)".

Notwithstanding the above, no materials shall be stored or activity shall take place within the area enclosed by the fencing. No alteration, removal or repositioning of the fencing shall take place during the construction period without the prior written consent of the Mineral Planning Authority.

*Reason: In the interest of visual amenity and to ensure protection of the existing natural environment and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy S7 and ENV8.*

34. The development hereby permitted shall be implemented in accordance with the scheme of soil movement approved on 12 March 2012 under condition 34 of planning permission ESS/65/06/UTT. The approved scheme as set out in the Application for Approval of Details Reserved by Condition dated 9 December 2011

and on pages 5 and 6 paragraphs 34.1 to 34.5 in the document "Details pursuant to Planning Permission ESS/65/06/UTT" (Submission 1) dated December 2011 and plans reference

Drawing No.	Dated	Title
89079/P/1b	20-06-2011	Illustrative Progressive Operations Plans (to year 5)
89079/P/2b	20-06-2011	Illustrative Progressive Operations Plans (years 5 - 9)
89079/P/2b	20-06-2011	Illustrative Progressive Operations Plans (year 9 to completion).

*Reason: To ensure the retention of existing soils on the site for restoration purposes and to minimise the impact of the development on the locality and to comply with MLP policies DM1, S10 and S12 and WLP policy 10.*

35. The development hereby permitted shall be implemented in accordance with the scheme of machine movements for the stripping and replacement of soils approved on 12 March 2012 under condition 35 of planning permission ESS/65/06/UTT. The scheme is set out in the Application for Approval of Details Reserved by Condition dated 9 December 2011 from D K Symes Associates as set out on page 7 paragraph 35.1 to 35.2 in the document "Details pursuant to Planning Permission ESS/65/06/UTT" (Submission 1) dated December 2011 and MAFF 2000 Good Practice Guide for handling soils sheets 3, 4 and 15.

*Reason: To minimise soil compaction and structural damage, and to help the final restoration in accordance with MLP policies DM1, S10 and S12 and WLP policy 10.*

36. No excavation shall take place nor shall any area of the site be traversed by heavy vehicles or machinery for any purpose or operation [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 and stored in accordance with the details agreed under condition 34 of this planning permission.

*Reason: To minimise soil compaction and structural damage, and to help the final restoration in accordance with MLP policies DM1, S10 and S12 and WLP policy 10.*

37. All topsoil, subsoil and soil making material shall be retained on the site and used in restoration scheme as indicated on Plan No. 89079/R/1.

*Reason: To prevent the loss of soil and aid the final restoration of the site in compliance with MLP policies DM1, S10 and S12 and WLP policy 10.*

38. Unless otherwise approved in writing by the Mineral Planning Authority, no topsoil, subsoil and/or soil making material shall be stripped or handled unless it is a dry and friable condition and no movement of soils shall take place:

- (a) During the months November and March (inclusive) unless otherwise agreed in writing by the Mineral Planning Authority.
- (b) When the upper 300 mm of soil has a moisture content which is equal to or

- greater than that at which the soil becomes plastic, tested in accordance with the 'Worm Test' as set out in BS 1377:1977 – 'British Standards Methods Test for Soils for Civil Engineering Purposes'; or
- (c) When there are pools of water on the soil surface.

\* 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 minimise the structural damage and compaction of the soil and to aid the final restoration of the site in compliance with MLP policies DM1, S10 and S12 and WLP policy W10E.*

39. Topsoil shall be stripped to the full depth and shall, wherever possible, be immediately re-spread over an area of reinstated subsoil. If this immediate re-spreading is not practicable, the topsoil shall be stored separately for subsequent reuse. When subsoil is to be retained for use in the restoration process, subsoil shall be stripped to a depth of not less than 700mm and shall, wherever possible, be immediately re-spread over the replaced overburden. If this immediate re-spreading is not practicable, the subsoil shall be stored separately for subsequent reuse. Subsoil not being retained for use in the restoration process shall be regarded as overburden and stored as such.

*Reason: To minimise structural damage and compaction of the soil and to aid the final restoration of the site and to comply with MLP policies DM1, S10 and S12 and WLP policy 10.*

40. Topsoil, subsoil and soil making materials shall be stored in separate mounds which shall:
- a) not exceed 3 metres in height in the case of topsoil, or exceed 5 metres in height in the case of subsoils unless otherwise agreed in writing by the Mineral Planning Authority;
  - b) be constructed with only the minimum amount of soil compaction to ensure stability and shaped so as to avoid collection of water in surface undulations;
  - c) not be subsequently moved or added to until required for restoration, unless otherwise agreed in writing by the Mineral Planning Authority;
  - d) have a minimum 3.0 metre stand-off, undisturbed around each storage mound;
  - e) comprise topsoils on like-texture topsoils and like-texture subsoils;
  - f) in the case of continuous mounds, ensure that dissimilar soils are separated by a third material, which shall have previously been agreed in writing by the Mineral Planning Authority.

*Reason: To minimise structural damage and compaction of the soil, to aid the final*

*restoration of the site, to ensure the retention of identified soils in the approved positioning and to comply with MLP policies DM1, S10 and S12 and WLP policy 10.*

41. Upon restoration of any part or phase of the development hereby permitted, subsoils shall be tipped in windrows, in no less than 5 metre wide strips, in such a manner as to avoid the compaction of placed soils or such other method a submitted and approved in writing by the Mineral Planning Authority. Topsoil shall then be tipped and spread evenly onto the levelled subsoil also in such a manner to avoid the compaction of the placed soils.

Reason: *To minimise structural damage and compaction of soil, to aid the final restoration of the site and to comply with MLP policies DM1, S10 and S12 and WLP policy 10.*

42. The development hereby permitted shall be implemented in accordance with the scheme to accommodate all surface and foul water drainage approved on 23 March 2012 under condition 42 of planning permission ESS/65/06/UTT. The approved details are set out in the Application for Approval of Details Reserved by Condition (Ref ESS/65/06/UTT/42/1) dated 9 December 2011 and set out on page 7 paragraphs 42.1 to 42.7 in the document "Details pursuant to Planning Permission ESS/65/06/UTT" (Submission 1) dated December 2011 and accompanying drawing by Intermodal IT1099HD/038 and email from Douglas Symes dated 29 February 2012 (11:21).

Reason: *To minimise the risk of pollution of water courses, aquifers and High Wood SSSI and minimise the risk of flooding to comply with MLP policies DM1 and S10 and WLP policy 10.*

43. The development hereby permitted shall be implemented in accordance with the details of petrol/oil/grit interception facilities approved on 23 March 2012 under condition 43 of planning permission ESS/65/06/UTT. The approved details are set out in the Application for Approval of Details Reserved by Condition (ref ESS/65/06/UTT/43/1) dated 9 December 2011 and on pages 7 & 8 paragraphs 43.1 in the document "Details pursuant to Planning Permission ESS/65/06/UTT" (Submission 1) dated December 2011 and email from D K Symes Associates dated 29 February 2012 (11:21).

Reason: *To minimise the risk of pollution to water courses and aquifers to comply with MLP policies DM1 and S10 and WLP policy and 10.*

44. Any fuel, lubricant or/and chemical storage vessel [whether temporary or not] shall be placed or installed within an impermeable container with a sealed sump and capable of holding at least 110% of the vessel's capacity. All fill, draw and overflow pipes shall be properly housed within the bunded area to avoid spillage. The storage vessel, impermeable container and pipes shall be maintained for the life of operations on site.

Reason: *To minimise the risk of pollution to water courses and aquifers to comply with MLP policies DM1 and S10 and WLP policy 10.*

45. No works or excavation shall take place within 10 metres from the boundary adjoining High Wood SSSI as shown on drawing 89079/A and dated 29/11/06.

*Reason: To minimise the impact of the development on High Wood SSSI and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV7.*

46. No waste shall be received at the site from outside the administrative boundaries of Essex or Southend on Sea except that arising within a 35 mile radius of the site. No more than 34% of the waste received at the site shall have arisen outside the administrative boundaries of Essex and Southend-on-Sea.

- A) No waste shall be received at the site from outside the administrative boundaries of Essex or Southend on Sea except that arising within a 35 mile radius of the site. No more than 34% of the waste received at the site shall have arisen outside the administrative boundaries of Essex and Southend-on-Sea.
- B) The development hereby permitted shall be implemented in accordance with the origin of waste details approved on 4 August 2017 under condition 46 of planning permission ESS/6506/UTT. The approved waste origin details are set out in the application for approval of details reserved by condition (Ref ESS/65/06/UTT/46/1) dated 9 November 2011 and set out in the statement 'Details Pursuant to Planning Permission ESS/65/06/UTT' prepared by D.K. Symes Associates dated December 2011.

*Reason: In the interests of the environment by assisting Essex and Southend-on-Sea to become net sufficient for managing its own waste ensuing that the waste is transported proximate to the site thereby minimising transportation distances, reducing pollution and minimising the impact upon the local environment and amenity.*

47. No waste other than those waste materials defined in the application details, that is, inert construction, demolition and excavation waste shall enter the site.

*Reason: Waste material outside of the aforementioned would raise alternate additional environmental concerns, which would need to be considered afresh and to comply with WLP policy 10.*

48. Prior to the use of skips as part of the waste operation details of skips storage, including the maximum number of skips, purpose and a location area within the Site shall be submitted to and approved in writing by the Waste Planning Authority. Skips shall be stored in accordance with the approved details.

*Reason: In the interests of local amenity and to comply with WLP policy 10.*

49. No development shall take place other than the construction of the access road, until signs have been erected on both sides of the access road at the point where Footpaths Little Canfield 5 and 24 crosses, to warn pedestrians and vehicles of the intersection. The signs shall read: 'CAUTION: PEDESTRIANS CROSSING'

and 'CAUTION: VEHICLES CROSSING' and shall be maintained for the duration of the development hereby permitted.

*Reason: In the interest of the safety of all users of both the Public Right of Way and the access road and to comply with MLP policies DM1 and S10 and WLP policy 10.*

50. Any temporary alternative rights of way shall be a minimum of 2m wide with grassed margins of not less than 3 m from the toe of any bund.

*Reason: In the interest of the safety of all users of both the Right of Way and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy LC2*

51. Extraction of minerals shall cease by 25 March 2026. All buildings, structures, hard standings, foundations, plant and machinery used in connection with the mineral extraction and stockpiles of unprocessed and processed primary mineral shall be removed within 6 months of the date of cessation of mineral extraction as defined by condition 4vi. Landfilling and processing of inert waste materials shall cease by 25 March 2027. The site shall be progressively restored as set out within the application (as defined by condition 3). All buildings, structures, hard standings, foundations, plant and machinery used in connection with the landfilling and stockpiles of processed and unprocessed material shall be removed within 12 months of the date of cessation of landfilling as defined by condition 5v or the 25 March 2027 whichever is the sooner. Each phase of the development shall be restored within 12 months of the cessation of landfilling in that phase and the last phase shall be restored no later than 25 March 2027 and restoration in all phases shall be in accordance with the restoration scheme approved under condition 56 of this permission.

*Reason: To ensure development is carried out in accordance with submitted application and approved details, and to minimise the duration of disturbance from the development hereby permitted and to comply with MLP policies DM1, S10 and S12 and WLP policy 10.*

52. In the event of a cessation of winning and working of mineral and/or the deposit of waste for a period in excess of 6 months, prior to the achievement of the completion of the approved restoration scheme, as referred to under condition 56, which in the opinion of the Mineral 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 Mineral Planning Authority. The revised scheme of restoration and aftercare, with a timetable for implementation shall be submitted to the Mineral Planning Authority within 6 months of the cessation of mineral extraction and or landfilling, for approval in writing. The development shall be implemented in accordance with the revised scheme of restoration and aftercare.

*Reason: To secure the proper restoration of the site with a reasonable and acceptable timescale and to comply with MLP policies DM1, S10 and S12 and WLP policy 10.*



53. All stones and other materials in excess of 100mm in any dimension shall be picked and removed from the final restored surface of the site, prior to the commencement of the aftercare period.

*Reason: To ensure the restored land is agriculturally versatile and agricultural operations are not impeded and to comply with MLP policies DM1, S10 and S12 and WLP policy 10.*

54. Prior to the commencement of landfilling details of pre-settlement levels shall be submitted to and approved in writing by the Mineral Planning Authority. The details shall include land topography shown in contours at not less than 1 metre intervals and shall show existing contours 250m outside the Site and show calculations demonstrating the anticipated settlement to achieve 'Illustrative Restoration Plan' Plan No 89079/R/1. The development shall be implemented in accordance with the approved details.

*Reason: To ensure proper restoration of the site and compliance with MLP policies DM1, S10 and S12 and WLP policy 10.*

55. Prior to the placement of overburden and/or subsoil, the reinstated area shall be covered with a low permeability capping layer sufficient to prevent the ingress of surface water into the deposited waste. The low permeability capping layer shall be in turn covered with a minimum of 700mm even depth of subsoil and 300mm even depth of topsoil in the correct sequence.

*Reason: To prevent ingress of water to the landfill and a build up of leachate within the site to minimise potential of pollution to groundwater and to comply with MLP policy S12 and WLP policy 10.*

56. Prior to commencement of landfilling within Phase D a restoration scheme for the site shall be submitted, including details of the following

- Progressive restoration of the site, such that Phase C shall be restored prior to mineral extraction in Phase E, Phase D shall be restored prior to mineral extraction in Phase F, Phase E shall be restored prior to mineral extraction in Phase G, Phase F shall be restored prior to mineral extraction in Phase H and Phase G shall be restored prior to mineral extraction in Phase 1.
- Hedgerow planting, including species, spacing, protection
- Woodland planting, including species, spacing protection
- Rough grassland, seed mix
- Seasonal pond, construction details with link to recharge trench, levels, at 0.5m contours and cross sections. Details to exclude birds, likely to cause a bird strike hazard
- Phased programme and timetable for implementation
- Advance approval of a scheme for

All restoration works shall be carried out in accordance with the approved scheme, unless otherwise agreed in writing by the Mineral Planning Authority. The

development shall be implemented in accordance with the approved scheme.

*Reason: To ensure proper restoration of the site make appropriate provision for the management of natural habitat within the approved development in the interests of biodiversity and in accordance with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV8.*

57. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agriculture, nature conservation and woodland use shall be submitted to and approved in writing by the Mineral Planning Authority prior to replacement of soils on site. The submitted Scheme shall:

- a. Provide an outline strategy in accordance with Paragraph 57 of the Planning Policy Guide for the five year aftercare period. This shall specify steps to be taken and the period during which they are to be taken. The scheme shall include provision of a field drainage system and provide for an annual meeting between the applicants and the Mineral Planning Authority.
- b. Provide for a detailed annual programme, in accordance with Paragraph 50 of the Planning Policy Guide to be submitted to the Mineral Planning Authority not later than two months prior to the annual Aftercare meeting.
- c. Unless the Mineral Planning Authority agree in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

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

*Reason: To ensure the satisfactory restoration of the site for agriculture, nature conservation and woodland and in accordance with MLP policy S12 and WLP policy 10.*

58. No development or preliminary groundworks shall take place until a written scheme and programme of archaeological investigation and recording has been submitted to and approved in writing by the Mineral Planning Authority for each phase of the development. The scheme and programme of archaeological investigation and recording shall be implemented prior to the commencement of the development hereby permitted or any preliminary groundworks.

The written scheme and programme of archaeological investigation for areas 1-5 was approved on 12 March 2012 under condition 58 of planning permission ESS/65/06/UTT. The approved written scheme and programme of archaeological investigation for areas 1-5 are set out in the "Written Scheme of Investigation for Archaeological Excavation – Archaeological Areas 1 -5" dated October 2011 received with email dated 20 January 2012.

*Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply*

*with MLP policy S6, WLP policy 10 and UDLP policy ENV4.*

59. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken an ecological assessment to confirm that no birds would be harmed. Any such written confirmation or ecological assessment shall be submitted to the Mineral Planning Authority for approval prior to any removal of hedgerows, trees or shrubs during this period.

*Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV7 and ENV8*

60. The development hereby permitted shall be implemented in accordance with the ecological survey and mitigation/compensation strategy approved on 23 March 2012 under condition 60 and 61 of planning permission ESS/65/06/UTT. The approved survey and strategy are set out in the Application for Approval of Details Reserved by Condition dated 13 February 2012 including the Environmental Statement dated December 2006, and specialist surveys for badgers by Susan Deakin of Liz Lake Associates, May 2007, for bats by John Dobson of Essex Mammal Surveys July 2006 and herpetological survey by Patrick McKenna of Eco-Planning UK July 2006 and report by Susan Deakin Ecology dated January 2012 entitled "Update appraisal of ecological interests and mitigation/compensation strategy pursuant to conditions 60 and 61 of the planning approval".

*Reason: To provide protection to legally protected or rare species and in accordance with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV7 and ENV8.*

61. The development hereby permitted shall be implemented in accordance with the Bird Hazard Management Plan approved on 4 April 2012 under condition 62 of planning permission ESS/65/06/UTT. The approved scheme as set out in the Application for Approval of Details Reserved by Condition dated 9 November 2011 and in paragraphs 62.1 to 62.18 of "Details Pursuant to Planning Permission ESS/65/06/UTT - Submission" dated December 2011". No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Mineral Planning Authority.

*Reason: To avoid endangering the safe movement of aircraft and the operation of Stansted Airport through the attraction of birds and an increase in the bird hazard risk of the application and to comply with MLP policies DM1 and S10 and WLP policy 10.*

62. Upon completion of the restoration of the Site "B" Lodge shall be reinstated as a dwelling house

*Reason: To ensure that the "B" Lodge does not remain in office use upon completion of the development in the interests of local amenity and to comply with policies MLP policies DM1, S10, WLP policy 10 and S12 and UDLP policy S7.*

63. From the date of this permission the operators shall maintain records of their quarterly output production for minerals and shall make them available to the Mineral Planning Authority within 14 days of a written request.

*Reason: To allow the Minerals Planning Authority to adequately monitor activity at the site, to minimise the harm to amenity and to and to comply with MLP policies DM1, S10 and S12.*

64. Details of the tonnage of waste imported to the site during each year (1 Jan to 31 Dec), the tonnage of exported recovered materials for each year and remaining void space in cubic metres at the site as at 31 December shall be submitted to the Waste Planning Authority. The details shall be submitted to the Mineral Planning Authority by 31 March for the preceding year with thereafter annual submission for the life of the development hereby permitted.

*Reason: To allow the Mineral Planning Authority to adequately monitor activity at the site, to ensure the development is operating in accordance with the submitted details as set out in condition 3 and ensure compliance with approved restoration timetable and to comply WLP policy 10.*

65. Prior to the removal of the oak tree as shown on Plan No. 89079/P/1a – Site Preparation details of its felling and the relocation of the tree and/or wood to an alternative location shall be submitted to and approved in writing by the Mineral Planning Authority. The oak tree shall be removed in accordance with the approved details.

*Reason: To provide protection to legally protected or rare species and in accordance with MLP policies DM1 and S10, WLP policy 10 and UDLP policies ENV7 and ENV8.*

66. Prior to the 31 March of each year following the date of this planning permission a working and reclamation scheme for the site shall be submitted for the site detailing the following:

- Areas to be stripped of topsoil, subsoil, or overburden,
- Areas to be used for storage of topsoil, subsoil and overburden,
- Areas to be restored that year
- Areas to be worked for mineral
- Location of water storage
- Location of internal haul roads

*Reason: To ensure working and reclamation is in accordance with approved details and to minimise the impact of local amenity in accordance with MLP policies DM1 and S10 and WLP policy 10.*

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

*Reason: In the interest of safeguarding local amenity and to comply with MLP policies DM1, S10 and S11, WLP policy 10 and UDLP policies GEN1, GEN4 and ENV13.*

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 0600 hours and 0700 hours 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.

*Reason: In the interests of amenity and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policies ENV11 and GEN 4.*

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.

*Reason: To allow the Mineral Planning Authority to adequately monitor early morning activity at the site, to minimise the harm to amenity and to comply with MLP policies S10 and DM1, WLP policy 10 and UDLP policies ENV11 and GEN 4.*

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.

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

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.

*Reason: In the interests of highway safety, safeguarding local amenity and to comply with MLP policies S11 and DM1 and WLP policy 10.*

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.

*Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV7 and ENV8*

### **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 conditions:

Full conditions and reasons for ESS/17/20/UTT:

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

*Reason: To comply with section 91 of the Town and Country Planning Act 1990 (as amended) and to enable the Waste Planning Authority to adequately control the development and to comply with Adopted Essex and Southend-on-Sea Waste Local Plan 2017 (WLP).*

2. The development hereby permitted shall be carried out in accordance with the details of the application dated 7 October 2014, together with supporting statement dated 7 October 2014, noise report dated September 2014, Essex Biodiversity Validation Checklist dated 17 November 2014, letter dated 3 November 2014, emails dated 4 November 2014 (15:34), 10 November 2014 (15:12) and 27 February 2015 (12:48), together with plan numbers:

Plan No.	Title	Date
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M14.103.D.001	Site Location Plan	Sep 2014
M14.103.D.002	Existing Situation	Sep 2014
M14.103.D.003	Indicative Site Layout	Sep 2014
M14.103.D.004	Indicative Elevations	Sep 2014

And

As amended by planning application ESS/36/15/UTT dated 12 August 2016, Supporting Statement by PDE Consulting dated August 2016,

Essex Biodiversity Validation Checklist dated 12 August 2016 and Drawing M14.103.D.001 Site Location Plan dated Sept 2014

And

As amended by planning application ESS/21/18/UTT dated 27 July 2018 and the supporting documents:

Supporting statement by PDE Consulting dated 27 July 2018,  
Essex Biodiversity Validation Checklist dated 30 July 2018  
Letter from LF Acoustics dated 13 July 2018,  
Letter from Wilkinson Associates (Ref: A1408) dated 18 July 2018,  
Email from PDE Consulting dated 12 September 2018  
Letter from LF Acoustics dated 10 September 2018 and accompanying Figure 1  
Letter from PDE Consulting dated 16 October 2018

And

As amended by planning application ESS/17/20/UTT dated 11 February 2020 and Supporting Statement by PDE Consulting dated February 2020

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 MLP policies: S1, S10, S11 and DM1, WLP policies: 10 and 12 and UDLP policies: GEN1, GEN4, ENV11 and S7.*

3. All plant, buildings, machinery, foundations, hardstanding, used in connection with this permission shall have been removed within 3 months of cessation of mineral extraction or by the 25 March 2026 whichever is the sooner. The site shall be restored to agriculture in accordance with planning permission ESS/20/18/UTT or any subsequent approved restoration scheme.

*Reason: To limit the impact of the site on local amenity and ensure restoration within a reasonable timescale and to comply with MLP policy S12, WLP policy 6*

and 10.

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.

*Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with MLP policies: DM1 and S10, WLP policy 10.*

5. All vehicular access and egress to and from the site shall be from the B1256, as indicated on Plan No M14.103.D.001, dated September 2014. No other access shall be used by vehicles entering or exiting the site.

*Reason: In the interests of highway safety and safeguarding local amenity and to comply with MLP policies: DM1, S10 and S11, WLP policies: 10 and 12 and UDLF policies: GEN1, GEN4 and ENV13.*

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 and 17 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.

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.

*Reason: In the interests of highway safety and safeguarding local amenity and to comply with MLP policies: S1, S11, DM1, WLP policy 12.*



7. The development hereby permitted shall be implemented in accordance with the measures to ensure no mud, dust or deleterious material is carried out onto the public highway approved on 12 March 2012 under condition 8 of planning permission ESS/65/06/UTT. The approved measures as set out in the application for approval of details reserved by condition 8 dated 9 November 2011, including letter dated 9 December 2011 from D K Symes Associates and on pages 1 and 2 paragraphs 8.1 to 8.3 in "Details pursuant to Planning Permission ESS/65/06/UTT" (Submission 1) dated December 2011.

*Reason: In the interest of highway safety and safeguarding local amenity and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policies GEN1, GEN4 and ENV13.*

8. Except for temporary operations, the free field Equivalent Continuous Noise Level [LAeq, 1 hr] at the noise sensitive properties listed below, due to all permitted operations on the site shall not exceed the limits set below, when measured no closer than 3.5 metres from the façade of properties of other reflective surface and shall be corrected for extraneous noise.

Little Easton Village	46 dB
Easton Lodge	42 dB
Ravens Farm	43 dB
Stone Hall	55 dB

*Reason: In the interests of amenity and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policies ENV11 and GEN 4.*

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 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 agreed in writing by the Mineral Planning Authority.

*Reason: In the interests of amenity and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policies: ENV11 and GEN 4.*

10. No vehicles and/or mobile plant used exclusively on site shall be operated unless they have been fitted with white noise alarms 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 MLP policies: DM1 and S10, WLP policy 10 and UDLP policies ENV11 and GEN 4.*

11. All plant, equipment and machinery shall only operate during the hours permitted

under condition 6. No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and/or machinery shall be maintained in accordance with the manufacturer's specification at all times.

*Reason: In the interests of amenity and to comply with MLP policies: DM1 and S10, WLP policy 10 and UDLP policies: ENV11 and GEN 4.*

12. No waste other than those waste materials specified in the application reference ESS/45/14/UTT shall enter the site.

*Reason: Waste material outside of the aforementioned would raise alternate additional environmental concerns, which would need to be considered afresh and to comply with WLP policies W3A, W9B and W10E and RWLP policy 10.*

13. The development hereby permitted shall be implemented in accordance with the scheme to minimise dust emissions submitted and approved on 21 November 2012 under condition 29 of planning permission ESS/65/06/UTT. The approved scheme as set out in the application for approval of details reserved by condition dated 9 November 2011 and as set out on 4 and 5 paragraphs 29.1 to 29.4 in the document "Details pursuant to Planning Permission ESS/65/06/UTT" Submission 1" dated December 2012.

*Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with MLP policies: DM1 and S10, WLP policy 10 and UDLP policy GEN4.*

14. The access road used in connection with the development hereby permitted shall be sprayed with water during dry weather conditions.

*Reason: To reduce the impacts of dust disturbance from the site on the local environment and to comply with MLP policies: DM1 and S10, WLP policy 10 and UDLP policy GEN4.*

15. No processed or unprocessed materials shall be stockpiled or stored at site such that they are above 94m Above Ordnance Datum.

*Reason: To minimise the visual impact of the development in the interests of visual amenity and protection of the countryside and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policy S7.*

16. No mineral or waste processing plant shall exceed a height of 94m Above Ordnance Datum, except for the soil washing plant which shall not exceed a height of 97m Above Ordnance Datum, as shown on drawing no. 14.103.D.004 entitled "Indicative Elevations of Proposed Plant" dated Sept 2014.

*Reason: To minimise the visual impact of the development in the interests of visual amenity and protection of the countryside and to comply with MLP policies DM1 and S10 and WLP policy 10 and UDLP policy S7.*

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.

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

*Reason: To allow a trial period of one year to allow it to be demonstrated that HGVs leaving between 6am and 7am does not give rise to unacceptable impacts, in the interest of safeguarding local amenity and to comply with, WLP policy 10 and UDLP policies GEN1, GEN4 and ENV13.*

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 0600 hours and 0700 hours 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.

*Reason: In the interests of amenity and to comply with MLP policies DM1 and S10, WLP policy 10 and UDLP policies ENV11 and GEN 4.*

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.

*Reason: To allow the Waste Planning Authority to adequately monitor early morning activity at the site, to minimise the harm to amenity and to comply with MLP policies S10 and DM1, WLP policy 10 and UDLP policies ENV11 and GEN 4.*

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.

*Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with MLP policies DM1 and S10, WLP policy 10 and UDLP policy ENV7 and ENV8.*

**5. Applications, Enforcement and Appeals Statistics**

The Committee considered report DR/19/20, applications, enforcement and appeals statistics, as at the end of the previous month, by the Chief Planning Officer.

The Committee NOTED the report.

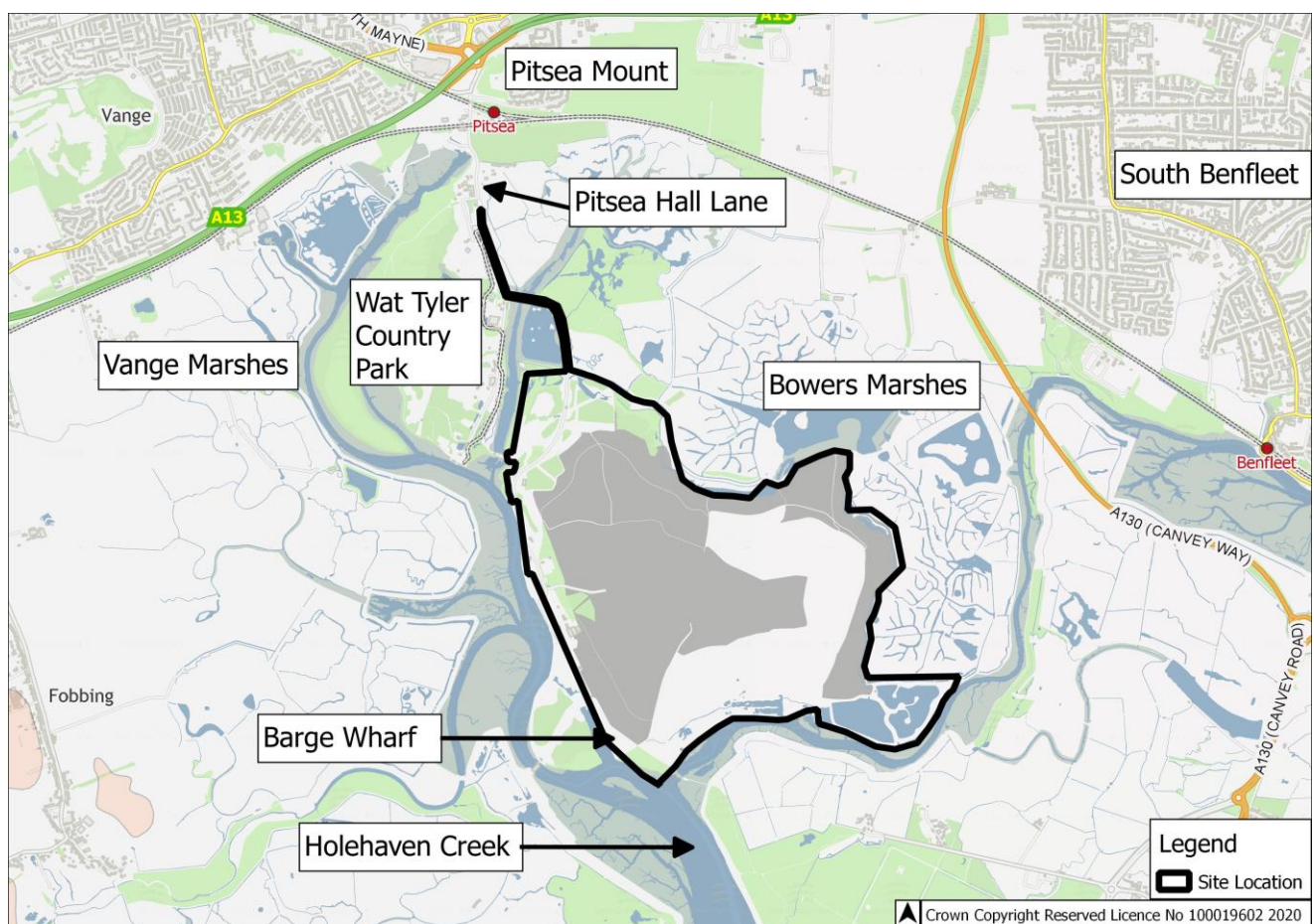
**6. Date of Next Meeting**

The Committee noted that the next meeting was scheduled for 10.30 am on Friday 24 July 2020, to be held as an online meeting.

There being no further business, the meeting closed at 11:13am

**DR/20/20****Report to:** DEVELOPMENT & REGULATION (24 July 2020)

**Proposal:** MINERALS AND WASTE DEVELOPMENT COUNTY COUNCIL  
 DEVELOPMENT - Continuation of installation of waste pre-treatment facilities and recontouring of the landfill to facilitate restoration permitted by ESS/35/06/BAS without compliance with condition 4 (completion timescales), to allow waste to be deposited on site until 31 December 2025 and the site restored to nature conservation by 31 December 2027 and without compliance with condition 3 (waste geographical sources) to allow importation of waste from outside Essex and Southend and also without the development of the previously permitted waste pre-treatment facility

**Ref:** ESS/49/14/BAS**Applicant:** Veolia ES Landfill Ltd**Location:** Pitsea Landfill, Pitsea Hall Lane, Pitsea, Basildon, SS16 4UH**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**

In January 2020 the Committee considered a report in relation to the Pitsea Landfill Site. Attached at Appendix A.

Pitsea landfill has been in existence for many years dating back to early 1900s and has been subject to a number of planning applications.

The last planning permission was granted in 2007 and gave planning permission for the landfill to continue with landfilling to be completed in 2015 and restoration completed in 2017.

Planning application ESS/49/14/BAS was made in 2014, seeking to extend the life of the site, such that landfilling would be complete by 2025 and restoration by 2027, as at that time it was considered due to a number of factors landfill input rates were likely to decline.

The Development & Regulation resolved in September 2015 to grant the extension of time application, subject conditions and legal agreements.

The legal agreements included carrying forward an obligation to provide a pedestrian bridge at Pitsea Hall Lane where it passes over the railway line and the completion of a legal agreement between Veolia and the RSPB for the long-term management of the site.

Neither of these legal agreements have been completed and as a result Pitsea has been operating without the benefit of planning permission, although the site has been operated in the spirit of the previous planning conditions.

Veolia in January 2020 were considering alternatives to address the issue of the pedestrian bridge and long-term management of site and hoped to submit details in the near future.

Members resolved in January 2020, that it was not expedient to take enforcement action, but to allow Veolia time to submit revised proposals and that the situation should be reviewed in 6 months time i.e. July 2020.

## **2. SITE**

Pitsea Landfill is located southeast of Pitsea in Basildon District. The landfill site comprises the south-western quadrant of Bowers Marshes, a former salt marsh within a tract of marshland extending from Stanford-le-Hope to Hadleigh on the northern reaches of the Thames estuary. The landscape is predominantly low lying at approximately 2 metres Above Ordnance Datum (AOD) and is dissected by a network of watercourses. Holehaven Creek is to the south with Vange Creek to the west.

Nearby settlements include Pitsea (2km) and Basildon to the north, Canvey Island

(1.5km) to the south east, Fobbing/Corringham (2.5km in Thurrock) to the west and South Benfleet (1.5m) to the north east. Thames Enterprise Park and DP World are located to the south (1.5km in Thurrock). The nearest residential property is on Canvey Island at Northwick which is 500m from the site, but approximately 800m from the landfill.

Most of the reclaimed marshland is retained in permanent pasture and has a high ecological value. Bowers Marsh to the north-east of the site has been transformed from pasture into an RSPB reserve with creeks and water bodies created to attract birdlife. The landfill site is surrounded by ecologically nationally and locally designated areas including Pitsea Marsh SSSI, Vange & Fobbing Marshes SSSI, Holehaven Creek SSSI, Bowers Marsh Local Wildlife Site (LWS), Pitsea Landfill LWS and Vange Creek LWS. Also within 2km are Canvey Wick SSSI and internationally designated sites Benfleet & Southend Marshes SPA/Ramsar (encompassing Benfleet & Southend Marshes SSSI and Benfleet & Marshes European Marine site) and Thames Estuary & Marshes SSSI/SPA/Ramsar. Wat Tyler Country Park lies north-west of the site.

Access to the site is via Pitsea Hall Lane, which is a no through road, running south from the A132 junction with the A13. Pitsea Hall Lane also provides access to Wat Tyler Country Park. The dedicated concrete site access road, approximately 1km in length, runs from the end of Pitsea Hall Lane and enters the site at its north-west boundary, running primarily along the western edge of the facility. The access road is also designated as an escape route in the event of an emergency on Canvey Island.

The majority of existing buildings within the site are located alongside this road. These include the gatehouse, the site offices, an in-vessel composting facility (being demolished) and windrow composting facility, storage buildings, generator compound producing electricity from landfill gas, workshops and associated fixed plant.

### **3. CURRENT POSITION**

In May 2020 Veolia submitted revised proposal namely to provide funding for enhancement to the existing bridge to improve pedestrian and cycle access and alternative arrangements for the long-term management of the site.

These revised details have been subject to consultation, including Basildon Borough Council, Natural England and Network Rail, all of which have raised issues to be addressed. Negotiations to resolve these issues are ongoing.

Unfortunately, until these issues are resolved, a recommendation on the application cannot be presented to the Committee.

Veolia have been acting in a positive and proactive manner to address the current breach of planning control and works on site have continued to progress the capping and restoration of the site. It is considered that with more time the outstanding issues can be resolved.

#### **4. RECOMMENDED**

That it is not expedient to take enforcement action at this time and that a further 3 months be given to allow resolution of the outstanding issues with respect to the submitted revised proposals. If within 3 months a report has not been brought before the Committee with a recommendation for approval, then the situation with respect to enforcement action will be reviewed again at that time.

#### **LOCAL MEMBER NOTIFICATION**

BASILDON – Pitsea

BASILDON - Westley Heights (within 250m)

ROCHFORD - Canvey Island West (within 250m)



**DR/21/20**

**Report to:** DEVELOPMENT & REGULATION (24 JULY 2020)

**Proposal:** COUNTY COUNCIL DEVELOPMENT - Provision of a new Multi Use Games Area (MUGA) and associated works and the provision of a new emergency vehicular access from Paxman Avenue to replace the existing emergency vehicle access from Walnut Way

**Ref:** CC/COL/100/19

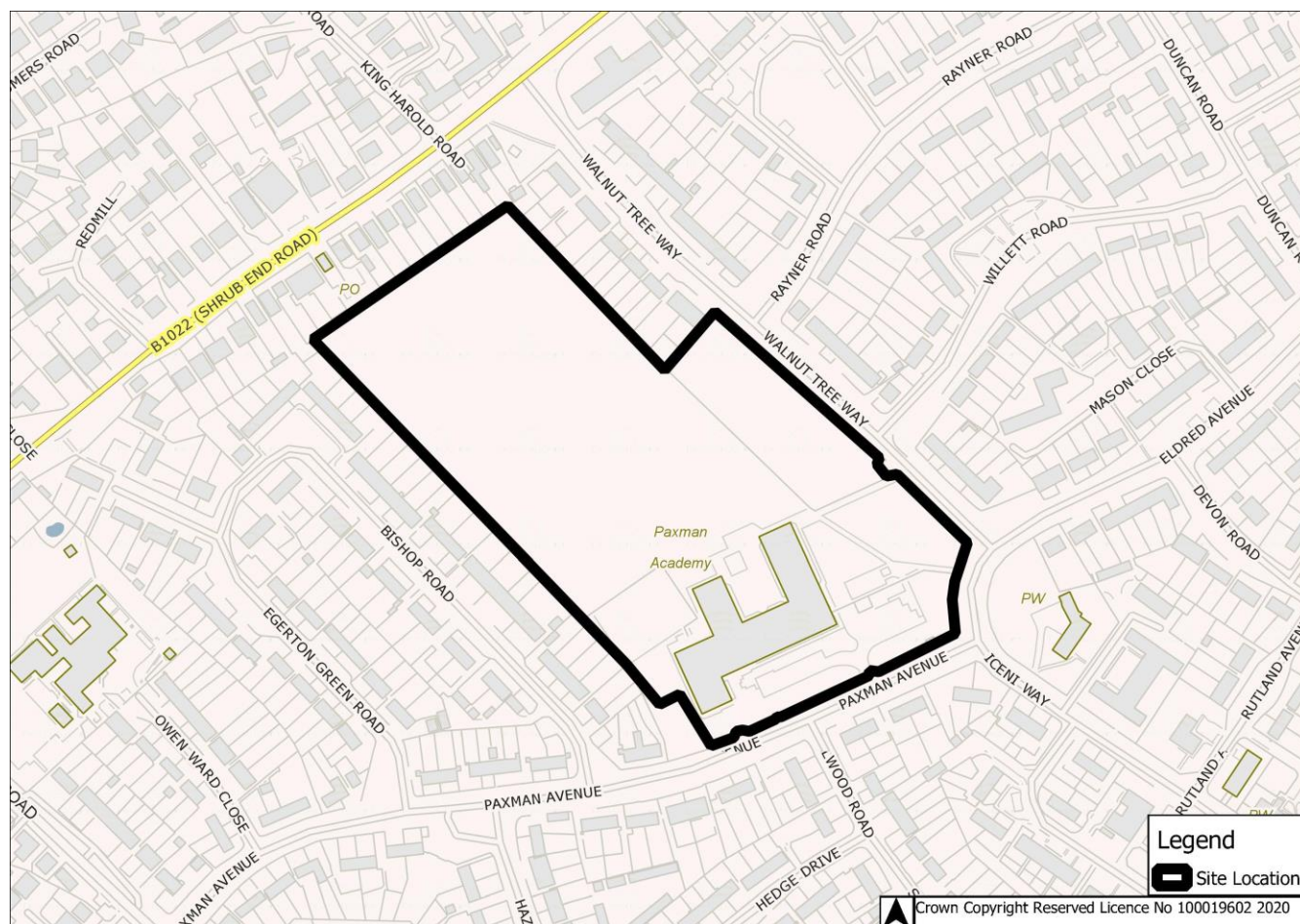
**Applicant:** Essex County Council

**Location:** Paxman Academy, Paxman Avenue, Colchester  
CO2 9DQ

**Report author:** Chief Planning Officer (County Planning and Major Development)

**Enquiries to:** Rachel Edney Tel: 03330 136815

The full application can be viewed at <https://planning.essex.gov.uk>



## **1. SITE**

The application site comprises the new Paxman Academy, which opened in September 2019. The new secondary school is a redevelopment of the former Alderman Blaxhill site and comprises a new 6FE secondary school, ancillary facilities and structures, landscaping, new pedestrian, cycle and vehicular access and facilities.

The part 2 storey part 3 storey building will accommodate up to 900 pupils and has replaced all the previous structures associated with the previous Alderman Blaxhill School.

The built footprint is contained predominantly within the southern section of the site fronting Paxman Avenue, with the playing field extending to the northern boundary.

The surrounding area is predominantly residential with residential properties to the in Paxman Avenue, west in Bishops Road, north in Shrub End Road and east in Walnut Tree Way.

Vehicular access is via Paxman Avenue. There are separate pedestrian access points via Paxman Avenue and Walnut Tree Way.

## **2. PROPOSAL**

It is proposed to provide a new Multi-Use Games Area (MUGA) in the form of an All-Weather Pitch (AWP) on the school's existing playing field. A 4.5m high twin bar (weldmesh) fence would be erected around the perimeter of the proposed MUGA. A 2.4m high acoustic fence would be erected to the northern and western sides of the proposed MUGA.

No floodlighting or community use of the pitch is proposed as part of this application.

It is also proposed to provide a new vehicular emergency access from Paxman Avenue to replace the existing emergency access from Walnut Tree Way.

## **3. POLICY CONSIDERATIONS**

The following policies of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) the development plan framework for this application. The following policies are of relevance to this application:

[Colchester Borough Council Development Policies adopted October 2010 \(selected policies revised July 2014\)](#)

Policy DP1 – Design and Amenity

Policy DP14 - Historic Environment Assets

Policy DP15 – Retention of Open Space and Indoor Sports Facilities

Policy DP17 – Accessibility and Access

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 Borough Council Development Policies adopted October 2010 (selected policies revised 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, along with Braintree and Tendring Councils, submitted their Local Plans and accompanying documents to the Planning Inspectorate.

Due to strategic cross boundary policies and allocations, Colchester, Braintree and Tendring's Local Plan share an identical Section 1. As a result of this, Section 1 was considered through a joint examination in public between January and May 2018.

Colchester specific policies and allocations found within Section 2 of the Local Plan will be considered through a later separate examination.

After considering all the evidence and representations and the discussion at the hearing sessions, the Inspector wrote to the North Essex Authorities (NEAs) on 8 June 2018. In his letter the Inspector identified those aspects of the Section 1 Local Plan and its evidence base which he considered required further significant further work on the part of the NEAs. In that context the Inspector set out options for the NEAs to consider in determining its next steps in their Local Plan preparation.

Of these options the NEAs chose to pause the Examination and carry out the further necessary work on the evidence base and Sustainability Appraisal and bring forward and resulting revised strategic proposals for the Section 1 Local Plan examination to consider. On 10 December 2018 the Inspector announced a pause in the Examination to enable this further work to take place.

The NEAs carried out a public consultation on the Additional Sustainability Appraisal, additional evidence base documents and the suggested amendments to the Section 1 Local Plan between 19 August – 30 September 2019.

The Local Plan Section 1 Public Examination resumed on 14 January 2020.

The requirement for the further work on Section 1 of the Plan has resulted on 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 Colchester Borough Local Plan 2017-2033 July 2017](#)

Policy DM4 – Sports Provision  
Policy DM15 – Design and Amenity  
Policy DM16 – Historic Environment

#### NEIGHBOURHOOD PLAN

There is not an adopted neighbourhood plan for the area.

## **4. CONSULTATIONS**

COLCHESTER BOROUGH COUNCIL – We would recommend the following:

- That any new areas of hardstanding are to be constructed using porous materials laid on a permeable base;
- Consultation is undertaken with Sport England;
- Suitable measures are taken to ensure new hardstanding and the intensive construction phase will not have any adverse impact on adjacent trees;
- Suitable measures are taken to ensure that any groundworks relating to the proposed development do not cause significant ground disturbance that has

- potential to damage any archaeological deposits that currently exist;
- Suitable measures in relation to noise, dust and construction pollution are taken to ensure that there is not an adverse impact upon neighbouring dwellings;
- Suitable measures are taken in relation to contamination to ensure the proposal is safe for end user;
- Suitable measures are taken to ensure biodiversity is not impacted
- Suitable measures are taken to ensure the proposal does not create an adverse impact upon the street scene;
- We would request that any comments and Local Members are taken into consideration prior to determination.

SPORT ENGLAND – No objection

ESSEX COUNTY FIRE AND RESCUE – No comments received

HIGHWAY AUTHORITY – No objection

COUNTY COUNCIL'S NOISE CONSULTANT – No objection

PLACE SERVICES (Ecology) – No objection

PLACE SERVICES (Trees) – No objection

PLACE SERVICES (Landscape) – No objection but would recommend the provision of landscaping between the acoustic fence and boundary

PLACE SERVICES (Historic Environment) – No objection subject to conditions

LOCAL MEMBER – COLCHESTER – Maypole – Any comments received will be reported

## 5. REPRESENTATIONS

104 properties were directly notified of the application. Five letters of representation have been received. These relate to planning issues, summarised as follows:

<u>Observation</u>	<u>Comment</u>
Concerned to read some of the detail regarding the noise level that may affect us in the proposal of the MUGA.	Noted
We have over the years been used to having pupils and staff using the school grounds to the rear of our property for field games.	Noted
Concern as proposed MUGA is to be situated so close to the rear of the properties in Bishop Road.	Noted. See appraisal

Would not have any objections to these proposals if there is a guarantee that:	Noted. See appraisal
<ul style="list-style-type: none"> <li>• We will not be affected by increased noise</li> <li>• The MUGA is only used during school times</li> <li>• The MUGA will not be available for outside organisations out of school hours</li> <li>• That floodlighting will not be present now or in the future</li> </ul>	
No problems with the planning providing it is only for the school use and not let out to use in evenings and weekends and the floodlights added.	Noted. See appraisal
Acoustic fence is a wasted expense as I have lived here for over 40 years and never had a problem with noise but have learnt a few new words from pupils over the years.	Noted
Reduction in light due to the nearly 8 metre fences – in the morning we get good light on that end of the garden where we have plants which require sunlight	Noted. See appraisal
Noise – although the plan states the use of this area is only during school daylight hours we have a young baby and we find the rear garden of our home an area for peace and privacy	Noted. See appraisal
Visual appearance – 8m high fencing is an eyesore and would impose on our open garden – this would be particularly acutely felt due to the large tree next door	Noted. See appraisal
Feel multi-use games area is a great idea but the proposal of putting it so close to residential properties, especially with so much more space to put it well away from any property, is unacceptable.	Noted. See appraisal
Believe original plan was to locate it on Walnut Tree Way which I would support	Noted. The application can only be determined on its merits

Even an 8m high fence will not stop all balls from coming over and this causes a risk to my property being damaged or the constant disruption of having to return such objects or having people knocking for their equipment back.	Noted
Have major objections to the planned proposal of an 8 metre in total fence to be erected on our boundary as it would obstruct our current view across the horizon from our back gardens.	Noted. See appraisal
There are also concerns of additional noise due to the MUGA being right on our boundary. We are aware they plan to put up a 2.5m acoustic fence which allegedly the council have carried out a noise impact assessment and state the noise impact would be none/not significant.	Noted. See appraisal
We don't believe there would be no increase in noise level. We understand there will be noise from the fields as it is a school and has been there for many years	Noted. See appraisal
There is a vast area on the field that the MUGA could be situated on as to have no or very little impact on residents	Noted. See appraisal
Also a major concern of residents is it would eventually be opened up to general public use. It is stated that it is for school use only during daylight hours which is open to interpretation as to what are daylight hours during the summer periods, but we are sure eventually they would want some revenue from it. This would lead to floodlights being installed.	Noted. See appraisal
I live at the boundary of this proposal and have major concern for its location.	Noted. See appraisal
Also, I do not wish for floodlights to illuminate my property if this was to be requested.	No floodlighting is proposed as part of this application



## 6. APPRAISAL

The key issues for consideration are:

- A. Need
- B. Policy Considerations & Impact on Existing Playing Field
- C. Location and Layout of MUGA
- D. Impact on Natural Environment
- E. Impact on Historic Environment
- F. Impact on Residential Amenity
- G. Traffic & Highways

### A NEED

Planning permission was granted in January 2018 for the construction of a new 6FE secondary school (comprising part 2 storey and part 3 storey buildings), ancillary facilities, structures, hard and soft landscaping, widening of the existing vehicular access, provision of new pedestrian access points and new vehicle and cycle parking facilities.

It is proposed to install a new MUGA to support and enhance the school's ability to teach a full, broad and balanced curriculum. The proposed MUGA could be used all year round, especially when poor weather conditions frequently render a significant portion of the existing playing field unusable, with flooded pitches and frozen ground conditions.

The MUGA would be used for football, touch rugby, fitness, cricket and athletics lessons as well as moving forward GCSE and BTEC components. It would also be used frequently during extra-curricular times such as clubs and fixtures to ensure all potential opportunities and uses are captured and maximised.

It is considered that the need for the proposed MUGA has been demonstrated as it would provide the school with much needed additional sports facilities which could be used all year round.

### B POLICY CONSIDERATIONS & IMPACT ON THE EXISTING PLAYING FIELD

Paragraph 98 of the NPPF states that "*Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

- a) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use."*

Adopted Policy DP15 (Retention of Open Space and Indoor Sports Facilities) states inter alia that "*development of any existing school playing field forming part*



*of an educational establishment will not be supported unless it can be demonstrated that alternative and improved provision will be created in a location well related to the functional requirements of the relocated use and its existing and future users.”*

Emerging Policy DM4 (Sports Provision) states inter alia that “*development, including change of use, of any existing or proposed sports ground or playing field will only be supported where it can be demonstrated that alternative and improved provision will be created in a location well related to the functional requirements of the relocated use and its existing and future users.*”

As it is proposed to install the MUGA on the existing school playing field, Sport England is a statutory consultee.

Sport England has assessed the proposals against exception 5 of its policy, which states:

*“The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.”*

The proposed MUGA would offer the potential to significantly improve the delivery of curricular and extra-curricular PE and sport at the school by providing an all-weather outdoor sports facility which could be used continuously throughout the year and intensively due to its surface. In particular, it would extend the opportunities available for pupils to participate in PE/sports in all weathers. It would also help to address the limitations of using the school’s natural turf playing fields, which due to ground conditions are not available for school use for substantial parts of the academic year. The proposed MUGA would also widen the range of sports available for the school as it would be designed for football, rugby, cricket and athletics use at a level suitable for secondary school use.

The proposed MUGA would also be used to meet the needs of the school’s extra-curricular clubs and for informal recreational use during break times. The facility would allow the school to meet DfE guidelines for soft outdoor playing field space as the playing field provision proposed for the new school was less than DfE guidelines for a 6FE school.

The school does not propose to make the proposed MUGA available for community use outside of school hours due to the potential for adverse impact on the neighbouring residential properties. While the proposed MUGA is not proposed to be floodlit, it would still offer potential for meeting community needs during the weekends. This is disappointing because the facility would therefore not offer any benefits to the wider community which is pertinent as there are identified deficiencies of 3G AGP provision in Colchester.

In terms of the impact on the playing field, the proposed MUGA would result in the loss of a substantial area of the playing field equivalent in size to the footprint of the proposed MUGA. The number and range of winter and summer playing pitches that could be accommodated on the remaining playing field would therefore be reduced. At present, while the school has not actually marked out

pitches on the playing field since it opened in September 2019, the indicative existing pitch layouts show that the playing field has the capacity for three football pitches in the winter and a 400m running track and a cricket wicket in the summer. Following implementation of the proposed MUGA, there would only be space on the remaining natural turf playing field for a small rugby pitch, a football pitch and a 300m running track. However it is acknowledged that much of the activities that currently take place on the natural turf playing field would be transferred to the proposed MUGA and, as set out above, the main rationale for the MUGA is to improve the range, quality and capacity of outdoor sports provision for the school and address the limited availability of the natural turf playing field which is an important consideration in the assessment. It is also understood that there is no formal community use of the School's playing field that would be affected by the proposal.

Sport England has concluded that, on the basis of the above assessment, whilst finely balanced, the potential sports benefits that the proposed MUGA would offer would outweigh the detriment caused by the impact on the playing field. It is therefore considered that the proposal would meet exception 5 of Sport England's Playing Field Policy and this being the case Sport England does not wish to raise an objection to the application.

The applicant provided Sport England with the design specifications of the proposed MUGA, which included details of surfacing, construction cross-section, line marking and fencing.

Sport England confirmed that the design specifications were acceptable as they appear to accord with the Football Association's design guidance.

It is considered that the provision of the proposed MUGA on an area of existing school playing field would be in accordance with Paragraph 98 of the NPPF, Policy DP15 and Policy DM4 as it would provide the school with much needed all year-round sports facilities and enable an improved sports curriculum to be provided for pupils.

## C LOCATION AND LAYOUT OF MUGA

The layout of the pitch would run in a north-south orientation running parallel with the western boundary of the school site. It would be approximately 5m from the boundary of the residential properties in Bishops Road.

The proposed MUGA would consist of a 97 x 61m synthetic sports pitch and a 27 x 3m goal recess area. The pitch would be demarcated into a full-size football pitch, 9v9 sized football pitch and three 5x5 pitches through distinct line markings.



The MUGA would be surrounded by 4.5m high twin bar (weldmesh) fencing. It was originally proposed that this fencing would be topped with a 3.5m high ball stop netting making a total height of 8m. However, following adverse comments received from the Council's Landscape Consultant with regards to visual amenity, the ball stop netting has been removed. A 1.2m high Super Rebound Panel would be fixed to the bottom of the proposed fencing to help reduce the noise when balls hit the fence.

The proposed fencing would be galvanised powder coated fencing, incorporating 3nr. double leaf gates. An access pathway from the existing school buildings would be provide access via the double gates.

Representations have been received from residents regarding the location of the proposed MUGA questioning the need for it to be located so close to the boundary between the school and residential properties, as it appears to be ample space on the playing field.

If the proposed MUGA was relocated more centrally on the playing field, it would reduce the available space for other sports pitches to be marked out and would reduce the sports curriculum that could be offered by the school. Rotating the proposed MUGA by 90° was considered by the applicant. However, although this would move the MUGA away from a number of residential properties, it would effectively create a barrier between the school and the playing field. An area of land to the east of the site remains in the possession of Essex County Council, which restricts the amount of playing field available for use by the school. The school has expressed concerns that re-orientating the MUGA by 90° would create an unusable area to the rear of the pitch, creating potential safeguarding issues for pupils. Re-orientating the proposed MUGA by 90° would restrict emergency vehicle access to the school playing field and require the removal of existing trees located towards the eastern boundary of the site.

It is considered that the proposed location of the MUGA would be the optimal location in supporting and delivering the sporting curriculum at the school. The proposed MUGA would also allow the school to increase the numbers of sports offered to pupils.

## D IMPACT ON THE NATURAL ENVIRONMENT

Adopted Policy DP1 (Design and Amenity) states inter alia that “*all development must be designed to a high standard and respect and enhance the landscape and other assets that contribute positively to the site and the surrounding area.*”

Emerging Policy DM15 (Design and Amenity) states inter alia that “*wherever possible development should positively integrate the existing built form and other landscape, heritage, biodiversity and Arboricultural assets.*”

It is not proposed to remove any existing vegetation as a result of the proposed scheme.

An Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan were submitted as part of the application.

Place Services (Arboriculture) raised no objection to the proposed scheme and commented that the BS5837 survey provided together with the Arboricultural Impact Assessment showed sufficient mitigation measures would be in place to prevent damage to retained trees.

Place Services (Ecology) originally objected to the proposal as it appeared that the provision of the new emergency vehicle access would result in trees, planted as part of the application for the new school, being removed, which could impact upon bats and nesting birds.

The applicant confirmed that the proposed trees in the area of the proposed emergency access had not yet been planted and so there would not be a loss of landscaping. However, it is proposed to plant these trees to the east of the new emergency access on an existing grassed area, once the new access is in place. Following further assurances from the applicant that no other trees or vegetation was to be removed; no floodlighting was to be erected and no works were to be carried out to existing buildings on the site, the Council's Ecologist withdrew its objection.

Place Services (Landscape) originally raised objections to the proposed 4.5m high twin bar (weldmesh) fencing with the 3.5m high ball stop netting above due to concerns over visual amenity impact. As a result, the applicant has removed that element of the fencing. It is considered that the visual impact has been reduced but the Council's Landscape Architect has recommended that landscaping be provided between the acoustic fence and boundary to further reduce the visual impact for neighbouring residential properties.

It is considered that providing the proposed development is carried out in accordance with the submitted documents and conditions detailed at the end of the report that the proposal would be in accordance with Policy DP1 and Policy

DM15.

## E IMPACT ON THE HISTORIC ENVIRONMENT

Adopted Policy DP14 (Historic Environment Assets) states inter alia that *“development will not be permitted that will adversely affect a listed building, conservation area, historic park or garden or important archaeological remains. Archaeological Evaluations will be required for proposals related to or impacting on the setting of heritage assets and/or known or possible archaeological sites, so that sufficient information is provided to assess the impacts of development on historic environment assets together with any proposed mitigation measures.”*

*Emerging Policy DM16 (Historic Environment) states inter alia that “Heritage Statements and/or Archaeological Evaluations will be required for proposals related to or impacting on the setting of heritage assets and/or known or possible archaeological sites, and where there is potential for encountering archaeological sites so that sufficient information is provided to assess the significance of the heritage assets and to assess the impacts of development on historic assets together with any proposed mitigation measures.”*

An Archaeological Desk Based Evaluation Report was submitted as part of the application. It suggests that the proposed development may have some impact on the historic environment due to the potential presence of a Roman road and ditches extant below the ground. It recommends that given the high archaeological significance of the wider landscape, measures should be taken to ensure that any groundworks, particularly to the north of the site, are monitored and recorded.

Place Services (Historic Environment) has no objection and has commented that the proposed development lies within a sensitive area of archaeological deposits known from evidence of crop marks recorded on the historic Environment Record.

It supports the proposed development subject to conditions requiring further monitoring and recording work to be undertaken.

It is considered that the proposal would be in accordance with Policy DP14 and Policy DM16 providing that the recommended monitoring and recording work is undertaken as per the suggested conditions.

## F IMPACT ON RESIDENTIAL AMENITY

Adopted Policy DP1 (Design and Amenity) states inter alia that *“all development must be designed to a high standard, avoiding unacceptable impacts on amenity by protecting existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight.”*

*Emerging Policy DM15 (Design and Amenity) states inter alia that “development proposals must demonstrate that they will protect and promote public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight.”*

It is not proposed to erect any floodlighting to the proposed MUGA or permit community use of the pitch due to the potential for disturbance to the neighbouring residential properties adjacent to the western boundary of the school site in Bishops Road.

The proposed MUGA would be for use by the school only, including extra-curricular activities for pupils.

A noise impact assessment was submitted as part of the planning application, which was reviewed by the Council's noise consultant. The noise assessment concluded that the proposed MUGA would likely result in an adverse impact on the neighbouring residential properties as a result of increased noise. It was suggested that re-orientating the pitch by 90° would help reduce the noise impact on the nearest residential properties. However, for the reasons detailed above the applicant did not consider it to be practical or feasible to re-orientate the MUGA.

Following discussions between the applicant and the County's noise consultants, it is proposed to erect a 2.4m high fence along the northern and western boundaries of the proposed MUGA. An updated Noise Assessment states that with the provision of the acoustic fence a 'None/No Significant' impact would result for receptors in the vicinity. This does not mean that there would not be any noise resulting from the use of the proposed MUGA but that the noise impact would not have a significant adverse impact and is considered to be acceptable given the educational use of the site. The County's Noise Consultant is satisfied that this is a reasonable reflection of the likely residual impacts from the introduction of the MUGA. The specification document presents a typical acoustic barrier with a category of B3, representing the highest achievable under BS EN1793-2. Providing the fence is correctly constructed the County's Noise Consultant is satisfied that the fence would perform as intended for the purpose of attenuation.

It is considered that the erection of a 2.4m high acoustic fence would help reduce the potential for adverse noise impact from the use of the MUGA on the neighbouring residential properties.

Representations received from local residents seek assurances that floodlighting and community use would not be permitted in the future. The current application states that there would not be any floodlighting or community use of the proposed MUGA. If floodlighting for the MUGA was proposed at a later date a full planning application would need to be submitted and determined on its own merits.

The Council's Landscape Consultant raised concerns regarding the height of the proposed fence around the MUGA, which originally would have measured 8m in height (4.5m twinbar (weldmesh) fence with a 3m ball stop netting above) in respect of adverse visual impact. To resolve these concerns the applicant has agreed to remove the proposed ball stop netting which would reduce the height of the fence to 4.5m.

Following re-consultation on the proposed acoustic fence a number of representations were received from local residents objecting to the erection of an 8m fence. As stated above the applicant has reduced the height of the proposed



proposal.

It is considered that the provision of an emergency vehicle access would be in accordance with Policy DP17.

## **7. CONCLUSION**

It is considered that planning permission should be granted for the installation of a new MUGA pitch on the school's existing playing fields as it would provide the school with much needed all-year round sports facilities. The erection of a 2.4m high acoustic fence to the northern and western sides of the proposed MUGA would help reduce any potential adverse noise impact to the neighbouring residential properties.

The proposed new emergency access entrance from Paxman Avenue would provide emergency vehicles with access to the rear of the school buildings and playing field.

Providing the proposed development is carried out in accordance with the submitted documents and proposed conditions it is not considered that there would be a significant detrimental impact on the landscape, visual or residential amenity of the neighbouring properties as a result of this application.

It is considered that the proposal would be in accordance with Policy DP1 (Design and Amenity), Policy DP14 (Historic Environment Assets), Policy DP15 (Retention of Open Space and Indoor Sports Facilities) and Policy DP17 (Accessibility and Access) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM4 (Sports Provision), Policy DM15 (Design and Amenity) and Policy DM16 (Historic Environment) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.

## **8. 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 details of the application reference CC/COL/100/19 dated 17 December 2019 and validated on 9 January 2020 together with drawing numbers:
  - 6360-D-AIA Rev D – AIA & TPP – 3.12.19
  - 6093-D-AIA Rev C – Prelim AIA – 12.12.19
  - 9810/GA/01 Rev E – Proposed Synthetic Sports Pitch – General



arrangement – 11.6.20 Option 2 Rev A – Proposed Synthetic Sports pitch General Arrangement – 17.3.20

- GA – 4.5mH 868 Rebound Bay GA Detail – 9.3.20
- 16-0587-CDP-DR-ZZ-XX-L-4006-C5 – Detailed Reference Plan – Visitor Entrance & Bus Parking – 19.2.20
- 16-0587-CDP-DR-ZZ-XX-L-9006 P1 – Site Location Plan – 28.6.19
- 16-0587-CDP-DR-ZZ-XX-L-2003 P11 – BB103 External Areas Assessment – 4.12.19
- 16-0587-CDP-DR-ZZ-XX-L-4027 C2 – Detailed Reference Plan – AWP – 16.10.19

Together with:

- Acoustic Fence Information Sheet from Dawn Fencing Ltd
- Noise Impact Assessment Addendum Report (Ref: 19313/003/dd) prepared by AAD dated 28 May 2020
- Certificate of Calibration – MTS Calibration – 22 May 2019
- FIFA Quality Programme for Football Turf Duo Shape P+50 SBR – Limonta Sports S.P.A. – 30.6.16
- Limonta Sport Duo Shape P+50 Data Sheet
- Manufacturer Calibration Certificate (FL-18-070) NTi Audio AG – 3.9.18
- Planning Statement – Strutt & Parker – December 2019
- Supporting Statement – Sigma Trust – November 2019
- Noise Impact Assessment (Ref: 19313/001/dd) prepared by AAD – 26 November 2019
- Archaeological Desk Based Assessment (1497) – Colchester Archaeological Trust – November 19

and

- Letter from Strutt & Parker 7 July 2020
- Email from Strutt & Parker 1 June 2020 13:12
- Letter from Strutt & Parker (Ref 210184) dated 14 April 2020
- Email from Strutt & Parker 2 March 2020 16:03
- Email from Strutt & Parker 18 February 2020 15:45
- Email from Strutt & Parker 14 February 2020 16:28
- Letter from Strutt & Parker 9 January 2020
- Letter from Strutt & Parker 17 December 2019

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 DP14 (Historic Environment Assets), Policy DP15 (Retention of Open Space and Indoor Sports Facilities) and Policy DP17 (Accessibility and Access) of the Colchester*

*Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM4 (Sports Provision), Policy DM15 (Design and Amenity) and Policy DM16 (Historic Environment) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.*

3. The development hereby permitted shall be undertaken in accordance with the Arboricultural Method Statement & Tree Protection Plan (Project No: 6360) Rev D prepared by Haydens Arboricultural Consultants dated 13 December 2019 and Drawing Number 6360-D-AIA Rev D – AIA & TPP – 3.12.19

Reason: In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with Policy DP1 (Design and Amenity) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM15 (Design and Amenity) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.

4. The development hereby permitted shall be undertaken in accordance with the Construction Management Plan Rev 2 prepared by Barnes Construction dated November 2019.

Reason: To minimise the risk of flooding, in the interests of highway safety and to minimise impact on local amenity and to comply with Policy DP1 (Design and Amenity) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM15 (Design and Amenity) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.

5. The planting details as shown on Drawing Number 16-0587-CDP-ZZ-XX-L-3001 C11 (Landscape General Arrangement Plan) dated 16 October 2019 shall be fully implemented within the first available planting season (October to March inclusive) following completion of the development hereby permitted and maintained thereafter in accordance with Condition 6 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 Policy DP1 (Design and Amenity) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM15 (Design and Amenity) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.

6. Any tree or shrub forming part of the landscaping scheme approved in connection with the development under Condition 5 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 Policy DP1 (Design and Amenity) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM15 (Design and Amenity) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.*

7. No development or preliminary groundworks shall take place until a written scheme and programme of archaeological investigation and recording has been submitted to and approved in writing by the County Planning Authority. The scheme and programme of archaeological investigation and recording shall be implemented prior to the commencement of the development hereby permitted or any preliminary groundworks.

Reason: *To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Policy DP14 (Historic Environment Assets) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM16 (Historic Environment) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.*

8. A mitigation strategy detailing the excavation/preservation strategy shall be submitted to the Minerals Planning Authority following the completion of the archaeological investigation work approved under Condition 7. The fieldwork shall be undertaken in accordance with the approved strategy prior to the commencement of development.

Reason: *To agree a suitable and adequate level of mitigation to ensure the archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Policy DP14 (Historic Environment Assets) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM16 (Historic Environment) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.*

9. No development or preliminary groundworks shall take place on those areas containing archaeological deposits until the satisfactory completion of fieldwork, as detailed in the mitigation strategy approved under Condition 8.

Reason: *To enable the preservation (by record) of any archaeological remains and to comply with Policy DP14 (Historic Environment Assets) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM16 (Historic Environment) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.*

10. Within 3 months of the completion of the fieldwork, the applicant shall submit to the County Planning Authority a post-excavation assessment. The assessment shall include the completion of post-excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: *To disseminate the information from the archaeological investigation and to comply with Policy DP14 (Historic Environment Assets) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM16 (Historic Environment) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.*

11. 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 to 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 spillage on adjoining properties and highways.

The details shall identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, foraging.

The details shall show how and where external lighting would be installed through the provision of appropriate lighting contour plans and technical specifications, so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places and detail the proposed hours of operation.

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 the impact on ecology and to comply with Policy DP1 (Design and Amenity) of the Colchester Borough Council Development Policies adopted October 2010 (selected policies revised July 2014) and Policy DM15 (Design and Amenity) of the Publication Draft of Colchester Borough Local Plan 2017-2033 July 2033.*

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## BACKGROUND PAPERS

Consultation replies  
Representations

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

The proposed development would not be located within distance 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.

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## **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 necessary or appropriate. This approach has been taken positively and proactively in accordance with the requirements of the NPPF, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **LOCAL MEMBER NOTIFICATION**

COLCHESTER - Maypole

**DR/22/20****Report to:** DEVELOPMENT & REGULATION (24 July 2020)**INFORMATION ITEM** – Enforcement of Planning Control update**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Suzanne Armstrong – Tel: 03330 136 823The full application can be viewed at: <http://planning.essex.gov.uk/>**1. PURPOSE OF THE ITEM**

To update members of enforcement matters for the period 01 April to 30 June 2020 (Quarterly Period 1).

**2. DISCUSSION****A. Outstanding Cases**

As at 30 June 2020 there are 28 outstanding cases. Appendix 1 shows the details of sites (7) where, after investigation, a breach of planning control is considered to have occurred.

**B. Closed Cases**

5 cases were resolved during the period 01 April to 30 June 2020.

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**LOCAL MEMBER NOTIFICATION**

Countywide

## Enforcement Committee Report

<b><u>Location</u></b>	<b>Nature of problem</b>	<b>Remarks</b>
<b>Basildon</b>		
Summerhill Farm, Pipps Hill Road North, Crays Hill, Billericay CM11 2UJ	Waste Activities	A material change of use of the land to land used for the Importation depositing and burning of mixed waste. Multi agency visits (ECC and EA). Due to COVID 19 a revised timescale has been agreed for the removal of all waste. Further visits to be carried out.
<b>Braintree</b>		
Straits Mill, Bocking, Braintree CM7 9RP	Carpet Recycling	A material change of use of the land to a waste transfer facility. The importation and processing of the waste has ceased and the operators have vacated the land, however the waste remains. Whilst the EA will continue to pursue the operators under their Legislation the WPA served an Enforcement Notice on the 7th January 2020. An appeal was lodged against the Notice served. With regard to this, and in particular the extant Enforcement Notice, the appellant and the Council have negotiated revised terms of compliance to the effect that the previous Enforcement Notice issued by the Council has been withdrawn and a replacement Notice issued. The new Notice which takes effect on 29 July 2020 requires the importation of waste to cease; the removal of all waste materials and machinery within 18 months; and the restoration of the land within 24 months.
<b>Brentwood</b>		
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. An Enforcement Notice has been served for the removal of the waste. 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 have recently been advised that the land has once again been sold. The new owner has commenced waste

		removal and Land remediation works further visits to follow.
<b>Chelmsford</b>		
Land at Hollow Lane, Hollow Lane, Broomfield, Chelmsford, Essex, CM1 7HG	Waste activities	The unauthorised Importation, deposition and spreading of waste, mainly soils and builders waste. A TSN was served on the 4th November 2019 to prevent any further importation or spreading of the waste. An Enforcement Notice was served on the 14th January 2020 for the removal of all waste material, full compliance with the Notice served is due by the 11th September 2020.
<b>Colchester</b>		
Colchester Skip Hire, Green Acres, Old Packards Lane, Wormingford, Colchester, CO6 3AH	Early morning monitoring	Application ESS/15/19/COL as approved permits a specific number of vehicles to exit the site from 6:00am. These vehicle movements are controlled by planning conditions. During a visit in December 2019 it was noted that CSH were exceeding the limitations of this condition. On the 27th January 2020 ECC did serve a Breach of Condition Notice (BCN) on CSH in respect of the vehicle movements prior to 7:30am. The period for compliance with this Notice is 30 days beginning with the day on which the Notice is served on the company. In notifying the company of the breach of condition application ESS/04/20/COL was submitted to the Waste Planning Authority to vary the condition relating to the vehicle movements. This application was refused on the 12th March 2020. Further visits are to be carried out to ensure the company are complying with the BCN served.
<b>Rochford</b>		
3 Murrels Lane (Off Church Road) Hockley	Importation of waste	The unauthorised Importation, deposition and spreading of waste, mainly mixed soils and builders waste, raising the levels of the Land. An Enforcement Notice was served on the 23rd October 2019 and took effect on the 5th December 2019. Full compliance with the EN served is required by the 5th July 2020. Visit scheduled.
<b>Uttlesford</b>		
New Farm, Elsenham Road,	Importation of waste	Importation, depositing, storing and spreading of waste materials on the land.



<p>Stansted, CM24 8SS</p>		<p>On the 5th October 2015 an Enforcement Notice was served. The landowner and tenant appealed the Enforcement Notice. 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 had not been complied with. The case remained with ELS due to new information that came to light. Following on from this the case was, once again, listed for July 2020. Due to COVID-19 all matters that were provisionally listed for prosecution have now been put back to a holding court on 1 September 2020 at the current time some courts are open fully, some partially and some not at all. ELS are awaiting further information and guidance from the courts.</p>
<p>Land at Armigers Farm, Thaxted, Great Dunmow Essex CM6 2NN</p>	<p>Working outside of CLUED</p>	<p>Waste soil stored outside the permitted area. Some material had been processed ready to be removed, in accordance with ECC and the EA's joint working protocol the EA have agreed a suitable timescale in order for the waste to be removed and the land remediated. A timeframe of 6 months was agreed by the EA as a realistic amount of time to remove the waste soil, taking into consideration the winter weather. Due to COVID-19 the EA have extended the timescale for the removal of the waste. A site meeting has been scheduled.</p>

**DR/23/20****Report to:** DEVELOPMENT & REGULATION (24 July 2020)**INFORMATION ITEM** – Applications, Enforcement and Appeal Statistics**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Emma Robinson – tel: 03330 131512The full application can be viewed at: <http://planning.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 May

28

Nº. Decisions issued in June

2

Nº. Decisions issued this financial year

7

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 June

2

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

2

### **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 May

**16**

Nº. Decisions issued in June

**7**

Nº. Decisions issued this financial year

**13**

Nº. Delegated Decisions issued in June

**7**

### **All Applications**

Nº. Delegated Decisions issued in June

**9**

Nº. Committee determined applications issued in June

**0**

Nº. of Submission of details pursuant to conditions/legal conditions dealt with this financial year

**38**

Nº. of Submission of details pursuant to conditions/legal conditions pending at the end of June

**51**

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

**0**

### **Appeals**

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

**1**

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

**5**

Nº. of enforcement notices issued in June

**1**

Nº. of breach of condition notices issued in June

**0**

Nº. of planning contravention notices issued in June

**0**

Nº. of Temporary Stop Notices issued in June

**0**

Nº. of Stop Notices issued in June

**0**