



Essex County Council

Development and Regulation Committee

10:30	Friday, 22 March 2024	Committee Room 1 County Hall, Chelmsford, CM1 1QH
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Addendum to the Agenda

There is often an addendum to this agenda published prior to the meeting. This adds additional information to the report which was received after the report was published and will be brought to the Committee's attention on the day of the meeting. To access this, please see 'Meeting Documents' at the bottom of the relevant meeting's page. The addendum is finalised on the morning of the relevant meeting. Documents referred to in it may also be accessible online via the ECC planning portal in the usual way.

		Pages
1	Membership, Apologies, Substitutions and Declarations of Interest	5 - 5
2	Minutes To approve the minutes of the meeting held on Friday 26 January 2024.	6 - 20
3	Identification of Items Involving Public Speaking To note where members of the public are speaking on an agenda item. These items may be brought forward on the agenda. Please note that members of the public wishing to speak must email democratic.services@essex.gov.uk no later than 5pm on the Tuesday before the meeting.	
4	Minerals and Waste	
4.1	Land at Stanway Quarry and East of Colchester Zoo To consider report DR/09/24 relating to the proposed prior extraction of sand as enabling works associated with a future expansion of Colchester Zoo including the extraction of some 500,000 tonnes of sand; the construction of temporary soil screen mounds; the use of the adjoining Stanway Quarry processing plant, DSM plant and related infrastructure in conjunction with the prior extraction scheme; the establishment of a temporary conveyor link between the prior extraction area and Stanway Quarry, including a temporary conveyor bridge over Maldon Road; and cut and fill reprofiling works to establish the proposed restoration contours and proposed (interim) after uses. Location: Land at Stanway Quarry and east of Colchester Zoo, Maldon Road, Stanway, Colchester, Essex, CO3 0SL Ref: ESS/34/23/COL	21 - 141
5	Information Items	
5.1	Applications, Enforcement and Appeals Statistics To update Members with relevant information on Planning Applications, Appeals and Enforcement, as at the end of January 2024, plus other background information as may be requested by the Committee. Report DR/10/24	142 - 143

5.2 Applications, Enforcement and Appeals Statistics 144 - 145

To update Members with relevant information on Planning Applications, Appeals and Enforcement, as at the end of the previous month, plus other background information as may be requested by the Committee.

Report DR/11/24

6 Date of Next Meeting

To note that the next meeting will be held on Friday 26 April 2024, in Committee Room 1, County Hall.

7 Urgent Business

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

Exempt Items

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

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

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

8 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: Emma Hunter, Democratic Services Officer

Membership, Apologies, Substitutions and Declarations of Interest

Recommendations:

To note

1. The 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 B Aspinell
Councillor L Bowers-Flint
Councillor M Garnett
Councillor C Guglielmi
Councillor M Hardware
Councillor D Harris
Councillor J Jowers
Councillor L Mackenzie
Councillor M Stephenson
Councillor M Steel
Councillor M Steptoe
Councillor P Thorogood

Chairman

Vice-Chairman

Minutes of the meeting of the Development and Regulation Committee, held in the Council Chamber, County Hall, on Friday, 26 January 2024 at 10:30.

Present:

Cllr C Guglielmi (Chairman)	Cllr P Thorogood (departed after item 5.1)
Cllr M Steptoe	Cllr B Aspinell (departed after item 5.1)
Cllr J Henry	Cllr D Harris
Cllr M Steel	Cllr A Sheldon
Cllr M Hardware	Cllr L Mackenzie (departed after item 5.1)

1. Membership, Apologies, Substitutions and Declarations of Interest

Apologies were received from Cllr M Garnett, for whom Cllr J Henry substituted, from Cllr J Jowers for whom Cllr A Sheldon substituted, and from Cllr L Bowers-Flint.

Cllr L Mackenzie declared an interest in item 5.1 of the agenda (Minute 3) concerning land to the south of Archers Fields Close, Burnt Mills Industrial Estate as he had campaigned against the site. Cllr Mackenzie considered that as he was predetermined on the issue, he would not participate in the debate or vote on this item.

Cllr A Sheldon declared an interest in item 5.1 of the agenda (Minute 3) concerning land to the south of Archers Fields Close, Burnt Mills Industrial Estate as he was employed by Rebecca Harris MP whose opposition was noted in the report. Cllr Sheldon considered that as he had a Disclosable Pecuniary Interest (DPI) he would not take part in the debate and leave the room after his public speaking slot.

Cllr J Henry declared an interest in item 5.1 of the agenda (Minute 3) concerning land to the south of Archers Fields Close, Burnt Mills Industrial Estate as was Cabinet Member for Health, Wellbeing, Leisure, Arts and Culture at Basildon Borough Council, and the Council had objected the application. Cllr Henry considered that as he had not been involved in the objection and was not aware of the matter until he read the agenda, he was not precluded from participating in the debate and voting on the item.

Cllr P Thorogood declared an interest in item 5.1 of the agenda (Minute 3) concerning land to the south of Archers Fields Close, Burnt Mills Industrial Estate as he was opposed to waste incineration. Cllr Thorogood considered that as he was predetermined on the issue, he would sit at the back of the Chamber and not participate in the debate or vote on the item.

Cllr C Guglielmi declared an interest in item 5.2 of the agenda (Minute 9) concerning the land off Ipswich Road, Langham as the site was in his division. Cllr Guglielmi considered that as he had not previously expressed a view on the proposition, he was not precluded from participating in the debate and voting on this item.

2. Minutes

The minutes of the meeting held on 27 October 2023 were agreed as a correct record and signed by the Chairman.

3. Identification of Items Involved in Public Speaking

Individuals to speak in accordance with the procedure were identified for the following items:

- 1) Land to the south of Archers Fields Close, Burnt Mills Industrial Estate
To consider report DR/02/24 relating to the development of an Energy Recovery Facility, ancillary office block and associated infrastructure on land to the South of Archers Fields Close, Burnt Mills Industrial Estate, Basildon, Essex.

Location: Land to the south of Archers Fields Close, Burnt Mills Industrial Estate, Basildon, SS13 1DN

Ref: ESS/120/20/BAS

Public speakers:

- Cllr Andrew Baggott, on behalf of Basildon Borough Council,
- Cllr Craig Rimmer, Basildon Councillor for Pitsea South East,
- Cllr Luke Mackenzie, ECC Member for Pitsea,
- Cllr Aiden McGurran, ECC Member for Pitsea,
- Cllr Tony Ball, ECC Member for the abutting division Wickford Crouch,
- Cllr Kerry Smith, ECC Member for the abutting division Westley Heights,
- Cllr Andrew Sheldon, ECC Member for the abutting division South Benfleet,
- A statement read on behalf of Cllr Malcolm Buckley, ECC Member for Wickford Crouch,
- A statement read on behalf of Cllr Sam Gascoyne, Basildon Councillor for Pitsea North West,
- Mr Kevin Parr, agent on behalf of the applicant.

It was noted that due to public interest in the application, the Chairman had permitted more public speakers than was set out in the Public Speaking Protocol.

4. Development and Regulation Committee Protocol

The Chairman introduced the updated Committee Protocol and outlined the changes that had been made.

Cllr M Hardware outlined two concerns with the proposed wording of the revised protocol:

- Firstly, in the Summary, 'Members and officers shall avoid indicating the likely decision on an application or otherwise committing the Authority during contact with applicants and objectors' as this implied that the Members knew the outcome of a Committee and were predetermined.
- Secondly, the Summary also advised that 'Members must make oral declarations at the Development and Regulation Committee of significant

contact with applicants and objectors,' whilst under Section 5 – Lobbying of Councillors, the protocol advised that 'lobbying is a normal and perfectly proper part of the political process.'

Officers advised that these parts of the protocol had not been revised, and that they would be reconsidered, and the revised Protocol brought back to a future meeting of the Committee.

There being no further comments, the Committee

Agreed

To endorse the updated Development and Regulation Committee Protocol.

5. Land to the south of Archers Fields Close, Burnt Mills Industrial Estate

The Committee considered report DR/02/24 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of changes to proposed conditions 2, 3, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 25, 26, 27, 28, 30, 31, 32, 38, 41, 44 and 45.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Appropriateness of the location for the development
- Waste or Waste Recovery
- Need/Capacity
- Noise Impacts
- Landscape/Visual Impacts
- Heritage
- Ecology
- Water Environment
- Climate Change/Greenhouse Gas
- Air Quality/Dust
- Odour
- Traffic
- Health and Wellbeing
- Contributions sought by Basildon Borough Council
- Topic Areas covered by the supporting Environmental Statement

In accordance with the protocol on public speaking the Committee was addressed by Cllr Andrew Baggott, speaking on behalf of Basildon Borough Council. Cllr Baggott made several points:

- Basildon Borough Council did not have a Local Plan and was in the process of putting a Local Plan together. Approving the application could derail the process of drafting and approving a Local Plan.

- Basildon Borough Council had been working with Essex County Council and the Department for Environment, Food and Rural Affairs to improve air quality in the area surrounding the site. The proposal would be contrary to this work in improving air quality.
- Basildon Borough Council had set out an ambitious waste strategy which aimed to achieve a 65% recycling rate by 2035, reduce residual waste and encourage residents to split the waste stream. The proposal would permit a waste site which would combine a variety of types of waste and burn these, which was contradictory to the work carried out by Basildon Borough Council.

In accordance with the protocol on public speaking the Committee was addressed by Cllr Craig Rimmer, speaking as Basildon Borough Councillor for Pitsea South East. Cllr Rimmer made several points:

- As a county, Essex was able to process a large quantity of the country's waste, particularly with Rivenhall and possibly Tilbury in the future. This raised the question of the need of a private developer to request this application.
- Some of the evidence contained within the report was outdated, such as references to a nursery which no longer existed and the omission of a homeless shelter which had been established in Nevendon Place which would be directly affected.
- Further applications could request the processing of additional waste at the site. The Energy Recovery Facility would be running 24/7 and would be costly to shut down and restart. This would impact residents as well as the nearby church.
- A fire had occurred at a site run by Wasteaway, and no report had been produced on this, however, residents had been advised to keep windows and doors closed due to the nature of the toxic fumes being dispersed.
- The 50m stacks would be the same height as 15 storey buildings, impacting on the visual amenity of the residential area.

In accordance with the protocol on public speaking the Committee was read a statement on behalf of Cllr Sam Gascoyne, Basildon Borough Councillor for Pitsea North West. Cllr Gascoyne's statement made several points:

- The proposed development was situated in close proximity to the boundary of Cllr Gascoyne's division. Given the prevailing winds from the West and South-westerly directions, any emissions from the site would directly impact residents of this division.
- Despite advancements in technology, it was hard to accept that emissions would be reduced to zero.
- Despite the efficiency of incineration, there remained residual material (ash) that was potentially hazardous. This material needed to be transported elsewhere for safe processing, increasing the risks of spillage during transfer and removal from the equipment. The Committee was asked to consider the history of the nearby Tovi plant, which, as mentioned in the report, had been closed and was undergoing demolition. During its planning stages, it was

explicitly stated that the plant was only built as a Material Recovery Facility (MRF) due to the unacceptability of incineration in the locality. The former Leader of Essex County Council had pledged to 'No Incineration.' Such a facility should be situated well away from residential areas, mirroring examples seen across the country. Therefore, Archers Fields was not a suitable site on this basis alone.

- Recent events, such as the serious fire at the site attributed to the disposal of a battery, highlighted the potential dangers associated with waste management.
- The County Council was in the final stages of formulating its waste strategy, which was yet to determine the disposal method for residual waste. At current disposal levels, the capacity of the proposed plant would be insufficient to handle the county's residual waste.

In accordance with the protocol on public speaking the Committee was addressed by Cllr Luke Mackenzie, speaking as the Local Member. Cllr Mackenzie made several points:

- Place Services had objected to the application on the basis of Nevendon Hall, St Peter's Church and Fore Riders, all of which were Grade II listed.
- The height of the proposed stack could set a precedent for high rise buildings in the area.
- The proposal would involve a 24-hour operation very close to a residential area, including the use of heavy machinery and the transportation of waste around the site.
- Essex County Council had reduced the speed limit on the A127 to 50mph in order to reduce emissions, and the proposals would backtrack on this work.
- The site was near a sewage treatment works, so residents already experienced odours, and could experience further odours coming from the proposed site.
- The proposal was in contradiction to the government's target of Net Zero by 2035, as burning waste would contribute to carbon dioxide emissions.
- The recent battery fire raised concerns for safety in the site.
- The homeless shelter had not been taken into consideration in the report.
- There was cross group opposition to the application.

In accordance with the protocol on public speaking the Committee was addressed by Cllr Aiden McGurran, speaking as the Local Member. Cllr McGurran made several points:

- The distribution area of the consultation process was inadequate, with many residents not being consulted on the application. The questionnaire produced was skewed to illicit positive responses. Despite this, residents made well-argued and reasonable objections which could be found in the consultation documents.
- There had not been a public meeting hosted by the developers.
- The application did not encourage recycling, reuse or waste prevention, and the proposed development was harmful to these objectives and the County Council's draft waste strategy.

- There were existing residential properties within 200 metres of the proposed site, meaning the site was not suitable for the proposed use.
- The recent fire near the site had increased residents' concerns.

In accordance with the protocol on public speaking the Committee was addressed by Cllr Tony Ball, speaking as the ECC Member for the abutting division Wickford Crouch. Cllr Ball made several points:

- Whilst incineration could work well in the right place, this proposal involved incineration in the wrong place.
- Cllrs T Ball and M Buckley were not consulted on this application, despite areas in their division being referred to in the report.
- It was unclear when and how the latest consultation with residents and businesses took place. There was evidence within the report that some consultation carried out was out of date.
- Further to the letter written by four MPs in March 2021, it would be helpful to receive clarification on the Secretary of State's views of the application and the possibility of call in.
- Cllr Ball agreed with Basildon Borough Council's objections on skills and employment and the future of this area.

In accordance with the protocol on public speaking the Committee was addressed by Cllr Kerry Smith, ECC Member for the abutting division Westley Heights. Cllr Smith presented a petition entitled 'I/We the undersigned call on Essex County Council to refuse permission being granted to build two new waste incinerators that are planned for Basildon.' Cllr Smith made several points:

- 2,500 people had signed the petition.
- January 2024 was the 75th anniversary of the establishment of the new town of Basildon.
- Despite modern technology and filters, incinerators were toxic.
- As the proposed development would be run within the private sector, there could be limited accountability to the public.
- Asbestos was sometimes disposed with general waste due to the costs involved with removing it safely.

In accordance with the protocol on public speaking the Committee was addressed by Cllr Andrew Sheldon, speaking as ECC Member for the abutting division South Benfleet. Cllr Sheldon made several points:

- Members of the Committee were asked to read the full comments made by the Director of Public Health and Wellbeing at Essex County Council.
- The report stated that 'given the site is within an Area of Search, the need for the facility does not have to be considered.' Areas of Search were designated where, in principle, the waste authority may support waste management development outside of allocated sites. Areas of Search were not site allocations and should not be treated as such. The report did not detail any of the allocated sites which were undeliverable or unviable.
- The report outlined that there would be a carbon saving from using the proposed form of energy, rather than other forms of fossil fuels. This

disregarded that the UK's energy mix was a third fossil fuels, with the rest being from renewable and other sources. Of the fossil fuels, 94% was natural gas, which produced less carbon than the output of the proposed flumes.

- There was no proposed condition requiring the feedstock to originate from the facility next door. This could lead to feedstock being imported, causing an increase in HGV movements.

In accordance with the protocol on public speaking the Committee was read a statement on behalf of Cllr Malcolm Buckley, ECC Member for the abutting division Wickford Crouch. Cllr Buckley's statement made several points:

- The proposed development was located close to the boundary of Cllr Buckley's division and given prevailing winds from the west and south westerly directions, any emissions from the site would directly affect his constituents.
- Despite advancements in technology, it was hard to accept that emissions would be reduced to zero.
- Despite the efficiency of incineration, there remained residual material (ash) that was potentially hazardous. This material needed to be transported elsewhere for safe processing, increasing the risks of spillage during transfer and removal from the equipment.
- The nearby Tovi plant had been closed and was in the process of demolition. During its planning stages, it was stated that the plant was only built as a MRF due to the unacceptability of incineration in the locality. The former Leader of Essex County Council had pledged to 'No Incineration.'
- Such a facility should be situated well away from residential areas, mirroring examples seen across the country. Therefore, Archers Fields was not a suitable site on this basis alone.
- Recent events, such as the serious fire at the site attributed to the disposal of a battery, highlighted the potential dangers associated with waste management.
- The report implied that some waste would be originating from Essex County Council, however, this was not correct. The County Council was in the final stages of formulating its waste strategy, which was yet to determine the disposal method for residual waste. At current disposal levels, the capacity of this proposed plant would be insufficient to handle the county's residual waste.

In accordance with the protocol on public speaking the Committee was addressed by Cllr Kevin Parr, speaking on behalf of the applicant. Mr Parr made several points:

- Clearaway was an existing local business which had been operating for 12 years in Burnt Mills Industrial Estate.
- The proposed facility sought to solely utilise residual waste. As a result, there would be no impact on recycling as this would have already been undertaken for the feedstock. It was recognised that energy recovery was part of the waste management treatment process.
- The proposed facility was in accordance with the Local Plan and national planning policy. The site was an existing industrial location and immediately

adjacent to an Area of Search. A site that had been allocated as an Area of Search still had to go through the planning application process.

- There were no statutory objections to the development and there were no outstanding planning technical reasons for the development not to go ahead.
- There was a S106 agreement associated with this recommendation, which required the use of heat of a minimum of two megawatts, and if the application was approved, the applicant would be bound by this legal agreement. In addition, there would have to be arrangements for an Employment Skills Plan, and the applicant was already taking apprenticeships into the estate.
- There would be no additional waste being brought to the estate. The proposal would allow the existing waste coming to the waste management facility to be processed and treated prior to removal from the site. This meant there would be a reduction in vehicle movements associated with the site.
- Both Basildon Borough Council's Environmental Health team and Public Health England had raised no objections to the application. All necessary environmental and technical assessments had been undertaken.

Following comments and concerns raised by public speakers, it was noted:

- There had been a consultation carried out on Essex County Council's emerging Waste Management Strategy. The proposal was for a private commercial scheme and had no links at this time with the County Council's Waste Management Strategy.
- In the recommendation, there was a proposed clause for the Section 106 agreement to restrict the residual waste to come from the adjacent site exclusively.

A Member suggested a proposed motion and the Chairman reminded the members that the Committee's Protocol required the debate to be concluded before motions could be proposed and seconded.

Following comments and concerns raised by members, it was noted:

- When this application was received, it revealed that there was no express planning permission for the existing operation. As a result, an application was made and, in June 2023, the Committee approved application ESS/113/22/BAS relating to the regularisation, redevelopment and consolidation of an existing MRF at the land at Archers Field, Pitsea. That was a standalone application and so did not prejudice the application before Members.
- The proposed facility would have a throughput of 150,000 tonnes per annum.
- Government guidance encouraged Energy from Waste (EfW) facilities to be operated as recovery operations. If an EfW generated electricity and provided heat to an extent that R1 status was achieved, it would be classed as recovery. A proposed condition required the developers to evidence R1 classification.
- Any ash would be utilised, and not go into a landfill site.

- The waste would move around the site in sealed vehicles, which were the existing vehicles operated by the applicant.
- Any carbon dioxide emissions coming from the stack would be controlled by the Environmental Permit regime. Scenario calculations carried out by Environmental Health had found that EfW facilities would result in a reduction in the amount of carbon dioxide produced, in comparison with using landfill. Any carbon dioxide produced would go through the stack and be vented in a controlled way. The report detailed the carbon dioxide savings of the proposal.
- The consultation had been carried out in line with the adopted Statement of Community Involvement and had been live since 2020. The most recent consultation was in December 2023, which considered revisions to the proposal. The applicant could not be required to carry out consultation; the powers which existed were with the Planning Authority.
- Gasification was defined as the process which converted organic or fossil fuel-based carbonaceous materials at high temperatures, without combustion, with a controlled amount of oxygen and/or steam into carbon monoxide, hydrogen, and carbon dioxide.
- The proposed facility was an energy recovery facility and the applicant intended to apply for R1 status (determined by the Environment Agency) via a permit application. This classification meant that the combustion of waste would generate more energy than the consumption of energy by the process itself, the greater part of the waste would be consumed in the operation, the greater amount of the energy generated would be recovered and used, and finally, the waste would replace the use of its source of primary energy.
- If the application was deferred, it would be reconsidered in its entirety, with the addition of information requested by Members, at a future meeting of the Committee.

There being no further points raised, deferral was proposed by Cllr M Hardware and seconded by Cllr M Steel.

Refusal was proposed by Cllr B Aspinell and seconded by Cllr D Harris.

The Chairman asked for Members to vote on deferral, and, following a vote of 5 in favour, 2 against, it was

Resolved

To defer the application back to the applicant, the reasons being: for the applicant to produce additional detail on the impact of the proposed stack on the local environment, for the application to produce additional detail on the impact of emissions on residential properties, and for the Planning Authority to review the consultation carried out and further clarification on the process of gasification.

Because of this, no vote was taken on the refusal motion.

6. Land off Ipswich Road, Langham

The Committee considered report DR/03/24 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of changes to proposed condition 2.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Principle of Development
- Landscape and Visual impact
- Amenity
- Highways

Following comments and concerns raised by members, it was noted:

- The footpath appeared to have been informally re-rerouted based on operations on-going on-site. If the applicant wished to permanently divert the footpath, they would need to seek advice from Essex Highways on how to achieve that.
- Proposed Condition 4 was broken into two parts; the first part sought to define the general permitted hours of operation and the second part restricted the processing of material to certain hours within this. For the avoidance of any doubt, Members requested that the 'and at no other times including on Sundays and Bank Holidays' wording also be added to the second part of the proposed Condition.

There being no further points raised, the resolution, including the amendments to Condition 2 in the Addendum and to Condition 4, was proposed by Councillor D Harris and seconded by Cllr M Steptoe. Following a unanimous vote in favour, it was

Resolved

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the drawing titled 'Site Location and Layout Map', undated but received by the County Planning Authority 08/01/2024; and drawing titled 'Titan TN124 Specification Drawing', drawing no. GF0001 (Rev X), dated 18/05/94 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 policies 6 – Open Waste Facilities, 10 – Development Management Criteria and 12 – Transport and

Access of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); policy SP1 – Presumption in Favour of Sustainable Development of the North Essex Authorities' Shared Strategic Section 1 Plan (adopted 2021); policies ENV1 – Environment, ENV5 – Pollution and Contaminated Land, DM15 – Design and Amenity, DM20 – Promoting Sustainable Transport and Changing Travel Behaviour, DM21 – Sustainable Access to Development and DM22 – Parking of the Colchester Borough Local Plan 2017-2033 Section 2 (adopted 2022); and policies CP1 – Sustainable Transport and Accessibility and CP2 – Improving the Transport Network of the Tendring District Local Plan 2017-2033 and Beyond Section 2 (adopted 2022)

2. No waste other than 'black top' (road surface) waste as defined in Waste Classification: Guidance on the classification and assessment of waste (1st Edition v1.2 GB) Technical Guidance WM3 shall be imported, processed and/or treated on-site.

Reason: The handling and processing of different waste materials has the potential to change the character of the proposed use, with waste material outside of the aforementioned also likely to give rise to alternate and potentially additional environmental concerns. This restriction is therefore to ensure compliance with policy 10 – Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); and policies ENV1 – Environment, ENV5 – Pollution and Contaminated Land and DM15 – Design and Amenity of the Colchester Borough Local Plan 2017-2033 Section 2 (adopted 2022)

3. No more than 750 tonnes of waste shall be stockpiled on-site at any one time; and the overall throughput of waste shall not exceed 6,000 tonnes per annum. From the date of this permission the operator shall maintain records of their quarterly throughput and shall make them available to the County Planning Authority within 14 days of a written request.

Reason: To control the intensity of operations, minimise the potential for harm to the environment and local amenity, allow the County Planning Authority to adequately monitor activity at the site and to comply with policy 10 – Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); and policies ENV1 – Environment, ENV5 – Pollution and Contaminated Land and DM15 – Design and Amenity of the Colchester Borough Local Plan 2017-2033 Section 2 (adopted 2022).

4. The use hereby permitted, including vehicles entering or leaving the site, shall be restricted to the following durations:

06:00 hours to 18:00 hours Monday to Friday;

08:00 hours to 13:00 hours on Saturdays;

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

With regard to above, the processing of imported material, which for the avoidance of doubt is deemed to include the screening and crushing of material and use of the Asphalt Recycling Unit, shall be specifically restricted to the following durations:

08:00 hours to 17:00 hours Monday to Friday; and

09:00 hours to 12:00 hours on Saturdays.

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

Reason: In the interests of limiting the effects on local amenity and to comply with policy 10 – Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); and policies ENV1 – Environment, ENV5 – Pollution and Contaminated Land and DM15 – Design and Amenity of the Colchester Borough Local Plan 2017-2033 Section 2 (adopted 2022).

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

Reason: In the interests of highway safety, safeguarding local amenity and to comply with policies 10 – Development Management Criteria and 12 – Transport and Access of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); and policies ENV1 – Environment, ENV5 – Pollution and Contaminated Land and DM15 – Design and Amenity, DM20 – Promoting Sustainable Transport and Changing Travel Behaviour and DM21 – Sustainable Access to Development of the Colchester Borough Local Plan 2017-2033 Section 2 (adopted 2022); and policies CP1 – Sustainable Transport and Accessibility and CP2 – Improving the Transport Network of the Tendring District Local Plan 2017-2033 and Beyond Section 2 (adopted 2022)

6. Waste imported to the site shall only be deposited within the area marked 'Holding Bay Unprocessed Material' on drawing titled 'Site Location and Layout Map', undated. The height of any waste stored in this area shall furthermore not exceed 3m (when measured from the adjacent ground level). In respect of the bays, again shown on drawing titled 'Site Location and Layout Map', undated, these shall be constructed to a height no greater than 1.5m (when measured from the adjacent ground level). The height of any materials stored within these shall furthermore not exceed the height of the bay walls.

Reason: In the interests of local amenity and to comply with policy 10 – Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); and policies ENV1 – Environment, ENV5 – Pollution and Contaminated Land and DM15 – Design and Amenity of the Colchester Borough Local Plan 2017-2033 Section 2 (adopted 2022).

7. All stockpiles of waste and materials shall be sheeted and/or dampened during periods of windy and/or dry weather to prevent escape of dust from the site.

Reason: In the interests of local amenity and to comply with policy 10 – Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); and policies ENV1 – Environment, ENV5 – Pollution and Contaminated Land and DM15 – Design and Amenity of the Colchester Borough Local Plan 2017-2033 Section 2 (adopted 2022).

8. A) Within one month of the date of this permission a revised site layout plan shall be submitted to the County Planning Authority for review and approval in writing. The revised site layout plan shall seek to:
 - i) amend the depicted route of Footpath 47 (Langham) to that of the Definitive Map; and
 - ii) identify the area within the site proposed for the parking of vehicles. In this regard, the area identified shall be sufficient for three cars.
- B) Within one month of the date of this permission details of the following in respect of Footpath 47 (Langham) shall be submitted to the County Planning Authority for review and approval in writing:
 - i) A schedule and specification of fencing and gates proposed to be installed along both sides of the Footpath 47. In respect of this, the schedule to be submitted is required to show at least a 3m clear width of land fenced along the entire Footpath route, where it crosses the site. With all gates furthermore only capable of outward opening.
 - ii) A scheme of signage to warn users of the footpath of construction traffic, works, plant and machinery ahead; and drivers of vehicles using the access route of the footpath.

The development shall be implemented in accordance with the approved details with the fencing and signage in respect of Footpath 47 (Langham) required to be completed/installed within 1 month of the date of approval of the details submitted.

Reason: In the interests of users of the Public Right of Way, highway safety, safeguarding local amenity and to comply with policies 10 – Development Management Criteria and 12 – Transport and Access of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); and policies DM15 – Design and Amenity, DM20 – Promoting Sustainable Transport and Changing Travel Behaviour, DM21 – Sustainable Access to Development and DM22 – Parking of the Colchester Borough Local Plan 2017-2033 Section 2 (adopted 2022); and policies CP1 – Sustainable Transport and Accessibility and CP2 – Improving the Transport Network of the Tendring District Local Plan 2017-2033 and Beyond Section 2 (adopted 2022).

9. Within three months of the date of this permission, a landscaping scheme shall be submitted to the County Planning Authority for review and approval in writing. The scheme shall include details of areas to be planted with species, sizes,

spacing, protection and programme of implementation. Following approval, the scheme shall be implemented within the first available planting season (October to March inclusive). Should any tree or shrub forming part of the approved landscaping scheme die, be damaged, become diseased or be removed within 5 years it shall be replaced during the next available planting season (October to March inclusive) with an appropriate species of tree or shrub the details of which shall have received the prior written approval of the County Planning Authority.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to ensure development is adequately screened, to secure some environmental benefits and to comply with policy 10 – Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); and policies ENV1 – Environment and DM15 – Design and Amenity of the Colchester Borough Local Plan 2017-2033 Section 2 (adopted 2022).

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

Reason: To minimise the potential for nuisance and disturbance from any proposed external lighting to the surrounding area and environment and to comply with policy 10 – Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (adopted 2017); and policies ENV1 – Environment and DM15 – Design and Amenity of the Colchester Borough Local Plan 2017-2033 Section 2 (adopted 2022).

7. Enforcement of Planning Control Update

The Committee considered report DR/04/24 by the Chief Planning Officer, concerning an update on the enforcement of planning control.

The Committee NOTED the report.

8. Report on the Programme of Periodic Review of Mineral Planning Permissions

The Committee considered report DR/05/24, by the Chief Planning Officer, on the Programme of Periodic Reviews of Mineral Planning Permissions.

The Committee NOTED the report.

9. Applications, Enforcement and Appeals Statistics

The Committee considered report DR/06/24; applications, enforcement and appeals statistics, as at the end of October 2023.

The Committee NOTED the report.

10. Applications, Enforcement and Appeals Statistics

The Committee considered report DR/07/24; applications, enforcement and appeals statistics, as at the end of November 2023.

The Committee NOTED the report.

11. Applications, Enforcement and Appeals Statistics

The Committee considered report DR/08/24; applications, enforcement and appeals statistics, as at the end of December 2023.

The Committee NOTED the report.

12. Date of Next Meeting

The Committee noted that the next meeting was scheduled for 10.30am on Friday 23 February 2024, to be held in Committee Room 1, County Hall, Chelmsford.

There being no further business, the meeting closed at 2:05pm.

DR/09/24**Report to:** DEVELOPMENT & REGULATION - MARCH 2024

Proposal: MINERALS AND WASTE DEVELOPMENT - Proposed prior extraction of sand as enabling works associated with a future expansion of Colchester Zoo including the extraction of some 500,000 tonnes of sand; the construction of temporary soil screen mounds; the use of the adjoining Stanway Quarry processing plant, DSM plant and related infrastructure in conjunction with the prior extraction scheme; the establishment of a temporary conveyor link between the prior extraction area and Stanway Quarry, including a temporary conveyor bridge over Maldon Road; and cut and fill reprofiling works to establish the proposed restoration contours and proposed (interim) after uses.

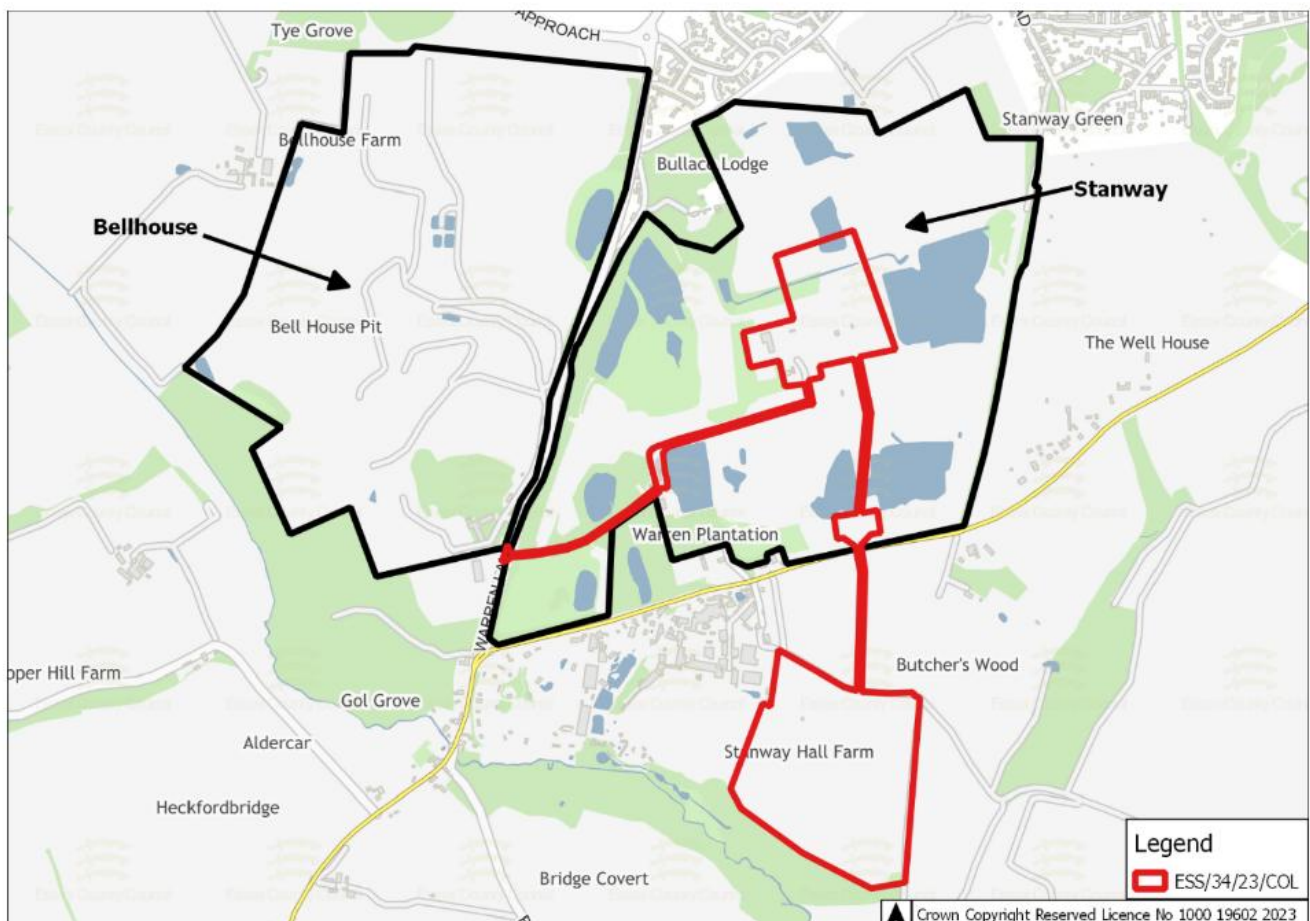
Ref: ESS/34/23/COL**Applicant:** Tarmac Trading Ltd

Location: Land at Stanway Quarry and east of Colchester Zoo, Maldon Road, Stanway, Colchester, Essex, CO3 0SL

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

Enquiries to: Terry Burns Tel: 03330 136440

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



1. BACKGROUND AND SITE

The application area comprises essentially two land parcels straddling the B1022 Maldon Road which links Colchester to the east and Tiptree to the west.

Land south of Maldon Road contains the extraction and transport half of the application package and comprises essentially two fields recognised in the report as the “northern” and “southern” fields.

The fields are themselves encompassed with Colchester Zoo situated to the west; Maldon Road to the north; The Roman River valley with its associated woodland known as Ram Plantation to the south. A Scheduled Ancient Monument, Grymes Dyke part of the Gosbecks Archaeological Park, forms the eastern boundary to both fields. Agricultural land continues eastwards of Grymes Dyke/southern field whilst Butchers Wood extends east of the northern field/Grymes Dyke section.

Grymes Dyke itself accommodates/running parallel to it, Public Right of Way (PROW) Stanway 17 extending from Maldon Road southwards to the south-west corner of Butchers Wood where it continues southwards into and across the Roman River as PROW Birch 32. Footpath 40 Stanway runs south from Maldon Road along the Zoos north-eastern corner before turning eastwards to become Footpath 30 where its line separates the northern and southern fields. The footpath then meets Grymes Dyke/PROW 17, and then continues on eastwards as PROW Stanway 19 along the southern edge of Butchers Wood.

The western side of the southern field also doubles up as an overspill car park to the Zoo.

Land to the north of Maldon Road comprises the receiving and processing element of the application area and is within the extant Stanway Hall Quarry boundary. Stanway Hall Quarry (SHQ) is part of the applicant’s larger Colchester Quarry complex encompasses the SHQ and the Bellhouse/Abbottsone North Landfill parcels) which straddles Warren Lane. SHQ lying to the east and Bellhouse to the west of Warren Lane. Warren Land joins onto Maldon Road on the Colchester Zoos north-western corner.

Part of the land which is encompassed within this present application footprint and which lies to the north of Maldon Road is effectively situated within the SHQ parcel and has to an effect being considered previously in planning terms under an extant planning permission, ESS/52/17/COL. There are more recent applications (ESS/32/22/COL and ESS/05/22/COL both Variation of Condition applications of ESS/52/17/COL) having resolutions to approve subject to completion of legal agreements and these would in their turn supersede ESS/52/17/COL.

A further Section 73 application, ESS/82/22/COL addressing changes to the afteruse provisions on the land parcels comprising the Five Ways Fruit Farm Extension and Wallace Lagoon areas was refused in November 2022 and subsequently appealed. The Planning Inspectorate granted a split decision 12th

January 2024, refusing the Five Ways Fruit Farm elements of the scheme but allowing changes to the Wallace Lagoon parcel.

The planning history is referred to later in this report.

As part of the preparation of the Zoo application a Scoping Opinion, ESS/08/20/COL/SPO, was sought and a formal Opinion issued in April 2020.

2. PROPOSAL

The application supporting statement states "seeks planning permission for the prior extraction of sand as Stage A' initial enabling works which will facilitate a future expansion of Colchester Zoo. The subsequent stages of the Zoo's future expansion will involve the submission of a detailed Zoo expansion master plan and planning application to Colchester City Council.

The application and associated scheme has been prepared in the context of a Master Plan Programme prepared by Colchester Zoo which provides a dynamic conceptual guide to the future sustainable growth and development of the Zoo, and the way in which the prior extraction of sand and the resulting landform can assist the future development of the Zoo.

The Master Plan Programme the first stage of the programme, and the subject of this planning application, comprises "enabling works" involving the prior extraction of a limited quantity of high quality sands to avoid their sterilisation by the future development of the Zoo. This is aligned with Policy WC.3 of the Colchester Borough Local Plan (Section 2, July 2022), and policies within the Essex Minerals Local Plan aimed at avoiding the sterilisation of mineral reserves. Guided by the Master Plan Programme, and the positive encouragement to the further development of the Zoo set out in the recently adopted Colchester Borough Local Plan, Section 2, a separate application will then be submitted for the expansion of the Zoo, accompanied by a more detailed Master Plan and a separate EIA in support of that development.....

.... In the context of the underlying objectives of the Zoo expansion scheme, it is not intended to exploit the entirety of the sand and gravel resource which might otherwise be the case with a conventional sand and gravel extraction operation. Instead, the operation would be confined to extracting the high quality "soft" sands that are used in the Dry Silo Mortar (DSM) plant situated within Stanway Quarry and which is considered both a local and regionally important asset serving a key part of the construction industry. This selective volume of some 500,000 tonnes represents approximately 20% of the overall sand and gravel resource present at the site, which it is intended would be extracted over a short-term period of some 3 years.

It is considered that this strikes an appropriate balance between the sustainability benefits of (partial) prior extraction, and the need to (i) expeditiously compete extraction and restoration in a timely manner so as not to interfere with the Zoo's expansion aspirations and timescales, and (ii) retain a largely unaltered landform within the restored extraction area which would not prejudice the future

development and expansion of the Zoo. It would also ensure that the Colchester Borough planning policy issue of mineral sterilisation would not become an impediment to the future development of the Zoo.

The scheme would include the establishment of a temporary conveyor link from the extraction area into Stanway Quarry, which would then allow the existing processing plant and related infrastructure at Stanway Quarry to be used in conjunction with the development, most notably the use of the sand resource in the existing DSM plant. The areas of Stanway Quarry which would be required to be utilised as part of the prior extraction development have been included within the boundary of the application site. This would limit the extent of plant and infrastructure which would be required at the extraction site, which in turn would minimise the impact of the extraction operations within the defined site.

Sand and gravel extraction operations within the adjoining Stanway Quarry are currently taking place in the northern area of the Quarry, within an area known as the Five Ways Fruit Farm (FWFF) extension area and areas within the Bellhouse area of the Quarry. The planning permission for the FWFF development requires the cessation and removal from the Stanway Quarry site of the sand and gravel processing plant, DSM Plant, concrete plant, access roads, weighbridge, workshop and related infrastructure by 31st October 2026. Depending on the date when a planning permission for the prior extraction scheme (PES) is issued, it would be possible to extract and process the majority of the modest reserve within this current timetable.

However, the inclusion of the processing plant, DSM plant and related infrastructure within the boundaries of the PES application site would ensure that a free-standing planning permission could be issued for the PES which would supersede the current time limit within the defined areas of the Stanway Quarry site.

Up to October 2026 there would be no change to the nature of the processing or related works within the Stanway Quarry site, and no change to the established rate of output (averaging some 500,000 tonnes per annum [tpa]). In this period, the sand reserves available from the prior extraction area (PEA) would be able to supplement the dwindling reserves remaining in the FWFF area of Stanway Quarry and assist in maintaining historical output levels pending replacement by reserves elsewhere.

The PES has been designed to deliver final levels without the use of imported inert waste material, assisted by the intended recovery of only a small proportion of the sand and gravel reserve, and by a peripheral cut and fill exercise. This would further reduce the impact of the operation and bring certainty to the short-term timescale of the operation.

It is proposed that the PEA would be subject to an 'interim restoration scheme' which would restore the area to agricultural use at a slightly lower level than existing, pending the submission and determination of a Zoo expansion scheme which it is intended would bring new uses to the area".

The application details include:

A total red line boundary of 25.82 hectares of which 16.2 hectares would comprise the actual mineral extraction area.

A 4 year activity period from “green to green” enabling some 500,000 tonnes of sand and gravel to be extracted with operating hours of 07:00 – 18:00 hrs Monday to Friday and 07:00 – 13:00 hrs Saturdays.

The depth of working would be between 26 – 33 metres AOD

Restoration of the main area would be to enable some 7.34 hectares of agriculture and 8.38 hectares of habitat.

The applicant calls the application a Preliminary Extraction Application “PEA”. The application outlines the programme as:

“Initial Works “

The PEA benefits from close proximity to the Stanway Quarry Processing Plant where all required facilities are in place for the processing, stocking, treatment (DSM plant), and off-site distribution of the sand. No substantive preliminary works are thus required other than the laying out of a conveyor to transport the sand from the PEA to the Stanway Plant site.”

The PEA went on at this point to describe the provision of a conveyor system to link the extraction area with the processing plant. As a result of revisions to the method of mineral transportation which has been described below the applicant is now proposing a pumping system which is described in the revision documents as *“The principle is that the sand would be extracted in the same way as originally proposed by way of an excavator, but instead of being fed into a hopper and then on to a conveyor it would be fed into a hopper (approximately 5.38m in length, 2.87m wide and 2.70m high) which has in built water jets. The sand mixes with the water to form a slurry which is then pumped by way of a jet water pump and booster station via pipes back to the Quarry.*

The system would be placed within the extraction area where it can be readily moved as the extraction progresses. The low height of the system would mean that it would be well concealed within the excavation area in the same way as the original proposal for a hopper feeding a conveyor system.

Pipework connecting the PEA to the Processing Plant

Instead of a conveyor system there would be two pipes running across the northern field within the corridor originally accommodating the conveyor. The pipes would be circa 350mm in diameter and are made of HDPE (High Density Polyethylene). One pipe would carry water from the Stanway processing plant site to the hopper, and the second would carry the sand from the PEA to the processing plant in the form of a slurry.

The pipes would simply be laid on the surface of the ground, and therefore there would be no need to disturb the ground itself. Where the pipe crosses the public footpath a thin layer of sand / soil material would be placed on top of the pipe to

provide a surface over which pedestrians could pass. This is considered preferable to disturbing the ground.

The remainder of the length of pipe would be within the agricultural area of the 'northern field', and any vegetation that would grow within the field alongside the pipeline corridor would visually conceal the pipes.

It is proposed to thrust bore two concrete pipes beneath Maldon Road to accommodate the pipes as they pass from the northern field into Stanway Quarry. A 6.6m x 4.5m (LxW) trench would be required within the northern field from which the thrust bore machine would be placed. The trench would be circa 12.5m into the field from the field boundary. This is a commonly employed technique used typically by the utilities industry for installing pipes and ducts beneath roads.

Once the pipe/duct is installed then the trench would be reinstated. In advance of disturbing the ground a full archaeological investigation of the area to be disturbed would be carried out.

It will also be necessary to liaise with ECC as Highways Authority to ensure that the correct Licence was secured to maintain apparatus under the Highway. In regard to depths, subject to further discussion with ECC Highways it is proposed that the pipes would be circa 2 metres beneath the road makeup.

Stanway Quarry Processing Plant

The pipework would continue within the existing Stanway Quarry and run directly to the Plant itself. The sand would be drained by way of a cyclone so that the water was recovered and recirculated, and to ensure the sand entered the main plant without carrying such water.

This revised scheme would not only eliminate the need for a conveyor bridge crossing of Maldon Road, but it would also remove the need for a conveyor offload 'surge pile' of as raised material (sand) within Stanway Quarry, and the need for dump trucks to transport sand from the surge pile to the processing plant."

The original PEA continues with "Within the PEA, the key initial works would be associated with the stripping of the soils and overburden from the defined extraction area, which itself would be defined on the ground prior to soil stripping.....

The top soils [the land parcel comprises a combination of Grade 3a and 3b land] would be stripped to a depth of circa 0.3m (0.32m), generating a top soil volume of some 19,700m³ which would be temporarily stored in soil bunds....

*Upper sub soils would be stripped to a depth of some 0.35m (0.34m), generating some 21,000m³ which would be stored in temporary bunds ..
Lower sub soils / overburden would be stripped to a depth of some 0.55m (0.54m), generating some 33,000m³ of material which would be temporarily stored*

The top soils from the footprints of the temporary sub soil/ overburden storage bunds would be stripped in advance of bund construction and placed on the

surface of the bunds to provide a medium to establish a temporary grass cover on the bunds.

All temporary soil storage bunds would be seeded and maintained for the duration of the works.

In addition to the screening provided by the temporary soil storage bunds, additional screening would be provided in the form of:

- (i) A new hedgerow to be planted along the southern side of the proposed extraction area to create and strengthen a wildlife corridor and buffer to the Roman River Valley.*
- (ii) New parallel hedgerows to be planted along the eastern side of the operational area to define the route of Grymes Dyke (with a minimum standoff margin to mineral extraction of 60m to the Dyke, extending to a standoff distance of some 100m in the northern area*
- (iii) The temporary placement of straw bales along the south eastern boundary of the operational area, as a further visual screen.*

Mineral Extraction Phase

.....Mineral will be progressively extracted from levels of between 26m to 33mAOD, to a base of extraction of between 19m and 22m AOD.

It will be extracted by an excavator and [the conveyor having now been superseded by the sand pumping mechanism previously described above] ... use principally within the on-site Dry Silo Mortar Plant.

Mineral extraction will cease when 500,000 saleable tonnes of sand has been extracted from the PEA.

Landform Restoration Works

.....Mineral extraction will have created a void of varying depths. The restored final landform has been designed to integrate into the surrounding site contours and landform of the local setting.

To achieve this, there is no requirement for the importation of external restoration material.

The restored landform will be created by both cut and fill of adjoining land within the southern field, in combination with the use of temporarily stored soil materials. Once mineral extraction has been completed, landform restoration works will simply comprise:

- (a) Progressive soil stripping of land which will require regrading (cut and fill) works to achieve final restoration formation levels. This process will be progressive to allow subsequent soil stripping to be directly placed to recreate the existing soil profile onto previously restored formation levels.*
- (b) There will be a requirement for temporary soil storage bunds within the excavated void.*

Topsoils would be stored no higher than 3m, and subsoil and overburden would be stored no higher than 5m.

- (c) *As regrading works progress, all previously stored soils will be removed from bunds and placed to achieve final restoration soil profiles on the achieved final restoration formation levels.*
- (d) *The combination of regrading works with soil stripping and the removal of temporarily held soils in bunds will allow the completion of landform and soil profile restoration. It is estimated that this will take ~6 months.*
- (e) *Depending upon seasonality, restored land will then be seeded and remaining hedgerow planting to the southern boundary of the site carried out and placed into 5 Years of restoration aftercare and management*
- (f) *The conveyor bridge and conveyor system would be decommissioned and removed from site.*
- (g) *The east west footpath would be re-instated at its original levels with the removal of the ramp over the conveyor.*
- (h) *Finally, the temporary straw bales along the south eastern boundary of the site would be removed”.*

In terms of the southern field restoration initiatives the planning supporting documents state “In essence, the restoration scheme is a final landform scheme which provides appropriate land gradients for agricultural use, ensuring its accordance with local landscape character elements and features. The combined agricultural, landscape and wildlife enhanced land uses would secure both Biodiversity Net Gain (BNG) and landscape character enhancement. However, of importance in the context of the PES is that the restoration scheme is also flexible in its ability to be fully encompassed into the future (currently unknown) Colchester Zoo aspirations for the creation of new animal habitats, enclosures and other land uses, subject to a detailed Zoo masterplan and subsequent future planning application(s). If for whatever reason, the Zoo does not wish to develop the Southern Field, the Prior Works restoration scheme as proposed, will be permanent and continue to provide landscape and wildlife enhancement, structure and benefits”.

The application documents state that the existing processing plant facility within the SHQ would be utilised with “The objective is for the sand in the PEA to become available to generally coincide with the exhaustion of the reserves in the FWFF area so that there would be a straightforward transition in terms of sourcing sand for processing and treatment in the DSM plant. This in turn would allow the same products to be produced at the same rate of output as has recently been experienced at the quarry”.

And in terms of tonnages and traffic that “the PES would supplement the dwindling residual reserves remaining in the FWFF extraction area at Stanway Quarry and facilitate a continuation of sales from Stanway Quarry at the current rate of some 500,000 tonnes per annum (tpa) up to the current FWFF end date of October 2026. Thereafter, the remaining sand reserves derived from the PES would allow the DSM plant to continue its average output of some 125,000 until the PES reserves are exhausted.

With an assumed commencement of the PES scheme in the spring of 2024, this would mean that sales from Stanway Quarry would continue at a rate of some 500,000 tpa until October 2026. Extraction in the PES would take place over a period of some 3 years to allow extraction to be completed by circa mid 2027 and

restoration by the end of 2027. Any residual stocks of sand from the PES remaining in the surge pile would continue to be processed to circa mid 2028, reflecting the 500,000 reserve and the DSM throughput of circa 125,000tpa. The sand would be processed using the existing processing plant within Stanway Quarry, and the saleable mineral would be exported by road via the existing access onto Warren Lane.

In terms of mineral sales, based on an average output of 500,000 tonnes per annum spread over 275 working days per annum (Monday to Friday and half day on Saturday with no working on Sundays or Bank Holidays), and an average payload of 20 tonnes, this equates to an average of 91 loads / 182 HGV movements per day.

The proposed development would result in the same number of vehicle movements travelling to / from Stanway Quarry via the existing access and road network in any year up to the permitted FWFF end date of 31 October 2026.

Beyond this date, there would be a 75% reduction in Quarry traffic, to an average of 23 loads / 46 movements per day associated with the continuation of output from the DSM plant for an additional period of 1 – 2 years whilst the sand is extracted and resulting stockpiles exhausted”.

In terms of benefits arising from the application the documents state:

“Public benefits and enhancement

The hedging to be planted at the outset of the project will mature over time and define a linear grassland corridor that reflects a continuation of the alignment of Grymes Dyke south from Butcher’s Wood. An educational trail along the footpath will include interpretation panels that will enhance the visitor’s appreciation of Grymes Dyke and the wider archaeological landscape, including the results of the archaeological excavation within the PEA.....

Tarmac will relinquish their option agreement to extract mineral from land to the east of Grymes Dyke, that includes a large part of Gosbecks scheduled monument”

The present application was supported by an Environmental Statement which assessed the following topic areas:

- (i) Geology – Described the geological investigation works and proposing amongst other matters “(i) Confining the PEA to a discrete area of the ‘southern field’ with no mineral extraction proposed for the ‘northern field’ (reflecting the potential cultural heritage significance of archaeology within the northern field).*
- (ii) Extracting only a proportion of the sand and gravel resource present within the southern field (confined to 500,000 tonnes of high-quality sand), designed to minimise the duration of the extraction works, and facilitate the creation of restoration contours which would be compatible with future uses by the Zoo.*

(iii) *Confining the depth of extraction within the defined PEA to levels above the water table, again designed to facilitate the creation of an appropriate restoration scheme.*

(iv) *Designing a 'cut and fill' restoration reprofiling operation, again designed to create appropriate restoration contours and importantly, without the use of imported fill which would otherwise extend the duration of operations".*

(ii) Landscape and Visual Impact – The assessment found from a landscape aspect the findings were "*It is assessed that the proposed Magnitude of effects during the extraction Operational Period on landscape character is Very Low Adverse to Medium Adverse. At Post Restoration the magnitude of effect is assessed as Low Adverse to Medium Beneficial.*"

From a visual aspect the findings were "*During the short term, temporary operational stage, it is assessed that the proposed development will result in potential Low to Medium Adverse visual effects, with Neutral to Low Adverse effects post restoration in respect of landform and low beneficial effects in respect of landscape, and boundary enhanced vegetation structure and habitat creation.*"

The following visual measures have been integrated into the proposed development scheme to both mitigate potential adverse effects and enhance the general amenity value of the site.

- The existing permitted Stanway Quarry plant site, where "as dug" mineral will be conveyed and processed, is set below ground level within the previously extracted quarry void. In this location, it is generally contained and screened by surrounding landform and vegetation. No additional mitigation is either required or proposed in respect of this area of the application.
- Existing hedgerow / tree planting either side of where the conveyor bridge will cross the Maldon Road will provide both partial screening and act as a backcloth within which the structure will be visually integrated. The section of bridge which crosses the road will either be finished in a light grey colour to minimise its visual influence or be utilised as a base for a mural, depicting scenes of Colchester Zoo. This structure will only be in place for ~3 years.
- The temporary field conveyor across the Northern Field will be ~1.2m in height. As per existing rotational agricultural management of the field, either an arable crop or maize crop will be grown which will partly and / or fully screen the conveyor for half of the year. The low height and limited potential for receptor views of this conveyor will mitigate / limit its visual influence.
- Where the conveyor crosses PROW ref. 149_30, which divides the Northern Field from the Southern Field / proposed PEA, its visual and landscape setting influence will be mitigated by burying it either below ground level, or below a 1:30 slight gradient ramp, covered with original surface materials.
- Mitigation in the form of a 3m high soil storage / screening bund is proposed along the western boundary of the proposed PEA, adjacent to the Zoo car parking area. This bund will be grass seeded and maintained. It will be established as the first operation on site and will be in place throughout all of the 3 year mineral extraction period. The soils in the bund would then be removed as a final operation to complete the final restoration of the

extraction area.

- Land within the eastern and southern extremities of the PEA will be left undisturbed (in situ) as a mitigation measure, to maintain potential open views to the Roman River Valley from receptors and the historic setting of Gryme's Dyke.
- A section of existing north to south hedgerow within the Southern Field is to be retained for the duration of mineral extraction, prior to its removal to facilitate wider cut and fill works to achieve restoration formation levels. Its temporary retention is intended to provide additional screening of the prior works extraction area, in combination with the proposed soil storage and screening bunds, from the Colchester Zoo overflow car parking area.
- A section of agricultural straw bales is proposed to be positioned along the south eastern boundary of the extraction area to promote a rural agricultural screening barrier, whilst not being a permanent hedged features, to allow long term views from Gryme's Dyke towards the Roman Valley.
- Social / amenity benefits will include the establishment of a Historic Educational Trail along the route of Gryme's Dyke, with the site comprising signage and educational information.

(iii) Cultural Heritage – Notes there is no evidence of nationally important archaeology within the application footprint. The assessment noted that:

"Public benefits and enhancement -

The hedging to be planted at the outset of the project will mature over time and define a linear grassland corridor that reflects a continuation of the alignment of Grymes Dyke south from Butcher's Wood. An educational trail along the footpath will include interpretation panels that will enhance the visitor's appreciation of Grymes Dyke and the wider archaeological landscape, including the results of the archaeological excavation within the PEA.

Tarmac will relinquish their option agreement to extract mineral from land to the east of Grymes Dyke, that includes a large part of Gosbecks scheduled monument".

(iv) Ecology – Considers that – *"The mitigation hierarchy has been followed in all circumstances, with avoidance of impacts always taken wherever possible. The external boundaries are being retained with suitable stand-offs to minimise disturbance. This will maintain connectivity into the wider landscape throughout the life of the development. The access into the site for the conveyor route over Maldon Road will involve the least amount of hedgerow removal as possible and has been located to avoid any tree removal.*

Standard practice for quarrying activities will be used to minimise dust levels such as spraying water on dry and windy days. Soil screening bunds and straw bales will be installed to reduce dust, noise and visual impacts in the wider area.

The habitats that will be lost will be compensated by the design of the restoration scheme. The restoration of the PES area is such that a potential eastern extension to Colchester Zoo could occur, however the

habitats shown in the concept restoration will be created and are the focus of this impact assessment. Habitats to be created include agricultural land, species rich grassland and hedgerows.

The hedgerows to be planted will be native species-rich hedgerows with standard mature trees planted every 5m to enhance their ecological value. The species rich grassland will be a neutral grassland with a wide range of native herb species.

No permanent lighting will be installed on the PES and the only lighting used will be on vehicles during working hours when natural light levels are not high enough (i.e. early morning/late afternoon in the winter)".

(v) Agricultural Land Quality and Soils – The assessment “*The key mitigation measure to address potential impacts on land quality is to ensure the careful handling of soil.*

.....This would be addressed by adherence to a Soil Management Plan which details:

- Depth and method of topsoil stripping and stockpiling*
- Identification of landscaping topsoil requirements and assessment of suitability and availability of on-site resources*
- Means of subsoil protection from compaction damage and remedial measures (such as ripping/subsoiling) to remove damage.*

Adhering to a Soil Management Plan would protect the entire soil resource within the site.... allow for the creation of the various habitats proposed within the site. The land on gentle slopes would be restored with the light loamy soils creating BMV land.”

(vi) Ground and Surface Water – “The proposed landform following restoration will have similar hydrological characteristics to the pre-extraction condition. Granular material will be placed in low lying areas of the restored landform to facilitate infiltration into the underlying in situ superficial aquifer, and the profile of the restoration landform will direct runoff to these low-lying areas. Runoff rates and volumes will reduce as a result of the proposed development compared with the pre-extraction condition.

Following the restoration of the proposed PEA there will be a short period of time during which vegetation is established on restored areas when there may be temporary increase in suspended solids present in runoff. The proposed restoration landform will facilitate infiltration of runoff into the underlying aquifer, and this will minimise the potential for runoff to contain suspended solids. If necessary additional temporary means of control of suspended solids could be provided.

In addition to these general designed-in mitigation measures, the other recommended mitigation measures are confined to a continuation of existing on-site (Stanway Quarry) procedures for the protection of water

quality by minimising the likelihood of spillage or leakage of contaminants in the first instance, and a specification of reactive measures for the management of accidental spillage and / or leakage of fuel, lubricating or hydraulic oils should this occur”.

(vii) Noise – *“Mitigation measures have been built into the proposed working scheme in the form of temporary soil storage bunds which will also have the effect of noise attenuation. The effect of these bunds has been built into the noise calculations for the sand extraction and related operations, and the bunds would assist in ensuring that the suggested noise limits are complied with at each of the assessment locations.*

The main uncertainty in noise assessments is that the site noise generated once the works are in progress might differ from the calculated site noise levels. For this reason, it is recommended that compliance noise monitoring of the operations is undertaken by the operator”.

(viii) Air Quality – Notes that *“The extant planning permission of Stanway Quarry, which incorporates the Five Ways Fruit Farm (FWFF) extension (ref: ESS/23/14/COL), operates under a Dust Management Scheme*

(DMS), The DMS includes dust mitigation measures, dust inspection and visual monitoring methods, and a Dust Action Plan with procedures for dealing with complaints (if these occur).

The DMS would continue to apply to operations associated with the PES, where relevant.

The operational control measures detailed within the DMS and of relevance to the extraction area are listed by activity, as follows:

- *Site Preparation and Restoration.....*
- *Mineral Extraction*
- *Transport by Conveyor within the Application Site*
- *On-site Transportation.....”*

(ix) Traffic – *“As the proposed development would represent a relatively short continuation of activities at Stanway Quarry resulting in lower flows than are already accommodated, it is considered that additional off-site highway improvements would not be justified in this case.*

In order to ensure the proposed development does not have an adverse impact on the local road network, it is proposed to maintain the existing regime of highway cleansing, sheeting of vehicles and periodic maintenance of verges etc.

The precise details of the conveyor over-bridge construction and associated traffic management would be agreed with the Highway Authority via a Construction Traffic Management Plan, to be approved via a standard planning condition anticipated to be imposed upon the planning permission”.

As part of the applications community engagement the applicant states “Colchester Quarry has for many years operated a very successful Quarry Liaison Group which meets quarterly and is a forum for raising and discussing both day-to-day issues and to provide information on forthcoming developments and planning applications. The Quarry Liaison Group meetings are well attended and include representatives from the Quarry and landfill operators, together with representatives and Councillors from Stanway Parish Council, Colchester Borough Council and Essex County Council, and is chaired by the local County Councillor. The intention to submit this PES application has been raised at these meetings. In addition to discussing the application at the Quarry Liaison Group meetings, specific individual meetings and presentations have been held with the Stanway Parish Council and individual Colchester Borough and Essex County Councillors to discuss the proposed PES, and the context as a part of the ultimate intention to expand and develop the Zoo itself.

The PES and related Masterplan Programme has been formulated in conjunction with Colchester Zoo, with numerous meetings and exchanges with the owners of Colchester Zoo and their advisors to ensure that the proposals meet with their objectives and would not interfere with the ongoing operation of the Zoo.

Tarmac intends to undertake further engagement once the application is submitted, primarily through the Parish Council and Borough/County Councillors as well as the isolated local residents that live in relatively close proximity to the PEA. This is likely to be in the form of meetings with individuals and the Parish Council as a whole if required.

To date the engagement Tarmac have undertaken has not raised any concerns and/or objections with the principle of what is proposed and how that fits into the overall proposed development of Colchester Zoo”.

Revisions were made to the application and publicised in November 2023 which sought to address comments made by Historic England and Place Services. The applicant states “The revised proposals have been drafted in response to issues raised in connection with the originally submitted scheme (April 2023), with concerns regarding:

- *the potential effect of the development on the setting of Grymes Dyke Scheduled Monument*
- *the changes associated with the restored landform and the way in which this could affect the setting of the Scheduled Monument; and*
- *the potential adverse visual effect of the conveyor link between the prior extraction area and Stanway Quarry, including potential adverse effects on the character and setting of All Saints Church.”*

These comments are picked up on in the appraisal section of this report and the revisions address:

- *“Provides a minimum 50m standoff margin between Grymes Dyke and the edge of the prior extraction area (PEA).*
- *Makes consequential amendments to the limits of the PEA to reflect the standoff margin.*
- *Includes additional landscaping proposals to define the alignment of Grymes Dyke to assist its appreciation and setting.*
- *Provides further explanatory detail in relation to the restoration contours and the very limited topographical / setting changes compared to the existing landform.*
- *Proposes the replacement of the conveyor link between the PEA and the Stanway Quarry processing plant, and the associated conveyor bridge over Maldon Road, with a pipeline system to transfer the sand to Stanway, with a small diameter tunnel bored beneath Maldon Road; and*
- *Provides a further commentary on planning policy issues.”*

3. POLICY CONSIDERATIONS

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that consideration be had to the development plan unless other material considerations indicate otherwise.

The development plan comprises:

- i) Essex Minerals Local Plan Adopted July 2014
- ii) North Essex Authorities' Shared Strategic Section 1 Plan (Adopted February 2021)
- iii) Colchester Borough Council Local Development Framework Core Strategy (adopted 2008, reviewed 2014)
- iv) Colchester Borough Council Local Development Framework Development Policies (adopted 2010, reviewed 2014)

Other material considerations include:

- i) The National Planning Policy Framework (NPPF) December 2023.
- ii) Planning Practice Guidance
- iii) Minerals Planning Practice Guidance.
- iv) Biodiversity Supplementary Planning Guidance (June 2016)

The following policies of the above plans (paraphrased or in quotation marks if set out in full) are of relevance to this Application are set out below.

Relevant policies within the Essex Minerals Local Plan Adopted July 2014 are:

Policy S1 “Presumption in favour of sustainable development”

Provides for working with an applicant to seek solutions with improvements to the environmental conditions of the area. The policy sees a presumption in favour of

development unless material considerations indicate otherwise.

Policy S2 “Strategic Priorities for Mineral Development”

Under point 6 of how the strategy would go forward is the provision of identifying future preferred or Reserve Sites for delivering the steady and adequate supply of mineral during the Plan period and maintaining the landbank at appropriate levels.

Policy S6 “Provision for sand and gravel extraction”

The policy seeks to ensure sufficient reserves through the Plan period for at least 7 years extraction or such other period as set out in national policy.

The policy also addresses mineral extraction where it is proposed outside Preferred or Reserve Sites where *“Mineral extraction outside Preferred or Reserve Sites will be resisted by the Mineral Planning Authority unless the applicant can demonstrate:*

- a. An overriding justification and/ or overriding benefit for the proposed extraction, and,*
- b. The scale of the extraction is no more than the minimum essential for the purpose of the proposal, and,*
- c. The proposal is environmentally suitable, sustainable, and consistent with the relevant policies set out in the Development Plan”.*

Policy S8 “Safeguarding Mineral Resources and Mineral reserves”

Applies Mineral Safeguarding Areas (MSA’s) to ensure mineral resources are safeguarded from surface development which could sterilise an economic resource or prejudice the permitted minerals effective working.

Policy S10 “Protecting and enhancing the environment and local amenity”

Requires that minerals development demonstrate (and where relevant to this application):

- “Appropriate consideration has been given to public health and safety, amenity, quality of life of nearby communities, and the natural, built, and historic environment,
- Appropriate mitigation measures mitigation measures shall be included in the proposed scheme of development, and
- No unacceptable adverse impacts would arise
- Opportunities have been taken to improve the environment and amenity”

Policy S11 “Access and Transportation”

Supports development where it is demonstrated that impacts on the efficiency and effective operation of the road network including local amenity and the environment are not unacceptable.

Policy S12 “Mineral Site Restoration and Afteruse”

Supports mineral development where it can be demonstrated that the land is capable of achieving restoration at the earliest opportunity with positive benefits arising on amongst others the environment and biodiversity.

Policy DM1 “Development Management Criteria”

Provides support for minerals development subject to the development not having an unacceptable impact, including cumulative impact with other development, upon (with relevance to this application) local amenity; health of local residents; safety and capacity of the road network and “the appearance, quality and character of the landscape, countryside and visual environment and any local features that contribute to its local distinctiveness”.

Policy DM2 “Planning Conditions and Legal Agreements”

Which provides for the imposition of conditions/legal agreements to mitigate and control development effects and environmental enhancement.

In the North Essex Authorities’ Shared Strategic Section 1 Local Plan 2017 – 2033 (adopted 2021) relevant policies are:

Policy SP1 “Presumption in Favour of Sustainable Development” states that when considering development proposals, the Local Planning Authorities will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. They will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

In the Colchester Borough Council Section 2 Local Plan 2017- 2033 (adopted July 2022 relevant policies are:

Policy CC1: “Climate Change” The policy sets out initiatives for achieving a low carbon future for the Borough which includes new development incorporating adaptive measures for climate change resilience.

Policy DM1: “Health and Wellbeing”

This policy provides to ensure all development is designed to help promote healthy and active lifestyles and avoid causing adverse impacts on public health through, amongst other matters):

.....”*Providing a healthy living environment where healthy lifestyles can be promoted including green space and creating attractive opportunities for activities including walking,*

Providing appropriate mitigation to avoid harmful emissions”.

All developments with the potential to cause a deterioration in air quality will be required to provide comply with Policy ENV5.

Developments which will have an unacceptable significant adverse impact on health and wellbeing which cannot be mitigated, or that fail to offer reasonable provisions, will not be permitted”.

Policy DM15 “Design and Amenity” seeks to support proposals that are designed to a high standard, avoid unacceptable impacts on amenity, and demonstrate social, economic and environmental sustainability.

Policy DM16 “Historic Environment” which seeks to ensure heritage assets, including their setting, are protected. *“Where development will lead to less than substantial harm this harm should be weighed against the public benefits of the proposal.*

Development affecting the historic environment should seek to conserve and enhance the significance of the heritage asset and any features of specific historic, archaeological, architectural or artistic interest. In all cases there will be an expectation that any new development will enhance the historic environment or better reveal the significance of the heritage asset unless there are no identifiable opportunities available”.

Policy DM24: Sustainable Urban Drainage Systems

The policy requires new development to incorporate Sustainable Drainage Systems (SuDS) appropriate to the nature of the site. *“Such systems shall provide optimum water runoff rates and volumes taking into account relevant local or national standards; and shall ensure that the quality of runoff is consistent with the requirements of the Water Framework Directive.*

Surface water should be managed as close to its source as possible and on the surface where practicable to do so through the use of green roofs, rain gardens, soakaways and permeable paving. Maximum use should also be made of low land take drainage measures such as rain water recycling, green roofs, permeable surfaces and water butts. Appropriate pollution control measures should be incorporated as part of SuDS to reduce the risk of pollution. Including through reference to the CIRIA SuDS Manual, it must be ensured that sufficient treatment steps are provided prior to any surface water discharge. Regard should be given to both the nature of the proposed development and the sensitivity of the receiving water environment.

Opportunities should be taken to integrate sustainable drainage within the design of the development, to create amenity space, enhance biodiversity and manage pollution. Existing drainage features such as ditches and ponds should be retained on site where possible as part of SuDS schemes.

Only where there is a significant risk of pollution to the water environment, inappropriate soil conditions and/or engineering difficulties, should alternative methods of drainage be considered. It will be necessary to demonstrate why it is not achievable. If alternative methods are to be considered, adequate assessment and justification should be provided and consideration should still be given to pre- and

post-runoff rates”.

Policy EN1 “Environment” the policy seeks to conserve and enhance the “*natural and historic environment, countryside*” Under section E of the Policy it seeks to ensure that states “*The local planning authority will carefully balance the requirement for new development within the countryside to meet identified development needs in*

accordance with Colchester’s spatial strategy, and to support the vitality of rural communities, whilst ensuring that development does not have an adverse impact on the different roles, the relationship between and separate identities of settlements, valued landscapes, the intrinsic character and beauty of the countryside and visual amenity.

The intrinsic character and beauty of the countryside will be recognised and assessed, and development will only be permitted where it would not adversely affect the intrinsic character and beauty of the countryside and complies with other relevant policies.....”

Policy ENV5 “Pollution and Contaminated Land” seeks to ensure development does not result in an unacceptable risk to public health or safety, the environment, general amenity, or existing uses due to the potential of air pollution, noise nuisance, surface / ground water sources or land pollution.

Policy WC3: Colchester Zoo

The policy states “*The Council recognises the importance of Colchester Zoo as a visitor attraction and as a contributor to the local economy. The Local Planning Authority will work in partnership with the Zoo to maximise the social and economic benefits associated with its development while ensuring any development proposals have regard to the environmentally sensitive location.*

The area shown on the West Colchester Policies Map will be safeguarded for potential further expansion of Colchester Zoo to provide additional facilities associated with the Zoo’s vision for growth. The extent of any development ancillary to the zoo, such as additional retail, hotel and food and drink outlets, will need to be related to the function of the zoo and assessed against potential negative impacts on the Town Centre.

Any proposals for the expansion of the Zoo will be undertaken through a master plan approach taking into account landscape and Scheduled Monument impact, safe access to the site via Maldon Road, existing public rights of way and accessibility by sustainable transport modes...

Any proposals will also take into account the Essex Minerals Local Plan and the developer will be required to submit a Minerals Resource Assessment as part of any planning application. Should the viability of extraction be proven, the mineral shall be worked in accordance with a scheme/masterplan as part of the phased delivery of the non-mineral development”.

The Revised National Planning Policy Framework (NPPF) was revised in December 2023 and sets out the Government’s planning policies for England and how these are expected to 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 there are three dimensions to sustainable development: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 2 states that planning law requires that applications for planning permission must 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 the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless 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; or specific policies in this NPPF indicate development should be restricted.

Sustainable development remains at the heart of the NPPF following the “Brundtland” definition (Resolution 42/187 of the United Nations General Assembly) in seeking to meet the needs of the present without compromising the ability of future generations to meet their own needs. The Government’s “broad” interpretation has the NPPF setting the scene for placing sustainable development at the heart of the planning system with three principal dimensions; that of economic, social, and environmental. The Government sets a series of core planning principles to be applied at both plan making, as well as at decision making and that these include in relation to this application:

- i. Seek to secure high quality design and a good standard of amenity in relation to existing occupants of land and buildings.
- ii. Contribute to conserving and enhancing the natural environment and reducing pollution.

The NPPF seeks the delivery of sustainable development through the planning system encouraging and supporting economic growth and that this is achieved through proactively meeting the needs of business.

The NPPF seeks to mitigate, through appropriate planning decisions, the potential for noise and other adverse impacts including air quality, arising from a development on health and quality of life.

The NPPF recognises that transport issues, through their movement and mode contribute to facilitating sustainable development and that encouragement should be given to reductions in greenhouse gases to help towards achieving a low carbon future. Furthermore, promoting and exploiting such opportunities for sustainable transport development can be assisted through appropriately located and designed development that accommodates the efficient delivery of supplies.

The NPPF seeks to mitigate, through appropriate planning decisions, the potential for noise and other adverse impacts including air quality, arising from a development on health and quality of life.

Para 11 of the NPPF sets for decision takers the presumption in favour of sustainable development to mean approving development that accords with the development plan. Where the development plan is absent, silent/out of date that permission be granted unless adverse impacts would significantly outweigh the benefits or that specific policies in the NPPF indicate such development be restricted.

The revised NPPF para 48 and 49 confirms the weight to be given by planning authorities to emerging plans according to amongst other matters the stage of plan preparation and degree of consistency with other policies to the Framework. The Framework states that, with the presumption in favour of sustainable development, arguments of application prematurity are unlikely to justify planning refusal

For clarity Colchester Borough Council has an up to date Local Plan as referred to above.

The Essex Minerals Local Plan is currently under review, however, is at too early a stage (Regulation 18) in its review to have any weight.

4. CONSULTATIONS

COLCHESTER CITY COUNCIL (CCC) – The City Council have made three responses of the 29th June 2023; 11th July 2023 and 11th December 2023 respectively stating:

29th June – “It is important to note that Colchester’s Section 2 Local Plan (2022) includes a policy specific to Colchester Zoo – Policy WC3. This Policy is as follows: The Council recognises the importance of Colchester Zoo as a visitor attraction and as a contributor to the local economy. The Local Planning Authority will work in partnership with the Zoo to maximise the social and economic benefits associated with its development while ensuring any development proposals have regard to the environmentally sensitive location.

The area shown on the West Colchester Policies Map will be safeguarded for potential further expansion of Colchester Zoo to provide additional facilities associated with the Zoo’s vision for growth. The extent of any development ancillary to the zoo, such as additional retail, hotel and food and drink outlets, will need to be related to the function of the zoo and assessed against potential negative impacts on the Town Centre.

Any proposals for the expansion of the Zoo will be undertaken through a master plan approach taking into account landscape and Scheduled Monument impact, safe access to the site via Maldon Road, existing public rights of way and accessibility by sustainable transport modes. A comprehensive transport assessment would be required. Proposals will need to ensure any necessary road improvements as required in Maldon Road and at the Warren Lane Junction are secured and delivered before expansion takes place.

These works may require land and / or financial contributions. An off-road cycle route should be provided linking the Zoo with Gosbecks Archaeological Park to facilitate sustainable modes of travel.

Any proposals will include an appropriate SuDS for managing surface water runoff within the overall design and layout of the site. Any proposals will also take into account the Essex Minerals Local Plan and the developer will be required to submit

a Minerals Resource Assessment as part of any planning application. Should the viability of extraction be proven, the mineral shall be worked in accordance with a scheme/masterplan as part of the phased delivery of the non-mineral development. Before granting planning consent, wintering bird surveys will be undertaken at the appropriate time of year to identify any offsite functional habitat. In the unlikely event that significant numbers are identified, development must firstly avoid impacts. Where this is not possible, development must be phased to deliver habitat creation and management either on or off-site to mitigate any significant impacts. Any such habitat must be provided and fully functional before any development takes place which would affect significant numbers of SPA birds.

Of particular relevance is the requirement that the mineral on site 'shall be worked in accordance with a scheme/masterplan as part of the phased delivery of the non-mineral development'. The policy intention in respect of this matter is to ensure that any proposed mineral extraction works do not prejudice future Zoo expansion plans.

For the Council to be satisfied that the current mineral working proposals are in compliance with Policy WC3, it would need to be satisfactorily demonstrated that the proposed minerals and site restoration works will not prejudice the Zoo's future expansion plans, and that such a position is confirmed by the Zoo. At the time of writing, this is not something that the Council are in a position to confirm.

In terms of wider material planning considerations, the Council's Environmental Protection Team have already provided comment under a separate cover on issues of residential amenity, and we would ask that their comments are considered.

It is understood that Essex County Council have their own in-house landscape and archaeological advisors who have been consulted on the application and CCC will not therefore be providing comment on these issues at this time.

The Council also understands that Historic England have made representation on the application and that Historic England's comments will be formally considered by Essex County Council in due course."

11th July response stated – "Following further consideration and discussion we would like to add to the comments submitted in response to the minerals application at Stanway Quarry. These are additional to those comments provided by John Miles dated 29th June 2023.

As indicated Policy WC3 in the Colchester Local Plan is directly relevant to this proposal as the policy context providing for the potential expansion of the Zoo. Support in principle for the facility to expand in the future is established in this Policy and the Council is keen to ensure that nothing proposed / permitted as part of the Minerals workings prejudices proposals for the Zoo expansion coming forward in the future. This is what underpins the reference in the Policy WC3 to the need for a masterplan as part of the phased delivery of the non-mineral development. In an ideal world the progress on the future proposals for the Zoo and the consideration of an application for minerals workings would be aligned so the two can inform each other. However, in the absence of aligned timing, a pragmatic approach is necessary in respect of the extent of formality for any masterplan / scheme. In this respect we have an indicative understanding of the likely concept and initial high level approach to the Zoo expansion which is not

progressed to a stage for public publication however, has been shared by way of an informal PE to assist with understanding the likely future options for the Zoo. At this stage this is the extent of knowledge we have with regard to the Zoo's long term plans. Whilst this does not provide any formal confirmation of agreement as referenced in Policy WC3 it does provide an understanding of the direction of travel and the likely concept / proposals in the future. CCC will continue to engage and work with together with the Zoo and others as appropriate to further inform future proposals and more detailed masterplanning. A pragmatic approach is required in the absence of perfectly aligned timing for both.

It is understood that the Zoo have responded to the Minerals application in which they have confirmed that they support the application in principle on the basis that it does not foresee that the mineral extraction will have a detrimental impact on the Zoo's current operational requirements or future redevelopment plans. This is helpful in supporting a pragmatic approach to WC3 in the Colchester Local Plan.

Irrespective of the position of the Zoo's future proposals there are some matters which are relevant specifically to the proposal for the minerals workings which are currently under consideration on which I provide additional comments expanding on those submitted previously.

- *Policy WC3 requires a Minerals Resource Assessment in accordance with advice of the Minerals Authority and subject to the viability of that extraction for this to be worked in accordance with a scheme / masterplan for the phasing and delivery of the non-mineral development. This does not assume consent for any mineral resource present, the viability reference also provides for the need for consent through the planning process.*
- *The Site is not allocated in the Minerals Local Plan and as such should be treated as a greenfield site;*
- *The site has a number of key constraints and sensitivities which Essex County Council need to be satisfied that the impacts can be satisfactorily mitigated which are also covered in Colchester's Local Plan Policies (particularly Policies ENV1- Environment and DM16 Historic Environment). Of most significance are;*
 - o *Impacts on Hertiage assets (above and below ground);*
 - o *Landscape and visual impacts;*
- *Policy WC3 also refers to the requirement for a wintering birds survey in respect of the Habitats Regulation requirements.*
- *Finally if Essex County Council is minded to grant consent, as previously stated CCC would be keen to seek assurance that this would not prejudice future proposals for the expansion of the Zoo, in so far as the information that is currently available in respect of potential future proposals this appears to be the case but as proposals emerge for both, this will be a key consideration in the future."*

11th December response the City Council state *“As has been previously accepted by Colchester City Council, in the absence of perfectly aligned timing for the proposed mineral extraction and the Zoo’s future development plans, there is a need for a pragmatic approach to Policy WC3 in the Colchester Local Plan. Based on the understanding that it remains the case that the Zoo does not consider that the proposed mineral extraction is likely to have a detrimental impact on the Zoo’s current operational requirements or future development plans, the submitted information does not appear to raise any specific concerns in respect of any prejudice to the future expansion of the Zoo. On the basis of the above, Colchester City Council have no further comments to make.”*

COLCHESTER BOROUGH COUNCIL ENVIRONMENTAL HEALTH

DEPARTMENT – State: in relation to air quality – *“The Environmental Statement (Volume 1) sets out that air pollution and dust emissions from the proposed scheme are considered unlikely to cause adverse effects with the correct mitigation measures in place. The environmental design measures and operational mitigation measures set out should be conditioned so that air pollution and dust emissions from the proposed scheme do not have a significant effect on amenity and create potential human health impacts during the operation or following completion of the proposed development”*.

In relation to noise - *“no additional comments regarding the proposed noise survey. We recommend hours of operation at the zoo site are restricted to reduce impact on residential amenity and suggest 08:00-18:00 Monday to Friday and 08:00-13:00 Saturday, with no working on Sundays or Public Holidays”*.

CPRE – No comments received.

ENVIRONMENT AGENCY – Comment *“We have reviewed the documents as submitted and we can confirm we remove our objection to this planning application as the sand is not being treated as waste but as a saleable material. As soil screens are going to be made using soil from the site and not brought onto the site from elsewhere, the site needs to abide by the CL:AIRE declaration as previously stated”*.

ESSEX WILDLIFE TRUST – No comments received.

GEOESSEX comment *“The uncertainties associated with the mapping and interpretation of the sand and gravel sequences as described in the Palaeo-archaeology Report warrant further investigation. The investigation based on the Tarmac workings to the north by Leszczynska 2009 is not referred to at all in this report, but its findings that all deposits are glacial outwash conflict with those of Whiteman and Bridgland which have been used as the basis for the interpretation given - references attached.*

GeoEssex would welcome the opportunity to log and sample the sand and gravels at stages during the extraction phase to use standard techniques developed throughout the area to evaluate the extent and relationship between the Upper St Osyth Gravel – glacial outwash and the Lower St Osyth Gravel – ancestral Thames Kesgrave deposits. It would be valuable to compare the results here with those

obtained during the sampling and analysis of the sand and gravels of the Holland Cliff section that were made available a few years ago when the cliffs were re-stabilised, where a similar sequence exists. Looking at the Borehole data suggests that the full thickness of the sand and gravels planned for extraction bottoms out in London Clay which is roughly at the level of the current Roman River bed once again giving opportunity to study the full vertical geological succession.

A study of any paleo influence of the Roman river on these ice age deposits including the Brick Earth or Head would also be a valuable addition to geological knowledge of the area.

GeoEssex would also like to be involved in identifying a good safe pit wall section that could be preserved as part of the restoration plan so that Colchester Zoo could enable visitors to the zoo to link the ice age deposits seen in the preserved pit wall section with fauna and flora that survived this glacial period in our climate and to link it to the likely effects of future climate change”.

HIGHWAYS - STRATEGIC DEVELOPMENT – No comment with notes that an application for any necessary works impacting the highway would need to be made before commencement.

HISTORIC ENGLAND (HE) – Object. Their recommendation is “*Historic England recommends refusal of the application on heritage grounds as currently submitted. We consider the application does not meet the requirements of the NPPF and, in particular, it fails the policy test in paragraph 202.*

Historic England has serious concerns in relation to the impact of the scheme on the historic environment. We consider the proposed development would result in harm to the significance of a Scheduled Monument. This is contrary to policy for sustaining and enhancing heritage assets.

We consider the proposed restoration scheme would need to be substantially amended, and the restored ground level increased, to reduce the level of harm to the significance of the Scheduled Monument. We would also recommend that an adequate stand-off would need to be provided between the edge of the Scheduled Monument and the proposed extraction area.

In terms of local plan policy, we note this is a proposal for a quarry extension site that is not allocated in the Essex Minerals Local Plan (adopted 2014). This site is not in the Plan so is contrary to policy.

We also consider the application also fails Policy WC3 of the Colchester Local Plan 2017 – 2033. Further information should be provided in this application to assess how the extraction site will fit into the wider redevelopment of Colchester Zoo to allow the cumulative impact of both proposals to be fully assessed.

We recommend these representations are taken into account. If, however, you propose to determine the application in its current form, please treat this as a letter of objection..”

LEAD LOCAL FLOOD AUTHORITY-SUDS TEAM – No objection.

NATURAL ENGLAND CONSULTATION SERVICE – No objection.

PLACE SERVICES – Have made a number of responses as the application was revised during the consultation process. The last two sets of comments of the

latest, 12/09/23 and 20/12/23 are attached as Appendix A; -C. A summary of the service areas specialisms are below:

PLACE SERVICES (ARBORICULTURE) – No comment on the revised details
Support subject to conditions/recommendations.

PLACE SERVICES (ARCHAEOLOGY) – Impact /Harm is recognised. The County Archaeology Officer (CAO) has maintained their concerns and their comments are appraised later in the report under the Cultural Heritage section.

PLACE SERVICES (ECOLOGY) – No impact/harm subject to conditions/recommendations. The Ecology Officer comments included basing these on the fact that the scheme would not delay the timescale for the quarry complex restoration.

PLACE SERVICES (HISTORIC BUILDINGS) – No impact/harm. See Cultural Heritage appraisal section.

PLACE SERVICES (LANDSCAPE) – Impact/Harm. Following discussions post initial comments the Landscape Officer has maintained their concerns and these are expanded on in the Landscape section of the appraisal below.

PLACE SERVICES (URBAN DESIGN) – No comment

PIPELINES/UTILITIES -

British Pipeline Agency Ltd - No comment.

STANWAY PARISH COUNCIL – No responses received. The applicant had forwarded Minutes from a Stanway Parish Council meeting of 18th July 2023 and asked that these be made public in relation to this planning application. However, the minutes refer amongst other matters to the Parish resolution relating to the Scoping exercise for ESS/60/23/COL/SPO which is another of the applications land interests relating to a site south of Bellhouse Farm and not Colchester Zoo.

LOCAL MEMBER – COLCHESTER – STANWAY AND PYEFLEET – Any comments received will be reported.

5. REPRESENTATIONS

As a result of site; press (Colchester Evening Standard) and neighbour notification (13 properties were directly notified of the application) 5 letters of representation have been received (2 from the same representee) with two being the landowner, Colchester Zoo. Where these comments relate to planning issues these are summarised as follows:

<u>Observation</u>	<u>Comment</u>
Querying what would happen to the PROW crossing to Grymes Dyke.	PROW would remain intact with a slightly raised ramp to accommodate under track conveyor.

500,000 tonnes of extraction equates to 25,000 lorry trips (at 20 tonnes a load) to the location through an already congested route, with many landfill lorries already transiting through the area. Lorry drivers regularly beep their horns to acknowledge each other. The pollution is already too high in the area with the high level of HGVs travelling through. Any approval would totally disregard the impact that these activities have on the local population and would continue to have for the foreseeable future.

See appraisal.

Colchester Zoo

See attachment representation dated 03/07/23 Appendix E and F.

6. APPRAISAL

The key issues for consideration are:

- A. Principle of development
- B. Impact on the Aggregates Landbank
- C. Landscape/Visual implications
- D. Cultural Heritage
- E. Historic Buildings
- F. Implications for the Extant Stanway Hall Quarry permission
- G. Ecology
- H. Environmental emissions
- I. Drainage – Hydrology/Hydrogeology

A PRINCIPLE OF DEVELOPMENT

The applicant has sought to justify the mineral extraction application as an enabling work *"in the context of a Master Plan Programmeand the way in which the prior extraction of sand and the resulting landform can assist the future development of the Zoo"*.

Within the supporting planning application statement *"..seeks planning permission for the prior extraction of sand as Stage A' initial enabling works which will facilitate a future expansion of Colchester Zoo. The subsequent stages of the Zoo's future expansion will involve the submission of a detailed Zoo expansion master plan and planning application to Colchester City Council."*

As well as *"The application and associated scheme has been prepared in the context of a Master Plan Programme prepared by Colchester Zoo which provides a dynamic conceptual guide to the future sustainable growth and development of the Zoo, and the way in which the prior extraction of sand and the resulting and form can assist the future development of the Zoo."*

The landowner, Colchester Zoo has written in to support the application stating “ Colchester Zoo are the freehold landowner, for the area of land that is subject to the planning application for mineral extraction, by the applicant Tarmac. Tarmac has an Option on the mineral rights.

Colchester Zoo have had regular dialogue with Tarmac ahead of the planning application to ensure that the mineral extraction has no adverse implications on the Zoo’s current operational requirements and visitor experiences, along with our own future redevelopment plans. These discussions have been collaborative and are ongoing.

Working with Colchester City Council and through the local plan consultation process, we have observed the promotion and acceptance of the now adopted Zoo Policy WC3. In accordance with the now adopted Policy WC3 of the Colchester City Local Plan, Colchester Zoo, working collaboratively with Tarmac, have produced a Masterplan roadmap, involving the Prior Works requirements associated with the successful extraction of mineral. We at Colchester Zoo are taking this forward to the detailed stage, over the next few years, to facilitate the future expansion of the Zoo. The masterplan vision has been developed and Colchester City Council have been consulted. The masterplan vision sets out the aspirations of Colchester Zoo and will continue to be developed to fully comply with the WC3 policy requirements. This masterplan vision sets out the proposals for how the land post mineral extraction will be developed, to give all parties the opportunity to appreciate how this land allocation could be fully developed out in the future.

It is recognized that a key element of Policy WC3 is to ensure that any viable mineral deposits can be extracted in a phased manner as part of the Zoo redevelopment. Therefore, early extraction of the limited amount of mineral by Tarmac as the first phase of the development will enable Colchester Zoo to comply with the requirements of Policy WC3 and progress our own redevelopment plans.

As a visitor attraction, our primary concern is to ensure that the operations of the mineral extraction will not have a detrimental effect on the visitor experience of our guests or the operational running of the Zoo. The applicant has provided studies on the visual and noise impacts of the proposed development during the extraction that demonstrates that there will not be a significant impact.

We have discussed some operational requirements with Tarmac directly regarding the retention of overflow parking and access for pedestrians and farm machinery along the PROW (over the proposed conveyor belt) and Tarmac have confirmed that they will address these issues and put measures in place to resolve as part of their technical site procurement strategy.

The proposed restoration and reinstatement of the land post mineral extraction will result in gently sloping landform that is slightly shallower than at present, so does not present any issues for the future redevelopment of the site by the Zoo.

We acknowledge and clearly support the applicant's proposal to enhance biodiversity on the site during and post development - conservation and habitat creation is vitally important.

In summary, having reviewed the proposed application in detail, and against the background of Policy WC3 Colchester Zoo supports the Application, and can confirm that we do not foresee that the mineral extraction will have a detrimental impact on the Zoo's current operational requirements or future redevelopment plans".

Whilst the landowner expresses an understandable supportive stance to the application, its submission needs to be clarified in its planning status. The application land does not have any designated Preferred or Reserve status within the MLP and as such the application is of a greenfield nature coming forward. Whilst it could be argued that this application represents a "windfall" approach, avoiding mineral sterilisation, that would more usually be taken in the context of there being alternative development being proposed that has an associated mineral extraction potential associated with it, this is not the case in respect of this application as no formal development proposals for the associated Colchester Zoo development are being or have been applied for.

In considering mineral extraction applications that come forward, Policy S1 of the MLP states that MPA *"will take a positive approach to minerals development that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and to secure minerals development that improves the economic, social and environmental conditions in the area....."*

Where there are no policies relevant to the application or relevant policies are demonstrably out-of-date at the time of making the decision, the Minerals Planning Authority will grant permission unless material conditions indicate otherwise – taking into account whether:

- *Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or ...".*

Policy S6 is of particular relevance here and states that *"Mineral extraction outside Preferred or Reserve Sites will be resisted by the Mineral Planning Authority unless the applicant can demonstrate:*

- a. *An overriding justification and/or overriding benefit for the proposed extraction, and,*
- b. *The scale of the extraction is no more than the minimum essential for the purpose of the proposal, and,*

- c. *The proposal is environmentally suitable, sustainable, and consistent with the relevant policies set out in the Development Plan*".

The applicant has identified within the supporting text to Policy S6 that proposals for non-Preferred Sites could well come forward as a result of, in this particular case, *"Prior extraction to prevent mineral sterilisation"*.

The applicant has stated that *"Further support to the benefits of prior extraction of mineral in advance of other development is provided in the Essex Minerals Local Plan which notes that whilst mineral extraction on non-allocated sites will normally be resisted, there will be exceptions which can be considered on their merits, including:*

Prior extraction to prevent mineral sterilisation – this may be required on occasions where significant development takes place (on a site of over 5 hectares for sand and gravel) and where a workable mineral resource could otherwise be permanently lost through sterilisation "

What the MLP goes on to say is *"Such proposals will be considered on their own individual merits and the MPA will pay particular regard to the justification/ need that is cited by applicants when determining planning applications. The MPA must be satisfied that there are exceptional reasons for permitting such applications, after having considered all the relevant circumstances so as not to prejudice the overall strategy of the document. All proposals will be considered against policies in the Development Plan.*

Where proposals are put forward on the basis of fulfilling some form of 'mineral need' for minerals extraction, then the MPA will always require consideration of the whole of the County for the purposes of estimating the adequacy of the landbank or the sufficiency of the Plan's provision. The MPA does not consider that information about mineral supply in specific County sub-areas, or the individual commercial business need of a mineral operator to continue production at a particular mineral extraction site, to be relevant or material to its decisions in respect of non-Preferred Sites."

What is therefore being presented through this application is a proposal seeking prior extraction of some mineral ahead of anticipated development to which there is no current application either submitted nor knowingly in any advanced preparation stage.

Seeking mineral extraction to prevent sterilisation has been put forward by the applicant as being in policy alignment with Policy S6.

The MLP defines "sterilisation" as *"the term used when development or land use changes take place which permanently prevent the extraction of mineral resources from the ground"*. What this present application is seeking to achieve and being promoted on is to provide enabling work for the future expansion of the Zoo.

The application is not being justified on any special need for the mineral, reference is made in the application documents to its suitability for the DSM plant but that is not what the application is relying on in its request.

Furthermore, another factor in not placing much weight on the avoiding sterilisation argument, is what the application is seeking to achieve long term. In the applicant's words, it is the ability to create a "*resulting landform*" accommodating a recontoured topography such that it could accommodate space for the Zoos animal population.

Such recontouring and afteruse of the land would, as it is understood through this application, not be one of the reinstatement of the land then accommodating future built development. The intention, it is understood, being for open space to accommodate Zoo animals.

Whilst the land, in its recontoured shape, would therefore be "occupied" it would not, as it is presently understood, comprise of an occupancy involving future built over structures/development. Such development would prohibit future access to the land to exploit mineral if such a situation arose and could be considered as presenting a sterilisation argument in the commonsense understanding of the word. Having a recontoured open space that could be accessed without other physical development being a restrictive feature would not be present. If there was future mineral extraction need then it could be progressed.

The applicant's proposals as they stand is to seek removal of some of the known mineral resource beneath the land parcel, whilst leaving unworked a significant quantity of known and proven mineral resource. Further insitu mineral, comprising that which extends into the northern field and which was being considered as suitable in the early stages of the potential working of the land associated with the Zoo would also remain unworked. Withdrawal from the northern field and revisions within the southern field appear mostly to have resulted from the cultural heritage presence both within and adjacent to the application footprint.

Within the southern field the applicant has sought a self-imposed extraction limit in terms of both depth and extent of seeking mineral exploitation. This restrictive aspect appears to be based on winning a "*selective volume of some 500,000 tonnes represents approximately 20% of the overall sand and gravel resource present at the site, which it is intended would be extracted over a short-term period of some 3 years*".

This self-imposed restriction is in itself presenting by the applicant's own proposals a self-imposed sterilisation aspect. The restriction appears little to do with any physical challenge but that it "*strikes an appropriate balance between the sustainability benefits of (partial) prior extraction, and the need to (i) expeditiously compete extraction and restoration in a timely manner so as not to interfere with the Zoo's expansion aspirations and timescales...*"

In respect of the MLP status the applicant notes "*The MLP is in the process of being reviewed, with consultation on a 'preferred approach' undertaken in April 2021, including the publication of a 'Rationale Document'. Following responses to the consultation, a revised approach to the required MLP Review plan provision was published for consultation in February 2022, based upon a plan period running from 2025 to 2040 (assuming adoption in 2025).*"

The February 2022 consultation included focused engagement on changes to the current MLP Policy S6 (relating to future sand and gravel provision), and a 'call for sites' for consideration as potential sites to meet the identified required additional provision for the plan period to 2040.

The submitted candidate sites are in the process of being reviewed by ECC and their advisors, and it is understood that further consultation on a draft MLP Review will be undertaken in October 2023.

The MLP Review is thus at a relatively early stage in its preparation, and has no material relevance to the PES under consideration. Until the Review is complete and adopted, the current Essex MLP (2014) will continue to be the primary development plan used for the determination of mineral planning applications. However, it is noteworthy that the April 2021 MLP Review Rationale Consultation Document recognises at paragraphs 4.263 and 4.264 that a significant amount of sand and gravel is being sterilised by non-mineral development and that the emerging MLP should contain more robust policies to promote the prior extraction of sand and gravel ahead of non-mineral development”.

The reserves identified in the MLP are unaffected from this application. Policy S6, in the supporting text, states *“No allowance for non-Preferred Sites coming forward has been made in determining the Plan’s provision up to 2029. This is because the location and timing of these sites cannot be predicted, and they would therefore not contribute to meeting the spatial strategy which is central to this Plan”.*

What issues may or may not be taking place within the review process of the MLP are ones that do not affect the presently adopted MLP to which consideration of this present application needs to be considered against. At the present time the status of the emerging MLP does not have any weight.

What implications the mineral resource raised through this present application could have in respect of contribution towards the County’s landbank is addressed further below.

The application proposals would be seeking to work within the extant consented timeframes for the SHQ complex. Working of the application site would seek to win the higher quality DSM sand although a significant quantity of mineral is also proposed to be left. Whilst the applicant states that mineral is being removed so avoiding future sterilisation, a significant quantity of mineral would still remain insitu.

In seeking to win that mineral, the application proposals would not introduce processing plant facilities other than provision in its revised form of a pipeline into the existing SHQ. The MLP recognises that *“Where there is an existing neighbouring processing plant which could process the additional material without impacting on its own working timetable, nor result in unacceptable adverse impacts, this too may be considered a sustainable option”.* The proposed use of a pipeline, outside of any land use impact which is addressed further below, could in its own right be regarded as supportable in terms of sustainability in terms of transporting a mineral.

Notwithstanding the issue of sterilisation which may come forward as a presumed justification of a Non-Preferred site, Policy S6 goes on to set three criteria a) – c) listed earlier against which an application as presently being promoted requires further assessment. Under those criteria the following appraisals are made:

- a. *An overriding justification and/ or overriding benefit for the proposed extraction*

The applicant confirms the application as providing an enabling phase in respect of the Colchester Zoo's future development initiatives. The applicant states *"The importance of the Zoo is reflected in the Colchester Borough Local Plan (Section 2) where Policy WC3 confirms that:*

'The Council recognises the importance of Colchester Zoo as a visitor attraction and as a contributor to the local economy. The Local Planning Authority will work in partnership with the Zoo to maximise the social and economic benefits associated with its development while ensuring any development proposals have regard to the environmentally sensitive location. The area shown on the West Colchester Policies Map will be safeguarded for potential further expansion of Colchester Zoo to provide additional facilities associated with the Zoo's vision for growth. The extent of any development ancillary to the zoo, such as additional retail, hotel and food and drink outlets, will need to be related to the function of the zoo and assessed against potential negative impacts on the Town Centre. Any proposals for the expansion of the Zoo will be undertaken through a master plan approach taking into account landscape and Scheduled Ancient Monument impact.....

Any proposals will also take into account the Essex Minerals Local Plan and the developer will be required to submit a Minerals Resource Assessment as part of any planning application. Should the viability of extraction be proven, the mineral shall be worked in accordance with a scheme/masterplan as part of the phased delivery of the non-mineral development.' "

In respect of this last paragraph, it is considered reference to a planning application would be one arising from who-ever the applicant would be for any Zoo expansion application. Submission of the minerals resource assessment has, as confirmed by the present applicant, been catered for under this present application. In terms of the "viability" aspect then this forms part of the present applications appraisal. Notwithstanding the findings of that appraisal process the policy worded above with "the mineral shall be worked" is not seen as it has to be worked but that it would be preferred. Furthermore, the policy does not imply that without mineral extraction that a Zoo expansion programme would not be able to proceed.

The applicant goes on to state:

"Prior Extraction of Minerals

Further support to the benefits of prior extraction of mineral in advance of other development is provided in the Essex Mineral Local Plan which notes that whilst

mineral extraction on non-allocated sites will normally be resisted, there will be exceptions which can be considered on their merits, including:

Prior extraction to prevent mineral sterilisation – this may be required on occasions where significant development takes place (on a site of over 5 hectares for sand and gravel) and where a workable mineral resource could otherwise be permanently lost through sterilisation

This theme is further advanced in documents produced by ECC as part of the preparation of the Minerals Local Plan Review, where ‘Regulation 18’ draft amendments to the current MLP confirm, under the heading: ‘The Benefits of Prior Extraction’ that:

- Although primarily a conservation measure, the prior extraction of mineral reserves not only prevents the unnecessary sterilisation of minerals, it can also be used as an opportunity in major developments to create:*
 - topographies, environments and landscapes that help create hugely desirable places to live,*
 - opportunities for biodiversity net-gain and grow natural capital,*
 - Sustainable Drainage Schemes (SuDS) and increase flood resilience,*
 - mitigation measures against climate change, and*
 - positive contributions to the health and wellbeing of communities through the provision of open space and recreational resources.*

Such benefits can increase the value and selling potential of the development in question. Prior mineral extraction should be seen as an opportunity to design and shape landforms, particularly to support the masterplanning of significant developments. It is a temporary use of land and gives the chance to create land topographies transforming how the land is developed and used post extraction, through imaginative land reclamation and landscape enhancement.

The value of the mineral extracted can potentially help finance the development costs of a site, but the timing of extraction is critical to ensuring that this finite resource can be effectively utilised by aligning it with the timing of the built development proposals in and around the site. The thoughtful restoration of a site can also reduce recreational pressure on nearby environmentally sensitive and protected areas by providing new recreational opportunities. The potential opportunities vary from development to development, with phased developments and those with long lead in times offering particular opportunities.

Prior extraction can therefore contribute to the realisation of positive economic, social and environmental outcomes as well being a measure to avoid the sterilisation of a finite natural resource.

The key themes drawn from the above are the benefits of prior extraction in terms of sustainability, the opportunity to create landforms for future development, the way in which prior extraction can support the master planning of significant developments, the financial benefits accruing from prior extraction which can help support future development costs, and the opportunity to align prior extraction with the timing of future built development proposals. All of these issues are relevant to the prior extraction scheme under consideration”.

A copy of the Colchester Zoo's "Evolving Zoological Gardens and Habitats" which appears to be the title of the Masterplan programme accompanies the present planning application. Within its supporting text after referring to the various anticipated Stages of progressing the Masterplan is the following comment:

"It is noted that if the mineral within the Southern Field is not extracted as Prior Works for a potential expansion of Colchester Zoo, it would prevent potential Zoo uses of this land, so as not to sterilise the mineral in the future. As such, the sooner this mineral is removed and an appropriate landform is established (similar to existing), we consider the best for all."

Reference has already been made earlier in this report to the fact that it had not been anticipated that the application land, if not pre-exploited for mineral, would be developed with built development such that it would prevent access to mineral extraction possibilities in the future.

The evolving Masterplan offers some clarity on future land use stating:

"To help establish a landform suitable for Colchester Zoos future use of the Southern Field e.g. as an elephant enclosure and / or car parking (please note Colchester Zoo are not currently in a position to state the proposed use of land within the Southern Field – this will be finalised via Stage B)." and

"The Prior Works Extension Planning Application and associated Environmental Statement, will be submitted in early 2023. This will allow the consideration of the mineral extraction and restoration landform, and its determination during 2023. If planning permission is gained, mineral extraction would commence in the summer of 2024, and be completed by the summer of 2027. This timing is vitally important to (i) allow the zoo sufficient time to understand requirements and consequences to meet emerging regulatory zoo standards associated with elephant and other endangered species enclosures, (ii) for the zoo to gain an appropriate planning permission and to construct the facilities pre 2030; and (iii) to allow for mineral extraction and restoration to be completed".

The applicant has attempted to justify the mineral extraction as an enabling work and to avoid sterilisation of a resource prior to the Colchester Zoo's expansion programme. Whilst not being dismissive that benefits can accrue from prior extraction; in this particular case the benefits from prior extraction are questioned.

The Zoo has in that document "factored in" a mineral exploitation programme however, it can be said that the Zoo appears not to be dependant on prior extraction taking place. The Zoo's own evolving masterplan does wish an early extraction programme were it to take place, however it has made the comment about creating an appropriate landform "similar to existing". This is set out in the evolving masterplan with the statement *"As such, the sooner this mineral is removed and an appropriate landform is established (**similar to existing**) (Author's emphasis), we consider the best for all."*

If the Zoo is wishing a landform similar to existing then whether or not mineral extraction progresses would appear to be immaterial. To create land "similar to existing" implies that any land from where mineral extraction has taken place is

reinstated back to reflect the original ground surface. Infilling of the proposed mineral void is not proposed. The proposed landform envisaged through the mineral extraction programme would be for a recontouring of the land to create, from the cross sections provided a slightly lower landform that is not fundamentally different from the present situation. Land would still fall from a high point in the north of the southern field down towards the Roman River Valley and accommodate a more defined depression.

As the applicant has confirmed above, the masterplan is still being developed and has not either been formally submitted and considered by the Colchester City Council or confirmed/approved in an official way. As the applicant has stated the mineral extraction would be seen as comprising the Phase A of the emerging Masterplan although to which other Phases make up the Masterplan and these in themselves have not been formally submitted for consideration to the City Council. A Masterplan may in its self be in the process of development to re – enforce the Zoos future aspirations , however, at this stage it is not an approved plan or one to which the City Council has knowingly approved.

Colchester City Council has confirmed in their additional comments that *“As indicated Policy WC3 in the Colchester Local Plan is directly relevant to this proposal as the policy context providing for the potential expansion of the Zoo. Support in principle for the facility to expand in the future is established in this Policy and the Council is keen to ensure that nothing proposed / permitted as part of the Minerals workings prejudices proposals for the Zoo expansion coming forward in the future. This is what underpins the reference in the Policy WC3 to the need for a masterplan as part of the phased delivery of the non-mineral development. In an ideal world the progress on the future proposals for the Zoo and the consideration of an application for minerals workings would be aligned so the two can inform each other. However, in the absence of aligned timing, a pragmatic approach is necessary in respect of the extent of formality for any masterplan / scheme. In this respect we have an indicative understanding of the likely concept and initial high level approach to the Zoo expansion which is not progressed to a stage for public publication however, has been shared by way of an informal PE to assist with understanding the likely future options for the Zoo. At this stage this is the extent of knowledge we have with regard to the Zoo’s long term plans. Whilst this does not provide any formal confirmation of agreement as referenced in Policy WC3 it does provide an understanding of the direction of travel and the likely concept / proposals in the future. CCC will continue to engage and work with together with the Zoo and others as appropriate to further inform future proposals and more detailed masterplanning. A pragmatic approach is required in the absence of perfectly aligned timing for both.*

It is understood that the Zoo have responded to the Minerals application in which they have confirmed that they support the application in principle on the basis that it does not foresee that the mineral extraction will have a detrimental impact on the Zoo’s current operational requirements or future redevelopment plans. This is helpful in supporting a pragmatic approach to WC3 in the Colchester Local Plan.

Irrespective of the position of the Zoo’s future proposals there are some matters which are relevant specifically to the proposal for the minerals workings which are currently under consideration on which I provide additional comments expanding

on those submitted previously.

- *Policy WC3 requires a Minerals Resource Assessment in accordance with advice of the Minerals Authority and subject to the viability of that extraction for this to be worked in accordance with a scheme / masterplan for the phasing and delivery of the non-mineral development. This does not assume consent for any mineral resource present, the viability reference also provides for the need for consent through the planning process.*
- *The Site is not allocated in the Minerals Local Plan and as such should be treated as a greenfield site;*
- *The site has a number of key constraints and sensitivities which Essex County Council need to be satisfied that the impacts can be satisfactorily mitigated which are also covered in Colchester's Local Plan Policies (particularly Policies ENV1- Environment and DM16 Historic Environment). Of most significance are;*
 - o *Impacts on Heritage assets (above and below ground);*
 - o *Landscape and visual impacts;*
- *Policy WC3 also refers to the requirement for a wintering birds survey in respect of the Habitats Regulation requirements.*
- *Finally if Essex County Council is minded to grant consent, as previously stated CCC would be keen to seek assurance that this would not prejudice future proposals for the expansion of the Zoo, in so far as the information that is currently available in respect of potential future proposals this appears to be the case but as proposals emerge for both, this will be a key consideration in the future."*

As clearly indicated through the responses of CCC Policy WC3 seeks to ensure a Masterplan is in place to guide the future development aspirations of the Colchester Zoo into the future. It is important to note that CCC involvement with the Masterplan *"we have an indicative understanding of the likely concept and initial high level approach to the Zoo expansion which is not progressed to a stage for public publication however, has been shared by way of an informal PE to assist with understanding the likely future options for the Zoo. At this stage this is the extent of knowledge we have with regard to the Zoo's long term plans."*

This high level approach/Planning Enquiry appears to be the "consultation" that the Zoos representation comments appears to suggest. That more detailed stages as to the programme of the Zoo is contemplated and that CCC at this stage *"does not provide any formal confirmation of agreement as referenced in Policy WC3"* other than to the understanding of the general direction of travel.

The applicant has set out what steps they consider would take place to further the Masterplan with the planning application supporting documents stating *"Within this policy context, a Colchester Zoo Masterplan is being prepared in Stages to provide a context and framework for future growth and alignment with impending legislation regarding the enclosure for large animals such as elephants. As the*

Masterplan is developed into a detailed document, this will provide a dynamic guide to the future sustainable growth, development and layout of the Zoo.

The Master Plan re-enforces the commitment of the Zoo to animals and environmental enrichment, and a commitment to the people of Colchester and visitors from further afield.

A 'Stage A' Masterplan has been prepared by Colchester Zoo and the Applicant to reflect the above, and a scheme for the phased delivery of non-mineral development i.e., the future expansion of the Zoo.....

The content of the Masterplan has been discussed with Colchester BC via a formal pre-application advice process, together with a number of related meetings and discussions. The final content of the 'Stage A' Masterplan is considered to represent a proportionate response to the requirement for a 'scheme / masterplan' to provide a context to mineral working as preparatory works associated with the phased delivery of a Zoo expansion development.

During the Stage A Enabling Works the Zoo will gain benefit from avoiding the sterilisation of reserves, it will gain income from mineral royalties, the development will be managed to avoid disturbance to the Zoo, and the scheme will then provide greater certainty regarding the availability of a future Zoo expansion area. During the Stage A enabling works, there will also be an opportunity to diversify the attractions of the Zoo and visitor experience notably via the cultural heritage investigations which have been undertaken and which will be continued within and adjoining the application site as part of the scheme. This will enhance the understanding of the Romano-British archaeology of the area and the educational resource which this provides.

Stage B of the Master Plan Programme will be for the Zoo to appoint architects / planners to formulate a more detailed Zoo Masterplan, in anticipation of the completion of the PES and the unfettered ability for the Zoo to expand into the restored profiled area.

Stage C will involve the submission of the detailed Zoo Masterplan for consideration and determination by Colchester Borough Council.

The final Stage D will then involve the preparation of a detailed planning application for the expansion of the Zoo into parts or all of the Colchester BC 'Policy WC3' area, or individual projects, based upon the by then agreed detailed Stage B Masterplan.

However, the first Stage A of the overall scheme is the 'prior extraction' of sand as enabling works, and this planning application (and supporting ES) is confined to that discrete element of the overall scheme".

Given the comments above it clarifies that whilst there may be aspirations to develop the Zoo land further those plans are evolving and there is no "approved" Masterplan presently in place which has been formally submitted to CCC and had public consultation undertake.

Policy WC3 recognises that if minerals are proven... that mineral shall be worked ahead of any future development. As CCC clarify *“Policy WC3 requires a Minerals Resource Assessment and subject to the viability of that extraction for this to be worked in accordance with a scheme / masterplan for the phasing and delivery of the non-mineral development. This does not assume consent for any mineral resource present, the viability reference also provides for the need for consent through the planning process”*.

Policy WC3 nor CCC comments, require that mineral resources have to be worked only that they “shall be worked” and then such as not to prejudice any future expansion proposals or as it is written in the Policy *“the mineral shall be worked in accordance with a scheme/masterplan as part of the phased delivery of the non-mineral development”*.

It is important to recognise that CCC have acknowledged for there to be a pragmatic approach towards how the Masterplan is viewed in terms of for use of a better word its “status”. That the Masterplan is not one that has been formally submitted and consulted upon plan but that it exists as an informal document that the Zoo uses for its direction of travel and is to evolve further.

The Masterplan is therefore a vision albeit one that in CCC view has an understanding of the direction of travel.

Ultimately CCC are the ones to interpret their own policy and in so doing they have confirmed in their additional comments the pragmatic view they take in terms of there not being that *“In an ideal world the progress on the future proposals for the Zoo and the consideration of an application for minerals workings would be aligned so the two can inform each other”*.

From the MPA point of view having an alignment is important between a development and where a mineral resource could be involved. The application land is considered by the MPA, and acknowledged by CCC, as a greenfield site. Such sites usually arise as a result of a development being promoted and its implications including both the mineral aspect as well as the principle development itself then being assessed in the round. The result is that consideration as to the wider implications are fully clear and a timetable is in place over which that mineral could be extracted and the follow on development takes place.

That is clearly not the case here. There is an acknowledgement, through the applicants quoted Stages A – D earlier on in this appraisal, of there being a likely procedure to achieve a planning application for the Zoo expansion.

The provision for mineral extraction, supported through the MLP, does not work like that. There are identified sites, Preferred and Reserve, in the case of the Essex MLP. There are guiding Policies, S2 and S6 against which a potential site not falling into the above categories would be considered. A hierarchy exists with the Preferred/Reserve sites as allocated; then, where development of a non-mineral kind arises with associated mineral implications, a “windfall” site and those developments where mineral would be sourced for a particular development such as a “borrow pit” for an associated road scheme.

That there is an aspiration is acknowledged, though this is evolving through an informal masterplan. The landowner acknowledges *"we are taking this [roadmap] forward to the detailed stage, over the next few years."* Similar comments are expressed from the applicant in terms of the quoted Stages of anticipated progress as well as CCC who see a need here for *"a pragmatic approach is required in the absence of perfectly aligned timing for both"*.

The informal masterplan is what it is, an informal and an aspiration towards future development. Were an application for Zoo development lodged and being processed alongside the mineral application then there would be demonstrable linkage. And, were planning approval forthcoming for the mineral development and its associated application, then some confidence would exist that one would follow the other in being developed.

Such a linkage is, however, not available and therefore there is limited confidence that the future zoo development would take place. There is, in the various words from the landowner and applicant, a number of years before detailed plans would reach application stage. For the application to succeed on preventing mineral sterilisation grounds, such a length of time is not acceptable and the MPA cannot therefore be satisfied that *"there are exceptional circumstances"* - related to prior extraction in advance of non-mineral development taking place at this stage.

There is also a question as to whether mineral extraction is actually needed or not to allow the Zoo to achieve its future aspirations. It is important to note that reference in Policy WC3, in CCC additional comments and through the application documentation it is that mineral extraction should not prejudice the future ability of the Zoo to its further development aspirations.

The ability of the Zoo to progress its aspirations without mineral being exploited has been considered earlier. The Masterplan has been acknowledged as not having got to the stage of actually defining future land use across the proposed extraction land. Although the evolving masterplan has as referenced earlier provided some clarity that *"....a landform suitable for Colchester Zoos future use of the Southern Field e.g. as an elephant enclosure and / or car parking (please note Colchester Zoo are not currently in a position to state the proposed use of land within the Southern Field – this will be finalised via Stage B)."*

The form of that landform has been outlined in the Masterplan where it stated *"the mineral within the Southern Field is not extracted as Prior Works for a potential expansion of Colchester Zoo, it would prevent potential Zoo uses of this land, so as not to sterilise the mineral in the future. As such, the sooner this mineral is removed and an appropriate landform is established (similar to existing), we consider the best for all."*

The application now presented proposes a topographical form that is virtually the same as that existing with the land higher in the northern reaches and sloping down roughly north-west to south towards the Roman River Valley albeit at slightly shallow gradients as the Zoo appears to support. It is hard to see from the confines of the land boundary and the mineral removed that changes other than contours similar to what is existing could therefore be achieved. This suggests that other than the ability to win some mineral, whether that mineral is extracted or not

is immaterial for the Zoo to develop its aspirations.

The Zoo is not specifically stating that mineral has to be removed, they note that the proposed landform presents a “*gently sloping landform that is slightly shallower than present*” so not preventing future aspirations. It does not state that the landform is necessary to achieve such aspirations. Part of the Masterplan is to develop the future landuses whether elephant enclosure/car parking or some other use and this would be developed as that plan progresses.

Other than referencing some sterilisation in the future, and this is picked up again below, there is no necessity from the Policy WC3 or landowner that mineral has to be removed. As the Zoo has stated that in terms of any changes to the landform “*(similar to existing), we consider the best for all.*” It is not considered that as shown on the proposed restoration plan the landform is not dissimilar than what exists at present, therefore whether mineral is removed or not does not prejudice any future Zoo aspirations.

It was stated earlier that having aligned applications was always preferred to establish some level of certainty that development followed on from each other. It is disconcerting to note that in the application documentation there is acknowledgement that “*If for whatever reason, the Zoo does not wish to develop the Southern Field, the Prior Works restoration scheme as proposed, will be permanent and continue to provide landscape and wildlife enhancement, structure and benefits*”. This “permanency” of a landform goes against what is proposed in the application that “*that the prior extraction area would be subject to an ‘interim restoration scheme’ which would restore the area to agricultural use at a slightly lower level than existing, pending the submission and determination of a Zoo expansion scheme which it is intended would bring new uses to the area*”.

That comment reinforces the view that this application is coming forward without support in the MLP as a standalone minerals development that has, at this present moment in time, no overriding justification to consider it alongside.

In light of there being no definitive Masterplan; no timetable for the Phased process referred to by the applicant and with no parallel Zoo expansion application having been submitted into the planning process there is no assurance that an expansion programme would actually be forthcoming either now or in the immediate future.

What this present application is representing is one of seeking mineral extraction from a greenfield location with the argument that a potential future development scheme may or may not materialise.

Given the uncertainty that the Zoo development will go ahead then the applicant should properly be considered as a non-preferred site. It may deliver mineral however it remains a standalone application with no guarantee that the rationale, that of future Zoo development, would come forward. Were approval forthcoming for the mineral removal then, as the situation stands at the present time, mineral would be won; land recontoured and the land left with no certainty of future development actually materialising to justify the prior extraction argument.

The applicant relies a lot on Policy WC3 being the paramount policy against which this application should be supported. It has however, been determined earlier in this report that it is Policies S2 and S6 that have weight. Policy WC3 is important but not the essential determining factor. What Policy WC3 is supportive of is the principle for future expansion through a Master Plan. There is an acknowledgement of that where the CCC in their additional comments confirm that from discussions they have had with the Zoo representatives is taking Policy WC3 forward for there to be an understanding of the direction of travel . The mineral related aspects of that policy are however for the MPA to determine.

Any “justification” argument falls as it has been shown the mineral extraction is not an overriding prerequisite for any future Zoo expansion. All the Policy WC3 is saying for any mineral element is that it is *“worked in accordance with a scheme/masterplan as part of the phased delivery of the non-mineral development”*.

It has been reported earlier as to the applicants’ emphasis that *“the Zoo will gain benefit from avoiding the sterilisation of reserves, it will gain income from mineral royalties, the development will be managed to avoid disturbance to the Zoo, and the scheme will then provide greater certainty regarding the availability of a future Zoo expansion area”*.

The sterilisation aspect has been addressed earlier. In respect of income; it is not a material planning consideration in this instance and such comments have no weight for the determination process.

In respect of the *“scheme will then provide greater certainty regarding the availability of a future Zoo expansion area”*. It is slightly unclear as to this meaning whether it refers to the removal of a mineral so avoiding sterilisation. If so this aspect has been addressed earlier and not found to be a consideration that holds significant weight. If it relates to creating a revised landform after mineral extraction then that particular aspect has also been addressed earlier where the landform similarities between existing and proposed are not seen as constraining future any evolving Zoo development aspirations.

Any “benefits” appearing to arise through mineral recovery/landform reshaping are addressed further below. For the purpose of appraising the application under Policy S6 (a) of the MLP the principle of the application preventing sterilisation does not present an overriding justification for the mineral to be worked or for it to present an overriding benefit. The consideration that the mineral operator needs to source mineral external to their main processing facility to augment dwindling reserves should not be given much weight. It is clear from the Zoo’s own documentation that prior extraction would be a benefit but it is not considered essential to the Zoo’s expansion plans based on the information submitted.

Accordingly the application , notwithstanding its “linkage” to the adjacent Colchester Zoo, needs to be further assessed on its own merits, as a standalone extraction site.

It has been referenced earlier that Policy S6 sets out criteria in a) – c) that need to be satisfied to justify permission for extraction to take place outside of Preferred and Reserve sites.

In drawing the Policy 6 criteria a) (*An overriding justification and/ or overriding benefit for the proposed extraction*) together the applicant has put forward the opportunity for avoiding sterilisation of a quantity of mineral ahead of a potential expansion programme.

It has been found that working of the land parcel would not extend the consented timeframes for the SHQ complex. Working of the application site would seek to win the higher quality DSM sand although a significant quantity of mineral is also proposed to be left.

As stated, significant weight has not been given to the sterilisation argument as the proposed application area would have a significant quantity of known and proved mineral resource left not only in the southern field but to that mineral extending into the northern field and which was being considered as suitable in the early stages of the potential working of the land associated with the Zoo being proposed.

The applicant's restriction on the proposed excavation limits, in terms of both depth and extent, appear to arise solely from the point of view of supplementing the existing SHQ production process as opposed to matching any committed timetable to a planning application coming forward by the Zoo for its expansion aspirations.

Taking the above into account it is considered that the quantity of mineral being won would not be such as to make any significant contribution to the County's landbank of mineral reserve¹. In addition, at 500,000t, the amount proposed to be extracted, represents some 1.4 % of the total amount of mineral allocated through the adoption of the MLP in 2014. Such an increase is not considered to undermine the Plan-led approach set out through Policy S6. The proposal would not be introducing a new location for associated processing plant and the pipeline link into the existing SHQ outside of any landscape/visual impact, which is addressed further below, could be supportable in terms of sustainability. The MLP recognises that "*Where there is an existing neighbouring processing plant which could process the additional material without impacting on its own working timetable, nor result in unacceptable adverse impacts, this too may be considered a sustainable option*".

Notwithstanding the further issues considered in the report, in respect of criteria a) it is not considered that there is any overriding justification or benefit for the application.

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Notwithstanding the above, the application needs to be assessed further in light of the other criteria of Policy S6.

¹ The landbank is 8.35 years (10.75 years via 10-year average sales) and therefore above the seven-year requirement set out in the NPPF - Greater Essex LAA 2022 (Published 2024)

- b. *The scale of the extraction is no more than the minimum essential for the purpose of the proposal.*

The applicant's proposals as they stand is to seek removal of some of the known mineral resource beneath the land parcel whilst leaving unworked a significant quantity of known and proved mineral resource. The applicant has stated that the mineral represents a *"selective volume of some 500,000 tonnes represents approximately 20% of the overall sand and gravel resource present at the site, which it is intended would be extracted over a short-term period of some 3 years"*. Further insitu mineral, comprising that which extends into the northern field and which was being considered as suitable for extraction in the early stages of when this application was emerging would also remain unworked. Withdrawal from the northern field and revisions within the southern field appear mostly to have resulted from the cultural heritage presence both within and adjacent to the application footprint.

The applicant continues their justification stating *"It is considered that this [selective volume] strikes an appropriate balance between the sustainability benefits of (partial) prior extraction, and the need to (i) expeditiously compete extraction and restoration in a timely manner so as not to interfere with the Zoo's expansion aspirations and timescales, and (ii) retain a largely unaltered landform within the restored extraction area which would not prejudice the future development and expansion of the Zoo. It would also ensure that the Colchester Borough planning policy issue of mineral sterilisation would not become an impediment to the future development of the Zoo"*.

This apparently self-imposed excavation restriction in terms of both depth and extent of seeking mineral exploitation would leave proven mineral left in the ground. In the applicants view it is *"the future development and expansion of the Zoo"* that has dictated the tonnage limit. The application has not confirmed when such an application for the Zoo expansion would arise other than for highlighting an outside date of 2030 as being for Zoo development to take place.

Outside of having any confirmed Zoo programme in place to know what dates the Zoo are working towards then the extraction level being the "minimum essential" could be assumed from the mineral operators experience to be at around that figure. What is not clear however, what the consequences would be if the Zoo's programme for application submission/determination being brought forward/delayed. If brought forward then the anticipated viability of the scheme is called into question. If delayed then the potential exists, were approval for the mineral extraction forthcoming then a wider/deeper extraction programme could be pursued in order to win the remaining resource. Nonetheless, it is not considered that there any reasons to challenge the applicant's conclusion on this issue and that it is considered that the applicant has put forward reasons to demonstrate that the scale of the extraction is no more than the minimum essential for the purpose of the proposal.

The third criteria under Policy S6 is:

“c. The proposal is environmentally suitable, sustainable, and consistent with the relevant policies set out in the Development Plan”.

To view the proposals “environmentally suitable” aspects requires consideration to those elements of the environment the proposal would interact with. Such aspects are addressed under the other appraisal section headings further in the report.

B IMPACT ON AGGREGATES LANDBANK

The policy advice here is taken from the adopted MLP that has a purpose “to plan for a steady and adequate supply of aggregates” through the plan period to 2029 for Essex.

The MLP at the time stated “As of 31 December 2011, the combined Essex and Thurrock updated landbank for sand and gravel was 8.3 years. Planning permissions secured on the Preferred Sites identified in this Plan will increase the permitted landbank which otherwise decreases through sales of the aggregate”.

On a rolling apportionment the figures set through the MLP for Essex are for the supply of 4.31 million tonnes per annum of aggregate.

The Minerals Planning Authority undertakes, on behalf of the East of England Regional Aggregates Working Party (EEAWP), both an annual Aggregate Monitoring Survey (AMS), as well as a more in depth 4 yearly Aggregate Minerals Survey, of operators to provide up-to-date sales and permitted reserves of aggregates data within the county to help monitor and inform policy on aggregate supply through the Local Aggregate Assessments (LAA). The AMS is carried out at the tier of Greater Essex, which incorporates the administrative areas of Essex, Thurrock and Southend-on-Sea. This means that data returns pertaining to Essex County Council and the unitary authorities of Thurrock and Southend-on-Sea are collated and published as a single figure under the reporting tier of Greater Essex. This is required for commercial confidentiality reasons. Once annual survey returns have been amalgamated in this way, they are required to be destroyed and as such it is not possible to disaggregate figures back to establish an ‘Essex-only’ position. However, it is considered reasonable to apply the Greater Essex figures to Essex-only. As set out above, Essex has an apportionment of 4.31mtpa set against a Greater Essex apportionment of 4.45mtpa. Using this proportional split as a proxy, 96.85% of the mineral contribution of Greater Essex is from Essex.

The NPPF reflects the advice within the Minerals Planning Practice guidance that “*Local Aggregate Assessments must also consider other relevant local information in addition to the 10 year rolling supply, which seeks to look ahead at possible future demand, rather than rely solely on past sales. Such information may include, for example, levels of planned construction and housebuilding in their area and throughout the country. Mineral Planning Authorities should also look at average sales over the last 3 years in particular to identify the general trend of demand as part of the consideration of whether it might be appropriate to increase supply*”.

The most up to date figures, as of 31st December 2022, set out in the Greater Essex Local Aggregate Assessment (LAA) gives a landbank, based on the

combined Greater Essex plan provision rate of 4.45mtpa, of 8.35 years. The comparable figure for December 2021 was 7.61 years. Adding in the proposed Zoo application proportion, were it to be approved, would only change the landbank to (adding their 500,000 tonnes) 8.46 years based on the December 2022 baseline figure.

The applicant has acknowledged the limited impact the site reserves would offer stating (based on data before the latest published LLA figures) *“the reserves of 500,000 tonnes proposed to be extracted from the PEA represent only just over 1% of the current MLP plan provision (40.67 m tonnes). Thus, whilst the release of the reserve is important in terms of the underlying purpose of the PES, the volume of mineral involved as a ‘windfall’ reserve is of little significance in terms of the overall MLP provision, and it would not in any way compromise or prejudice the underlying strategy of Plan provision as set out in the MLP via Policies S6and P1”*.

Notwithstanding the position of the landbank the site is not an allocated site in the MLP and the appraisal of the application land under Policy S6 (Section a) above of this reports appraisal) has not found the application to be supportable.

The applicant is not promoting the application against a “need” argument and from a purely landbank perspective the County has sufficient approved reserves at this time indicating that there is no overriding need for the mineral to be released.

C LANDSCAPE/VISUAL IMPLICATIONS

The landscape and cultural aspects on the existing SHQ complex have already been assessed at the time of the original application and the impacts accommodated and addressed within the extant permission.

The consequence of the new application would be the continuation of those impacts during the life of the proposed development. As it would impact the SHQ element of the application then such effects are considered to be restricted mainly to the SHQ boundary.

However, there is the cumulative aspect where any landscape/visual disruption would likely extend out of the SHQ parcel. Such impacts would arise from the linkage through the means for importing mineral across Maldon Road and into the SHQ. The visual impact of an above ground structure such as the previously proposed conveyor system has been removed. The provision of a pipeline set at low level across the northern field and for the pipe to be sunk below the public highway removes one visual element from the landscape.

Over the greater site, as it relates south of Maldon Road, then there are considered to remain more significant landscape and cultural heritage concerns presented through the extraction and restoration elements of the application.

The County Landscape Officer (CLO) had raised earlier concerns, (Appendix A – C) over the visual/landscape issues and following their comments were approached by the applicant’s landscape Consultant attempting to address some of these concerns. The CLO has in consideration of the revisions maintained their

concerns noting, (full comments in Appendix D) that: “Notwithstanding the above, the following comments were raised in our previous consultation and are still applicable to this application:

- *The application Site is located within South Colchester Farmlands (E2) Landscape Character Area (LCA) of the Essex Landscape Character Assessment. This LCA is characterised by a mix of small regular pasture and large arable fields, dense woodland in the Roman River valley, enclosed intimate character, nucleated and linear villages and farmsteads. The Roman River runs along the southern boundary of the Site, where the surrounding linear vegetation has a strong presence in this landscape, in combination with the dense woodlands which are concentrated within the river valley and to the north-east of the Site.*
- *The main parcel of the Site is also located within the Wooded Roman River Valley (A2) LCA of the Colchester Landscape Character Assessment (2005). Key characteristics of this LCA include steep wooded slopes of the Roman River valley, large areas of deciduous/coniferous woodland, small patches of Ancient Woodland and views across the valley. Land Management Guidelines are focused on conserving and managing the ancient and semi-natural woodlands and strengthening their recreational role.*
- *The site is also partially located within the Southern Colchester Farmland Plateau (B3) LCA, which possesses key characteristics including sloping farmland, arable fields, the wooded Roman River to the south, large patches of woodland and also provides “physical and visual separation between Colchester urban area and the Roman River Valley”. Notably, there are a number of historic features within this LCA which are present within or close to the site, namely the Iron Age dyke system and the Gosbecks Iron Age and Romano-British Site which defines the eastern boundary. Hanging Wood and Butchers Wood also part of this LCA and are in close proximity to the Site.*
- *As per the key planning and land management guidelines of the B3 LCA, there is currently “pressure on the landscape from urban-fringe related activities, such as sand and gravel extraction”. In combination with this, the LCA currently serves as a “physical and visual separation between Colchester urban area and the Roman River Valley”. We have concerns that the proposed mineral extraction works will further extend the impacts on the relevant local landscape character areas towards the boundary of the Roman River Valley.*
- *The Mineral Extraction Phase Plan demonstrates a rise in elevation from 22m AOD at the Roman River up to approximately 33m AOD along the northern boundary, positioning the Site as characteristically within the Roman River valley landscape. As a key characteristic of the LCA, the Roman River valley is an important local landscape feature and the linear surrounding vegetation is visible from surrounding receptors, i.e. Bridleway 17, 30 and Footpath 19. The proposed Site is also visible from receptors within the wider landscape, as has been demonstrated in the submitted LVIA, however receptors on Birch Road to the south-west have not been included. Owing to the elevation change, there are some opportunities for views between gaps in the vegetation across the valley to the northern section of the Site.*

- *Owing to the lower topography close to the Roman River, Colchester Zoo and surrounding associated paraphernalia is not visible or experienced from the southern section of Bridleway 17 (Stanway). This section of the bridleway close to the river has a sense of rurality and tranquillity that is not experienced once receptors travel north, where built features associated with Colchester Zoo are experienced. We therefore have concerns that the proposed mineral extraction works will reduce the tranquillity and rurality in the countryside and on the public right of way (PRoW) network.*
- *Existing mineral excavation is currently in operation on the northern side of Maldon Road, which extends north and west from the Site at Stanway Quarry, Colchester Quarry and Bellhouse Quarry. The combination of three active quarry sites will contribute to the disruptions in the surrounding countryside. Although there is little intervisibility between the extraction sites, the proposed extension contributes to the cumulative impact on users of the surrounding public right of way network, which are currently already impacted by the extraction works.*
- *Butcher's Wood is located directly adjacent to the Site, on the north-eastern boundary, where the northern and eastern part of the woodland is designated as Ancient Woodland. Butcher's Wood is also designated as a Priority Habitat (Deciduous Woodland). The woodland belt then connects to meet the Roman River which runs along the southern boundary and is surrounded by dense woodland (Ram Plantation and Aldercar) which is characteristic of the two LCA's for this area. Potential concerns regarding the impact of the extraction works on the Ancient Woodland will be dealt with by the ecologist.*
- *Gosbecks Iron Age and Romano-British Site (List entry: 1002180) is located within the site boundary and runs along the eastern site boundary. The scheduled monument is also marked by Bridleway 17 (Stanway) which runs along the eastern boundary and connects to Bridleway 30 (Stanway) and Footpath 19 (Stanway) which runs along the full extent of the northern boundary of the main parcel and crosses the proposed sunken conveyor. These footpaths also provide access from the south to Colchester Zoo and the Church of All Saints (Grade II*) which are located to the north-west corner of the Site.*
- *Policy S10 (Protecting and enhancing the environment and local amenity) of the Essex Minerals Local Plan (2014) states that proposals shall demonstrate that "appropriate consideration has been given to public health and safety, amenity, quality of life of nearby communities, and the natural, built, and historic environment" and "opportunities have been taken to improve / enhance the environment and amenity". Whilst the submitted Restoration Plan looks to enhance the landscape resulting from the extraction works, we have concerns that the amenity and quality of life of the nearby communities may be adversely impacted, particularly in relation to the sequential impact on public right of way users.*
- *Overall, based on our desktop study and site visit (dated 15/08/23), in our professional judgement the proposed changes would have an adverse impact on the landscape character of the Roman River, the visual amenity of receptors and sequential impacts to people using the PRoW network and harm to the adjacent*

woodland and wider countryside. We also have concerns that the proposals would conflict with Policy S10 of the Essex Minerals Local Plan (2014), and that the proposals do not accord with the key planning and land management guidelines within the Southern Colchester Farmland Plateau (B3) LCA.”

The CLO finalises that if minded to approve then notwithstanding their concerns conditions are requested to address various landscaping aspects.

Whilst the applicant's view may be that their proposal remains both from its original format of having an overbridge to that now of seeking a piping of the mineral beneath the Maldon Road an acceptable scheme; the physical disruption to the land and its landscape/visual impact remains a land use planning concern. The CLO's comments acknowledges the revisions and benefit in landscape terms of the overbridge removal. However, their concerns remain and it is important that these are also reflected by other specialist consultees where similar concerns/objection are voiced by the Historic Environment (HE) Officer.

The HE Officer has maintained their objection throughout the schemes emergence and HE issues are addressed further below.

The impact of the physical disruption on the Landscape Character Area is of concern. Its presence, albeit of a limited period would not be in keeping with the overall landscape strategy nor maintaining its open character.

The concerns raised by the CLO are supported in planning terms.

The report has also referenced the final contours not being considered significantly different from those that presently exist. The question has been raised as to what “benefit” the proposed landform recontouring actually provides to the Zoo. Landform changes, if they were proved to be required, could possibly be achieved without the need for mineral extraction and in a more sympathetic manner than presented by the application.

On the basis of the above comments and concerns the landscape impacts arising from the proposal would be considered in conflict with Policies S1; S10; DM1; Colchester Policies SP1; DM15 and EN3 and not to meet the requirement of Para 180 of the NPPF.

D CULTURAL HERITAGE IMPLICATIONS

The applicant as part of their preparation works undertook archaeological trial trenching to ascertain the heritage aspects and to demark the proposed activity boundary.

Ground disturbance would arise from the primary extraction area; previously the application provided for a conveyor overrun of the field to the north of the proposed extraction area. Revisions to the application now proposes a pipeline run over ground on the northern field.

The application documents confirm that there is no evidence of archaeology of national importance in the extraction area. An “archaeological project” would be

proposed, should planning approval be forthcoming, to run parallel to soil stripping operations.

The extraction proposals would by their very nature have some effect on the setting of the adjacent Scheduled Monument. Such effect would arise from the presence of the mining activities as well as the consequential reinstatement aspects being proposed.

The applicants have proposed mitigation measures including standoff/buffer to the Scheduled Monument. Both the County Archaeological Officer (CAO) and Historic England (HE) have raised concern/objection to the impact the proposal could have on the cultural heritage features abutting the application land.

The CAO has (Appendix D) reviewed the latest revisions and maintained their view that the application would represent impact/harm.

The CAO has noted previously the importance of *“Grymes’s Dyke², which forms part of the Gosbecks Scheduled Monument, the Landscape and Heritage Design Statement (November 2023) provided in support of the application does not provide an adequate assessment of the heritage asset’s significance, including identifying the contribution made by its setting.”*

In reviewing the revisions to the application, the CAO states *“Grymes Dyke survives south of Maldon Road and to the east of the proposed development as a substantial linear earthwork running along the western side of Butchers Wood, and as below ground archaeological remains running down to the Roman River from the south-west corner of Butchers Wood. Guidance in the good practice advice note produced by Historic England on behalf of the Historic Environment Forum in GPA 3; ‘The Setting of Heritage Assets’. GPA 3 states, ‘heritage assets that comprise only buried remains may not be readily appreciated by a casual observer. They nonetheless retain a presence in the landscape and, like other heritage assets, may have a setting’. GPA 3 also states, ‘buried archaeological remains may also be appreciated...in relation to their surrounding topography’.*

Topography, tranquillity, and the rural land use and landscape setting of the monument, including views out into the wider countryside, make positive contributions to the setting and significance of the designated heritage asset, and the appreciation of its significance through the way in which it is experienced. Topography and the position of Grymes Dyke in the landscape are particularly important to the appreciation of the Scheduled Monument’s strategic location. The land to the west of the Scheduled Monument, within the proposed extraction and restoration site, contributes to these aspects of the asset’s setting and significance.

Archaeological trial trenching on the main area of proposed extraction (described as the southern field) has identified the presence of late Iron Age and early Roman agricultural activity, comprising sequences of ditches and enclosures, with probable associated occupation to the north. These features fall within the setting of the Gryme’s Dyke scheduled monument. Evidence from the archaeological evaluation indicates that the remains are slightly earlier in date than Grymes Dyke,

² <https://historicengland.org.uk/listing/the-list/list-entry/1019992?section=official-list-entry>

and that this activity probably ended following the Dykes construction (Colchester Archaeological Trust Report 1610, 2020). These features thus have a relationship with the scheduled monument and contribute to its setting and significance. Any below ground archaeological remains would require an appropriate level of preservation by record if the application was approved, requiring conditions to be applied.

It is stated on Sheet 14 of the Landscape and Heritage Design Statement (Nov 2023), that “During the operational period (without mitigation), mineral extraction will not significantly adversely affect the assessed heritage setting, nor landscape character”. However, during extraction, negative impacts on the setting and significance of the Scheduled Monument and the ability to appreciate that significance will include change of land use and industrialisation, increased noise, dust and movement, as well as changes to local topography and views from and to the heritage asset.

Existing mineral excavation is currently in operation on the northern side of Maldon Road, extending along the eastern edge of the Scheduled Monument, Gryme’s Dyke. This development would contribute to the cumulative impact on the setting and significance of the designated heritage asset, and the ability of users of the public right of way that runs along Gryme’s Dyke to appreciate the significance of the designated heritage asset, which is already impacted by existing extraction works.

It is stated on Sheet 14 of the Landscape and Heritage Design Statement (Nov 2023), that “at Post Restoration, the changes to the heritage setting and landscape character would not be discernible compared to the existing situation”. However, the concept restoration plan indicates post restoration changes to the present landscape form, including increased visibility of the built-up area of Colchester Zoo (seen in location 2 and 3), which would have a negative impact on the ability to appreciate the setting and significance of Grymes Dyke.

Without a scheme/master plan for the zoo, the understanding of the final setting that the Scheduled Monument would be experienced in is incomplete, and so the full impact on the setting of the monument cannot be accurately defined. Notwithstanding this concern, on the basis of current understanding, we recommend that if the proposed development of the quarry proceeds, the ground level across the extraction site is restored to the original (current and pre-extraction) ground level.

Post restoration, the addition of hedgerows, to the east and west of the monument and proposed stand-off from the scheduled Dyke (shown on Sheet 9 of the Landscape and Heritage Design Statement), are also likely to be harmful to the significance of the heritage asset through impacts on the ability to appreciate the surrounding topography, the loss of long-distance views from the monument towards the west and the visual connection between the designated heritage asset and its wider rural setting.

The addition of a species rich grassland corridor positioned over the below ground remains of the Scheduled Dyke has the potential to protect any surviving sub surface archaeological remains and would be beneficial to the appreciation of the

monument, serving to demarcate the original position and alignment of the monument in the landscape. Interpretation of the Dyke would also be beneficial. If the proposed development proceeds, a minimum 50m standoff margin from the western edge of the scheduled Grymes Dyke and the eastern edge of the proposed extraction area is also welcome, as is the replacement of the originally proposed conveyor link and bridge over Maldon Road with a sand pumping system and small-bore tunnel beneath Maldon Road.

However, the proposed development has been conceived as a permanent change to the setting of the scheduled monument, Gryme's Dyke. This would result in harm to the significance of the heritage asset. The proposed development would result in harm to the appreciation and experience of this designated heritage asset, which is of national importance. This would be contrary to policy for sustaining and enhancing heritage assets, including Policy S10 (Protecting and enhancing the environment and local amenity) of the Essex Minerals Local Plan (2014). In terms of the National Planning Policy Framework (NPPF), this would result in less than substantial harm to the significance of a Scheduled Monument. We consider this should be given 'great weight' in the planning balance, in accordance with paragraphs 199 and 202 [now paras 205 and 208 of the December 2023 NPPF] of the NPPF. If the development proceeds it will require conditions for open area excavation, appropriate publication, and conservation management of the Scheduled Monument."

HE letter also highlighted the NPPF para 202 [now para 208 in the December 2023 NPPF version] which states "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*"

It would be on that basis of "*less than substantial harm*" that the MPA needs to assess the application against and this is picked up on further below. HE goes on to state that the "*proposed development would result in harm to the significance of the Scheduled Monument known as 'Gosbecks Iron Age and Romano-British site'.* This is because the proposed restoration scheme would result in considerable and permanent change in the ground level and how the Monument is experienced in the landscape."

The applicant has contested that comment with "*The concerns expressed are incorrect. There would be no 'considerable change' in the ground level, and the restoration profiles have been consciously designed to avoid any 'considerable' changes. In practice, there would be a gentle fall across the site which mirrors and ties into the topography of the immediately adjoining area, with no marked changes in slope, and no 'artificial' topographical features.*"

That there would, under this application be a reduction in existing ground levels is undeniable. The level and degree to which it ultimately impacts the setting of the Scheduled Monument has been found by HE unacceptable.

In respect of the impact upon the other archaeological features in and around the application footprint, archaeological work has previously been undertaken to map and define the present application withdrawal from the northern field.

The applicant has, through their revisions of the scheme, stated *“Minor changes to the Revised Restoration Scheme have been made to allow for a consistent minimum 50m standoff from Grymes Dyke SM as a defined buffer / corridor as requested by Historic England.*

Further minor changes have been made to the proposed restoration contours involving minor variations in the proposed landform to allow ground level contours to flow and integrate into the surrounding undisturbed land. The restoration contours would thus continue to replicate the levels and landform of the northern slopes of the Roman River Valley and assimilate with the contours of undisturbed land to all sides.

The Revised Restoration Schemes land uses remain the same as those previously proposed, being a combination of agricultural land and grassland to promote Biodiversity Net Gain (BNG). Hedgerow planting, based upon liaison with Historic England, would be incorporated to define and protect the actual below ground alignment of this section of Gryme’s Dyke. Associated public access and interpretation remaining consistent with that previously proposed. Subject to the above, there would be no material changes to the originally proposed restoration scheme”.

The applicant sought through a rebuttal of HE comments (Rebuttal response made against HE letter of 24th May 2023 attached Appendix G) to overcome the issues raised. A separate site meeting in January 2023 took place between the applicant/their archaeological consultants and the HE officer. Following the meeting, HE has confirmed in an email to the planning officer that their stance remains unchanged and that the applicants were told that at a site meeting.

HE summarised in their letter of December 2023 (Appendix H) that *“Historic England has considered the additional information submitted with this application. This does not alter our position stated in our previous advice of 24 May 2023. That is, the proposed development would permanently change the setting of the Scheduled Gryme’s Dyke, resulting in harm to the significance of a scheduled monument. This is contrary to policy for sustaining and enhancing heritage assets. We consider this should be given great weight in the planning balance. We continue to recommend the Council should refuse the proposed development on heritage grounds.”*

From the Cultural Heritage aspect any actual/proposed/anticipated impacts requires assessment and balancing. That both the CAO and HE stance remains unaltered, despite the applicants rebuttal of their earlier comments and site meeting, has considerable weight in this balancing exercise.

From a planning perspective there also requires a balancing consideration taking on board those of the other interested consultees such as the CLO whose wider landscape/visual assessment also identified harm.

The basis for assessing any planning application begins with the Development Plan. In the case of this application this comprises the MLP and the national policy guidance of the NPPF and the national Planning/Minerals Planning Practice guidance.

MLP Policy S1 and Colchester's SP1 support sustainable development and the NPPF defines sustainable development to be, resulting in benefit to the present and not to the future. The understanding of sustainability has been rehearsed above with the comments from HE on the NPPF definitions. That interpretation remains as valid for HE as it does in the planning balance.

The implications of the application against the sustainability credentials has been elaborated upon earlier through the considerations required under Policy S6. Against this Policy the mineral extraction has not been found to have such an overwhelming justification/benefit to warrant its extraction. The potential for impacting the setting of the Scheduled Ancient Monument, from a purely planning viewpoint notwithstanding those comments from HE, raises the question as to whether the application can be considered environmentally suitable, sustainable or consistent with the policies of the Development Plan, in line with c) of Policy S6. As such the application warrants a precautionary approach unless it can be demonstrated it can overcome those concerns.

Whilst it is acknowledged that there are differences of opinion between consultees and the applicant it is clear that ultimately the MPA will need to balance those competing views in its determination of the application.

The site has not been identified as either a Preferred or Reserve site within the MLP and neither is it considered a windfall site. The application has been found to constitute a standalone minerals application on a greenfield site, also recognised as such by the City Council, and it is against that backdrop that consideration must also be based.

The appraisal above has not found the application providing any wider public benefit, although the applicant has argued the scheme is providing an enabling aspect to the future Colchester Zoo aspirations for expansion. For reasons explained, the view is contested. The "benefit" only accrues to the mineral operator in securing only some of the previously identified mineral resource, that has been identified as existing in this location. The report has already noted that the extraction process is not being insisted upon by the landowner nor the City Council.

Paragraph 205 of the NPPF sets out that great weight should be given to the monument's conservation irrespective of whether any potential harm amounts to substantial harm or less than substantial harm to its significance. As referenced by HE, Para 208 in the NPPF raises the balancing of impact against public benefit.

The NPPF has advised that the weighting up of the public benefit against such impacts needs to be considered. The report has previously set out that the "benefits" arising from the mineral extraction as seen by the applicant are those of providing an enabling phase to facilitate a future Colchester Zoo expansion. Set against the NPPF there is little public benefit presented when, as already outlined, there is no formal Zoo Masterplan; that the mineral would benefit the operator and that the landowners have not expressively sought mineral extraction as a precursor necessary for achieving the future expansion aims. The applicant throughout their planning application has sought to demonstrate that their proposal

is needed; required and supported by both the landowner and the City Council when it has already been demonstrated through this report that this is not strictly the case; particularly any necessity for mineral extraction.

For HE, as the custodians of the cultural heritage environment their objection stands and under the terms of Para 208 of the NPPF it cannot be concluded that any public benefit outweighs the harm arising to the heritage asset and its setting.

The implications of the wider public benefits of providing a steady and adequate supply of sand and gravel and what this could contribute to the county mineral landbank and the economic links as required by the NPPF, has been addressed earlier in this report. That assessment did not find the mineral to be of such strategic importance nor that crucial to the county's landbank nor such as its have an overriding economic public benefit. Indeed the "benefits" of the application as the applicant presents them are related to the Zoo not the wider public benefit.

That the CAO and CLO also see harm/impact arising from the proposal on the cultural heritage value then this adds further weight in the balance against the application having any overriding public benefit to outweigh its harm.

As a consequence of the application being in conflict with Policy S6 the application is not considered to comply with Policies S10, DM1 or Colchester's DM15 and OV2. The proposal does not have or has not demonstrated such appropriate mitigation measures as to give confidence that the development would not have an unacceptable adverse impact arising on the natural and historic environment. Furthermore, the application, in not demonstrating any overriding public benefit, cannot be said to overcome its harm to the significance of a designated heritage asset, as set out under Para 208 of the NPPF

In Cultural Heritage terms the application is considered to conflict with Policies S1; S6; S10; DM1; Colchester Policies SP1; DM15 and EN3 and Para 208 of the NPPF.

E HISTORIC BUILDINGS

The Historic Buildings Officer (HBO) has identified the application footprint being "*in close proximity to Grade II* Listed Church of All Saints, which is also a Scheduled Monument..... The church is a ruin since the 18th century and, together with the remains of Stanway Hall, has been included within the boundary of Colchester Zoo.*"

Following earlier concerns about the impact on the setting the HBO has commented on the latest revisions that "*The proposal site is in close proximity to Grade II* Listed Church of All Saints (List Entry Number: 1266610), which is also a Scheduled Monument (List Entry Number: 1019879). All Saints Church is a 13th Century building, mostly re-built in the 15th century and altered in 1605 when the church became the chapel to Great Stanway Hall. The church is a ruin since the 18th century and, together with the remains of Stanway Hall, has been included within the boundary of Colchester Zoo.*"

The revised proposal has removed the previously proposed conveyor bridge across Maldon Road connecting the Northern Field to the proposal site, which was considered to introduce an incongruous feature within the wider setting of the Grade II Listed Church. The conveyor belt has now been replaced with an underground mineral slurry pipe system, which would remove the visual impact of the proposal on the setting of heritage asset.*

It is noted that the proposal would still involve a change of use of the wider setting of All Saints Church, however intervisibility between the heritage asset and the extraction site are likely to be very limited due to distance and presence of intervening buildings and infrastructures within the boundary of the Zoo. Potential views are likely to be sufficiently screened by the proposed planting and screening bunds.

Overall, the proposed revised scheme is not considered to affect the setting of the identified built heritage.

As previously advised, at this stage, it is not possible to assess the impact of the proposed extension of Colchester Zoo following the reinstatement of the Southern Field at the end of the proposed extraction works.”

From an Historic Buildings aspect the application’s impact is considered acceptable and not in conflict with Policies S10 and DM16..

F IMPLICATIONS FOR THE EXTANT STANWAY HALL QUARRY PERMISSION

As part of this present application the applicant has proposed “*the inclusion of the processing plant, DSM plant and related infrastructure within the boundaries of the PES application site would ensure that a free-standing planning permission could be issued for the PES which would supersede the current time limit within the defined areas of the Stanway Quarry site*”.

The extant planning permission for SHQ at the time of writing this report is ESS/82/22/COL the present “mother permission”. This permission has approved end dates relating to the working of the quarry complex and the FWFF element.

Of relevance to this present application are the time period restrictions for completion of the various activities within the FWFF encompassing boundary. These were set under ESS/23/14/COL and carried forward through ESS/82/22/COL the permission required that:

- a) “The sand and gravel processing plant and hardstanding, Dry Silo Mortar plant, concrete plant, access roads, weighbridge, workshop and related infrastructure shall be removed from site **by 31 October 2026, and the areas shall be restored as soon as practicable and in any case no later than 31 December 2037.....** (author’s emphasis).
- b) The development permitted shall be completed and the land restored by 31st December 2037, other than The Five Ways Fruit Farm area which shall be completed by 10th June 2022, by which time extraction and tipping operations shall have ceased, any building, plant, machinery, foundation, hard standing,

roadway, structure or erection in the nature of plant or machinery used in connection with the development as permitted shall have been removed, including the inert recycling operations and associated mobile plant parking area, and the site shall have been restored in accordance with".

As a consequence of the most recent application, ESS/05/22/COL, this sought to extend the timescale for the FWFF element of the quarry to now read "The development permitted shall be completed and the **land restored by 31st December 2037, other than The Five Ways Fruit Farm area which shall be completed by 30th April 2026** (authors emphasis).

For clarity the application ESS/05/22/COL has a resolution to approve subject to the completion of a legal agreement. This agreement is progressing and for the purposes of this report the reference to the extant completion date in ESS/05/22/COL will be referenced in this report as the emerging cessation date.

The applicant has stated the purpose of the application and its intended operational timescales with comments that "*the PES would supplement the dwindling residual reserves remaining in the FWFF extraction area at Stanway Quarry and facilitate a continuation of sales from Stanway Quarry up to the current FWFF end date of October 2026. Thereafter, the remaining sand reserves derived from the PES would allow the DSM plant to continue its average output of some 125,000 until the PES reserves are exhausted...*

*With an assumed commencement of the PES scheme in the spring of 2024, this would mean that sales from Stanway Quarry would continue at a rate of some 500,000 tpa until October 2026. Extraction in the PES would take place over a period of some 3 years to allow extraction to be completed by circa mid 2027 and restoration by the end of 2027. Any residual stocks of sand from the PES remaining in the surge pile would continue to be processed to circa **mid 2028**, [Author's emphasis] reflecting the 500,000 reserve and the DSM throughput of circa 125,000tpa".*

The description of the proposed development from the application form was "*The prior extraction of sand as enabling works associated with a future expansion of Colchester Zoo including the extraction of some 500,000 tonnes of sand; the construction of temporary soil screen mounds within the prior extraction area; the use of the adjoining Stanway Quarry processing plant, DSM plant and related infrastructure in conjunction with the prior extraction scheme; the establishment of a temporary conveyor link between the prior extraction area and Stanway Quarry, including a temporary conveyor bridge over Maldon Road; and cut and fill reprofiling works to establish the proposed restoration contours and proposed (interim) after uses*".

The applicant has submitted the present application as a standalone proposal under which the development would be undertaken through the existing quarry infrastructure noting "*those areas of the existing Stanway Quarry north of Maldon Road which will be utilised for the processing and distribution of the sand and gravel to be extracted from the PEA*".

However, the application does not seek to cover or address the extension of the SHQ completion date for restoration which is set as December 2037. Indeed, the removal of plant and other structures is required by October 2026. There would need to be a number of months before that completion deadline to enable dismantling and move off site of the above ground substantial infrastructure which this present application has ignored.

The earlier date for the completion of the FWFF by April 2026, and not the October 2026 end date as referenced in the present application has been highlighted before.

The planning application statement has, with the comments referenced above, referenced longer operating periods. Statements as above including “*Depending on the date when a planning permission for the prior extraction scheme (PES) is issued, it would be possible to extract and process the majority of the modest reserve within this current timetable.....*” and “*continue to be processed to circa mid 2028,*”

Based on the applicant’s comments of a potential 2024 start date for the Zoo extraction works and completion by mid 2028 then, on these figures alone, the requirement for continuing processing ability through the DSM plant into 2028 would be required and potentially some time beyond.

The present application is not seeking any variation of condition to the extant time periods referenced either under the extant permission, ESS/52/17/COL nor the emerging ESS/05/22/COL application.

Furthermore the application also makes the ambiguous further comment as regards the winning of the specific tonnage with “*Mineral extraction will cease when 500,000 saleable tonnes of sand has been extracted from the PEA*”.

This latter comment begs the question as to the applicants actual intention to limit extraction to the stated tonnage or for them, were approval to be forthcoming, to continue extraction by seeking further time extension or through an accelerated operation to extract as much mineral as possible in the timescales being quoted, although it is accepted that this is largely conjecture.

In terms of the final landform, whilst the applicant could argue that they would be working to the proposed restoration contours, such levels can be open to change once a site starts and opportunities arise such as for seeking additional mineral resource.

It is not proposed to import material to achieve restoration levels; the application states “*to use on-site indigenous resources only (soil and overburden and cut and fill re-profiling) to restore the site to its defined profiles. This element reflects an objective to ensure that the PES is completed over a short duration (circa 3 years), and that it avoids an extended period of restoration which would be associated with the importation of inert backfill material. (It would also avoid the diversion of inert waste backfill from the Stanway Quarry restoration scheme)*”.

The proposed development would also generate continued traffic at the SHQ as well as possible increased internal movements. Mineral extracted from the excavation void would be delivered into the SHQ complex via the proposed conveyor system.

The application documentation provides for the delivery of the transported mineral into the southern half of the existing SHQ complex north of Maldon Road. The submitted drawings indicate that provision of a surge pile would take place at a location just in from the southern boundary. It is unclear how this surge pile location would interact with the ongoing infilling activities undertaken by a third party sub-contractor taking place over the southern half of the Quarry complex. Mineral would then be proposed for transporting into the existing site processing plant.

The applicant has confirmed that traffic generation from the existing SHQ would continue at the permitted levels before decreasing post the FWFF exhaustion in October 2026. Traffic movements are presently an average of 91 loads/182 HGV movements per day and reducing to “an average of 23 loads/46 movements per day associated with the continuation of output from the DSM plant for an additional period of 1 – 2 years whilst the sand is extracted and resulting stockpiles exhausted.

Whilst traffic movements continuing at and then below the extant traffic movements is welcomed it should be noted that the applicant has referred to incorrect dates in their submission.

The approved end dates for completion of the FWFF site is April 2026 and for the DSM plant and Processing plant to be removed from the land by October 2026.

This present application is not specifically seeking changes to the operational/restoration dates of the SHQ complex permission. The application is only seeking to utilise the SHQ facilities. Any proposals to vary the approved end dates for the various activities within the SHQ complex would need to be addressed through a separate planning application.

As it stands under the applicants envisaged process there would be a continuation of traffic generation from the SHQ past its approved mineral processing operational closure date.

On that basis the application would be seen to be in conflict with the extant SHQ permission and potentially delaying overall site restoration. The application would therefore be in conflict with Policies S11; S12 and DM1 of the MLP in this respect.

G ECOLOGY

The County Ecological Officer (CEO) has made various comments as the scheme has evolved post submission.

From the start the CEO, whilst welcoming the biodiversity habitat gain, has also supported the review and further enhancement of the biodiversity were a future Zoo application forthcoming. The CEO does “*support the conclusions of the*

Biodiversity Net Gain Report (Kedd Ltd, January 2023) and the Biodiversity Metric 3.1 Calculation Tool (Kedd Ltd, January 2023). It is highlighted that Secretary of State's Metric 4.0 is now available, but we are satisfied that this updated metric is not required to support this application and measurable biodiversity net gains can be secured. Overall, the proposals we result in an increase of 19.44 habitat units, equivalent to an increase of 47.19%, as well as an increase of 7.92 hedgerow and line of tree units, equivalent to an increase of 695.91%. We are also pleased that a four-year time delay has been included within the metric, to reflect the short minerals extraction timeframe and recommend that a Landscape and Ecological Management Plan is secured for the proposed aftercare of the site, once the minerals extraction has been completed.

However, whilst significant increases are proposed to be achieved, it is highlighted that the majority of the new habitat creation will be modified grassland in moderate condition (12 ha), which actually will functionally deliver extremely low biodiversity gains. We note that the overall post-implementation habitat creation has been undertaken to account for a potential Zoo expansion via a separate application. As a result, it is indicated that further measurable biodiversity net gains would need to be secured for this potential proposal, with the post-implementation habitat creation for this development as the baseline."

In light of the latest revisions to the scheme the CEO states "The shadow Habitat Regulations Assessment (Kedd Ltd, January 2023) indicated that impacts upon International and European designated sites can be screened out for the earlier proposal. Natural England's revised response of 11th December 2023 considers that the "additional information... is unlikely to have significantly different impacts on the natural environment than the original proposal".

The hydrological and hydrogeological assessment has not been revised and we have no reason to believe that the revised plans would now create direct run-off into the Roman River, which would affect water quality of the river, and potentially the Habitats Sites downstream.

No other impact pathways are predicted. Therefore, we concur that the site can be screened out from further assessment.....

....It must also be ensured that this scheme does not affect the timescale for the restoration of the extant quarry area north of Maldon Road.

The grassland areas will be relatively narrow on the perimeter and some of which will be between hedgerows and woodland. These areas are therefore unlikely to be suitable for nesting Skylarks due to this ground nesting species' need for large open spaces to feel secure. Therefore, it should be ensured that phases of the site are retained with vegetation at all times to provide nesting habitat ... The new perimeter species rich grasslands and hedgerows should be created during the first year of operation to ensure that they have time to mature. We also draw your attention to the potential need for soil manipulation of the areas for the proposed species rich grassland to ensure that it is suitable to support this habitat, especially if the soil is currently worked as arable land.

This will enable MPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable, subject to conditions ..."

Whilst the CEO has not sought to object overall; their earlier comment about the applicant's acknowledgment for there needing to be "*further measurable biodiversity net gains would need to be secured for this potential proposal, with the post-implementation habitat creation for this development as the baseline.*"

What has not been addressed in this application, and which has been elaborated on elsewhere in this report, is that there still remains no detailed Zoo Masterplan/planning application. There is no knowingly developed Masterplan/planning application either following on to this present application nor even at some sort of detailed stage. Such information if it is there has not been imparted to either consultees nor into the public realm which clarifies the finer detail of what the final use of the land would be.

As the present application stands, and from a restoration value aspect, this application represents more a "bridging" provision tiding the land over until the anticipated Zoo application followed on. Reliance being that Zoo application would provide the "betterment" of the "baseline" that would arise from the present application.

There are three relevant scenarios related to the biodiversity gain question:

- (i) If no follow on application materialises then what results would be the present scheme which whilst having metric value only delivers as the CEO points out "*extremely low biodiversity gains...*". The applicant in essence gets away with not having a better scheme in place.
- (ii) If a Zoo follow on application comes through within the time period (4 years) when this mineral application is being worked/restored, then there would be some "comfort" that biodiversity enhancement could be addressed at that stage. On the basis of the earlier comments, that it would build on the baseline offered by the mineral application.
- (iii) If a time lag exists between mineral restoration and a future Zoo application then that's akin to (i) above. Land restored with low biodiversity value.

It would not be unreasonable to address the above scenarios, were planning approval to be forthcoming, through a condition being imposed. The condition could seek, within say a one to two year time period from implementation of the mineral permission for there to be a review of the situation as regards the progress of the Masterplan/Zoo expansion application. At that stage it would be clearer as to what the future was likely to be in respect of any meaningful Masterplan/future Zoo application. Provision could be made in the condition for securing alternative biodiversity enhancement schemes if applications for the Zoos expansion were not forthcoming within a set timescale.

During the process of determination of this application the CEO has since further clarified the need prior to commencement of the present proposal, for a Biodiversity Net Gain Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period.

Whilst the application was submitted and validated before the implementation of Biodiversity Net Gain Regulations, were planning approval forthcoming then it is considered that appropriate conditions could be imposed to seek a Biodiversity Net Gain Plan prior to any implementation of the permission in line with the Biodiversity Net Gain Regulations.

H ENVIRONMENTAL EMISSIONS

As with all mineral activities there would likely be emissions arising from the activities.

Aspects such as noise and dust are controlled through extant conditions and the Environmental Permitting regime within the SHQ complex. The consequences of this application on the SHQ would be for the continuation of such emissions for an additional time period. Were approval to be forthcoming then the emission controls related to the SHQ could be carried forward.

In respect of the application south of Maldon Road, then such emissions would be new. However, from the information provided and consultee comments received such emissions are likely to be localised in nature. It is felt, that suitable noise and dust conditions could be imposed to control aspects such as noise and dust arisings for the southern elements of the scheme.

From an emissions aspect the proposals are not considered to conflict with Policies 10; 11; S1; S10; DM1; DM2; SP1; and ENV5.

I DRAINAGE – HYDROLOGY/HYDROGEOLOGY

There are two aspects to the drainage implications for the scheme. That covering the existing SHQ and the other half being the land south of Maldon Road.

As with the emission aspects above, drainage/pollution protection aspects from and associated with the SHQ are controlled through extant conditions and likewise such conditions could be carried forward.

For the land south of Maldon Road, the application documentation states the mineral would be removed from above the water table and following restoration there would be reduced run off rates as a result for the revised contours.

The planning statement states *“that Granular material will be placed in low lying areas of the restored landform to facilitate infiltration into the underlying in situ superficial aquifer, and the profile of the restoration landform will direct runoff to these low-lying areas.”* There is no clarity as to where or how the granular material is to be sourced/stored within the proposed working programme. Also that *“If necessary additional temporary means of control of suspended solids could be provided.”* The application does not specify what these measures could entail.

Were planning approval to be forthcoming then appropriate conditions to address the temporary control of runoff could be imposed.

The application is considered not to conflict with Policies S10; DM24 or ENV5

J CLIMATE CHANGE

The impact of climate change is becoming more of a priority aspect that the world is facing. New development initiatives particularly of a built development nature can sometimes be more easily assessed through what are clearly tangible design adaptations than would be demonstrated with mineral development where an extraction void is more commonly proposed as opposed to significant built development infrastructure.

Assessing mineral development initiatives therefore against the Development Plan in this case would be Policy S10; DM1 and Colchester City Policy CC1 which as highlighted above is primarily aimed at new built development initiatives. Policy CC1 however can be read to be incorporating the mineral extraction process whereby the policy seeks to ensure that new development incorporates amongst other matters:

“Encouraging design and construction techniques which contribute to climate change mitigation and adaptation by using landform, layout, building orientation, massing, tree planting and landscaping to minimise energy consumption and provide resilience to a changing climate....

*...Minimising waste and improving reuse and recycling rates.
... Development will be directed to locations with the least impact on flooding or water resources. All development should consider the impact of and promotion of design responses to flood risk for the lifetime of the development and the availability of water and wastewater infrastructure for the lifetime of the development”.*

The supporting text to Policy CC1 quotes *“The NPPF states that mitigating and adapting to climate change, including moving to a low carbon economy, is part of the role of the planning system. It recognises that planning can help shape places to secure radical reductions in greenhouse gas emissions, minimise vulnerability and provide resilience to the impacts of climate change, and support the delivery of renewable and low carbon energy and associated infrastructure”.*

As referred to earlier, mineral applications themselves are not immune to the climate change debate and need themselves to be adaptive and so contribute to promoting sustainable development.

Specific guidance through the Government website relating to climate change is set out in relation to minerals whereby the guidance seeks to ensure that developers plan for/adapt to climate change in their site management systems. How this translates includes:

- i) Addressing impacts on the production process – heat generation and assessing this through Risk Assessments.

- ii) Fuel storage - risk of combustion.
- iii) General working conditions – staff welfare when wearing Personal Protective Equipment.
- iv) Raw material extraction – lower moisture content leads to movement difficulties and dust aspects.
- v) Severe heat and exposure – affects infrastructure through expansion; degradation; failure.
- vi) Increased rainfall impacting surface water management systems/flood defences; discharge of suspended solids off site; groundwater rises; stockpile implications; adjustments in the manufacturing processes.
- vii) Wildfires – Potential for remote locations/low priority incidents not being supported by emergency services then spreading.

The majority of these issues would be taken up through individual companies own internal Environmental Management Systems and from a planning authorities viewpoint it is ensuring such issues are incorporated in an application where relevant and are understood.

For this particular application the applicant has confirmed that their internal processes incorporate alignment to low carbon initiatives.

This application would be short term proposed not to have a flood risk aspect; utilise existing infrastructure and water management systems within the extant SHQ.

For the extraction area itself the report has highlighted queries over the surface water management handling with the applicants comments in the drainage section above about handling suspended solids. However, it is considered that for the short duration proposed by this application for extraction operations a suitable condition could be imposed to address this aspect and for it not to be considered in conflict with climate change protection.

From a climate change aspect this application is not considered to be in conflict with Policy S10; DM1 and Colchester City Policy CC1.

7. CONCLUSION

The justification for the development coming forward is as “enabling works” as part of the Phased delivery ahead of any Colchester Zoo expansion and in the context of a Master Plan programme.

The application claims the prior extraction of mineral would avoid sterilisation of the mineral; provide a suitable landform for the Zoo’s future expansion plans whilst providing the Zoo with income from mineral royalties.

The applicant has viewed the mineral extraction, prepared in the context of the Zoo’s Masterplan, as being in line with Colchester City Council’s Policy WC3 to help facilitate future Zoo expansion aspirations through a Masterplan approach. The Masterplan is evolving and whilst the applicant/landowner has been in discussion with the City Council, n no formal Masterplan has been submitted.

Likewise, whilst the application was being promoted as enabling works in preparation of a phased delivery of the Zoo's aspirations, there is no indication of a follow on application by the Zoo being submitted at this time to provide a holistic view of how both mineral and the Zoo's proposals would dovetail to understand the long term afteruse of the land. As such there is a lack of "comfort" that a mineral and non-mineral development programme would come forward within a defined timescale.

That the application had received written support from the landowner is noted. From the City Council's perspective they have advised a pragmatic approach be taken in respect of Policy WC3 and how a phased delivery should be interpreted towards a mineral and non-mineral development approach. Also the City Council has confirmed that any mineral and its associated restoration working should not prejudice the Zoo's future expansion plans. The City Council also confirmed their view that the application would be considered greenfield.

The report notes that the City Council as well as the Zoo themselves have acknowledged that the mineral extraction would not prejudice the Zoo's future expansion aspirations.

However, the City Council has confirmed that the delivery of the Masterplan has not reached a stage for public consultation. What is therefore being presented at this stage is for an application coming forward ahead of any formal/committed to "phased" delivery" process and no formally agreed Masterplan.

The weight the applicant gives to its application being in conformity with both Policy WC3 through its prior removal of mineral and, where the supporting text of Policy S6 refers; to avoiding sterilisation of a mineral resource. The report assesses this aspect and has found that little weight could be given to the contention of the application being in conformity with Policy WC3 as the Policy it is argued does not specifically require mineral removal ahead of other development.

The report has assessed that the application needs to be appraised against Policy S6 of the Minerals Local Plan that addresses the provision of sand and gravel sites. The report finds that the application land is not identified as either a Prefer nor Reserve site and as such requires to be further assessed through three further criteria within that Policy.

It is considered further the criteria required to be taken into account under Policy S6 to assess whether a) there was an overriding justification/benefit arising from the proposal; b) the scale of the mineral extraction being no more than required for the development; and c) whether the application was environmentally, suitable, sustainable and consistent with policy.

Against criteria a) the report has not found there to be an overriding justification/benefit that this application would provide. As it stands the application is viewed as a standalone extraction development on a greenfield site. In the absence of any parallel application catering for the delivery of the Zoo over the longer term, the present application has been assessed as a greenfield standalone development. The report finds that the mineral itself would not be

unnecessarily sterilised by the nature of the development that would be anticipated were the Zoo to submit an application. Furthermore, the only benefit identified would be to the mineral operator sourcing mineral external to their main processing facility to augment dwindling reserves. It is clear from the landowner's own documentation that prior extraction would be a benefit but not essential to the Zoo's expansion plans.

The report notes that the applicant had in respect of criteria b) imposed their own restriction on the tonnage of mineral proposed for extraction, compared to proven resource available. Such a tonnage restriction appears more their own self restriction given the history of this evolving application, than being under the S6 criteria, one of seeking to ensure the scheme did not conflict with future development by the landowner. The changes to the anticipated Zoo expansion plans could have implications for the recovery of mineral.

Under the criteria c) the report noted that the wider appraisals of environmental suitability; sustainability and policy consistency was explored under the reports wider appraisal review.

From a purely mineral supply aspect the applicant has not put forward the application on the basis of seeking to exploit a mineral of strategic value. In the applicants words the mineral coming forward is more of a "windfall" reserve arising from secure "enabling" work in support of the Zoo's development aspirations.

Against Policy S6 the report finds that the limited volume of mineral would not impact the County landbank. From any "need" argument and landbank perspective the County has sufficient approved mineral to satisfy its commitment through the MLP period.

In respect of Policy S6 and the 'sterilisation' consideration, the report supports the view that sterilisation does not necessarily arise given the envisaged Zoo's landform/afteruse aspirations. Furthermore, that mineral extraction is not necessarily a prerequisite to achieve such landform/afteruse or would be precluded from being achieved at a later date should it be considered necessary.

In respect of the wider environmental consideration the provision of the extraction activity was seen as impacting both on the cultural heritage aspects as well as on landscape/visual grounds. The applicant had attempted to reduce the landscape impact arising from the original provision of a conveyor/overbridge with a pipeline linking the land parcels of the extraction land south of Maldon Road to the extant Stanway Hall Quarry complex further north.

Whilst landscape/visual aspects were ameliorated somewhat by the provision of a pipeline the overall landscape concerns expressed by the CLO remained. Extraction activities within the land south for Maldon Road were considered as having a detrimental impact on the landscape character of the Roman River and adjacent woodland.

From a cultural heritage aspect, the importance of the Scheduled Ancient Monument situated along the eastern application lands boundary, Grymes Dyke, had been recognised and the applicant had undertaken prior archaeological trial

trenching to ascertain the heritage aspects and to demark their proposed activity boundary. The report noted that during the consultation process further clarification was made on receipt of both the County Archaeologist as well as to Historic England comments.

The importance of the Scheduled Monument was outlined as well as the need for safeguarding its setting. The report highlighted that without the Masterplan for the zoo the impact on the setting of the monument could not be appreciated unless details of the proposed zoo plans were known. As such it was considered that the understanding of the final setting of the Scheduled Monument would be difficult to assess.

Discussions between the various parties had taken place with Historic England during the preparation of this application. Post submission the scheme as submitted remains of concern to Historic England and its implications for the Scheduled Ancient Monument. Whilst the applicant had made a rebuttal response to Historic England's concerns, and a site meeting held with Historic England, those concerns of Historic England remain. Likewise, the report recorded the similar sentiments of the County Archaeologist in respect of the impact of the development with the Scheduled Ancient Monument and associated archaeological interest. In consequence, the report has taken the view that there remains an element of concern as to potential impacts on the Monuments setting and therefore a precautionary approach is required that the application could not be viewed as environmentally acceptable.

From an Historical Buildings perspective the report noted that the Historic Buildings Officer had identified nearby designated heritage assets: All Saints Church. Their analysis finding that the harm to All Saints Church could be considered mid-level of 'less than substantial' due to the contribution the proposal site makes to the setting of the asset, its proximity and the impact from the fundamental change in land use and character. However, it was not possible to assess what future Zoo expansion impacts would have following reinstatement of the extraction area.

The report considered the implications of the development for the extant Stanway Hall Quarry development. It was noted that whilst the application footprint extended outside the confines of the extant quarry it was intended that the application activities north of Maldon Road would operate within the restrictions already imposed for the wider SHQ activities. However, there would be implications in terms of the continued generation of traffic beyond the permitted SHQ mineral processing operational timescales.

Whilst the proposal would not generate traffic direct from the land south of Maldon road the proposal would seek to extend some traffic generation from the DSM plant element of the SHQ complex for potentially a further two years beyond the extant removal date for the site infrastructure including the DSM plant of October 2026 and the areas restored no later than December 2027.

The report clarifies that as a result of the emerging planning application ESS/05/22/COL the proposed end dates for the SHQ are proposed to now read for the quarry to be restored by 31st December 2037, other than The Five Ways Fruit

Farm area which shall be completed by 30th April 2026.

The present application envisages a start date of 2024 and cessation by mid 2028. The report confirms that this present application does not provide for any timescale changes to either the extant permission, ESS/52/17/COL nor the emerging ESS/05/22/COL.

That element of extending timescales beyond the approved time limits for elements of the SHQ infrastructure and traffic aspects has not been sought by the applicant in this application. The proposals would therefore conflict with the extant quarry timescale conditions.

Outside of the traffic aspects, the report noted that operational impacts of the development both from the existing Stanway Hall Quarry complex as well as the southern excavation parcel were not to impact environmental emissions over and above what was already permitted and from that aspect was not considered to be in conflict with policy.

In respect of the ecological implications the County Ecologist whilst not objecting to the proposals has required that the scheme does not affect the SHQ restoration timescales.

In respect of drainage and climate change aspects the application was considered to be either not in conflict or neutral against those interests.

The various elements of the application in terms of their environmental credentials have been appraised as required under criteria c) of Policy S6. The overall findings on the balance of those individual elements is that application does not represent an environmentally suitable development nor one of sustainability and is found to introduce both landscape and cultural heritage impacts. As such and in light of the appraisal findings the application is in conflict with criteria c) of Policy S6.

On balance, the application conflicts with Policy S6 and has therefore been found inconsistent against policy and national guidance and it is considered there are no reasons to justify a departure from development plan policy in this instance.

8. RECOMMENDED

That planning permission ESS/34/23/COL be refused for the following reasons:

The proposed development would cause harm to the appearance, quality and character of the landscape and countryside and harm to the setting of Cultural Heritage assets, including the Grymes Dyke Scheduled Monument. The proposed development, in the absence of there being a formally approved Colchester Zoo Masterplan and a parallel Colchester Zoo redevelopment/expansion proposal, would not serve to extract mineral at risk of sterilisation. There is therefore no identified need for the release of sand and gravel from this non-preferred site given the Essex aggregate landbank is over 7 years. Accordingly, there is no overriding justification or overriding benefit for the extraction of mineral from this location that outweighs the harm caused. The development is therefore

considered contrary to Essex Minerals Local Plan Adopted July 2014 policies S1; S2; S6; S8; S10; S11; S12; DM1 and DM2; North Essex Authorities' Shared Strategic Section 1 Plan 2017-2033 (Adopted February 2021) Policies SP1; Colchester Borough Council Section 2 Local Plan 2017- 2033 (adopted July 2022 Policy DM1; DM15; DM16; DM24; EN1; ENV5 and WC3 and the National Planning Policy Framework (NPPF) December 2023.

BACKGROUND PAPERS

Consultation replies
Representations

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

The proposed development would not be located adjacent to/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.

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

The Waste/Mineral Planning Authority has engaged with the applicant prior to submission and during the consultation process for the application, advising on the validation requirements and likely issues. Throughout the determination of the application, the applicant has been kept informed of comments made on the application and general progress. Additionally, the applicant has been given the opportunity to address any issues with the aim of providing a timely decision.

LOCAL MEMBER NOTIFICATION

COLCHESTER - Stanway and Pyefleet



24/07/2023

For the attention of: **Terry Burns**

ESS/34/23/COL: Proposed prior extraction of sand as enabling works associated with a future expansion of Colchester Zoo including the extraction of some 500,000 tonnes of sand; the construction of temporary soil screen mounds; the use of the adjoining Stanway Quarry processing plant, DSM plant and related infrastructure in conjunction with the prior extraction scheme; the establishment of a temporary conveyor link between the prior extraction area and Stanway Quarry, including a temporary conveyor bridge over Maldon Road; and cut and fill reprofiling works to establish the proposed restoration contours and proposed (interim) after uses.

Thank you for consulting us on this application at Land at Stanway Quarry and east of Colchester Zoo, Maldon Road, Stanway, Colchester, Essex, CO3 0SL.

The following response summarises the specialist views of Place Services' Landscape, Urban Design, Arboriculture, Ecology, Archaeology and Historic Buildings Teams.

1.0 Landscape (Megan Cowell) Impact/harm

- 1.1 The submitted Mineral Extraction Plan (Dwg no. B030-00706-4) outlines the proposed mineral extraction area, the proposed bunding and planting, field hopper and conveyor bridge that crosses Maldon Road into existing working Stanway Quarry, which operates to the north of the Site, but not directly adjacent.
- 1.2 The application Site is located within South Colchester Farmlands (E2) Landscape Character Area (LCA) of the Essex Landscape Character Assessment. This LCA is characterised by a mix of small regular pasture and large arable fields, dense woodland in the Roman River valley, enclosed intimate character, nucleated and linear villages and farmsteads. The Roman River runs along the southern boundary of the Site and has a strong presence in this landscape, in combination with the dense woodlands which are concentrated within the river valley and to the north-east of the Site.
- 1.3 The Site is also located within the Wooded Roman River Valley (A2) LCA of the Colchester Landscape Character Assessment (2005). Key characteristics of this LCA include steep wooded slopes of the Roman River valley, large areas of deciduous/coniferous woodland, small patches of Ancient Woodland and views across the valley. Land Management Guidelines are focused on conserving and managing the ancient and semi-natural woodlands and strengthening their recreational role.
- 1.4 Butcher's Wood is located directly adjacent to the Site, on the north-eastern boundary, where part of the woodland is designated as Ancient Woodland. Butcher's Wood is also designated as a Priority Habitat (Deciduous Woodland). The woodland belt then extends along the eastern boundary to meet the Roman River which runs along the southern boundary and is surrounded by dense woodland (Ram Plantation and Aldercar) which is characteristic of the two LCA's for this area. We would therefore have concerns regarding the impact arising from excavation works on the neighbouring Butcher's Wood Ancient Woodland and the surrounding woodlands following the Roman River on the southern boundary.



- 1.5 Gosbecks Iron Age and Romano-British Site (List entry: 1002180) is located within the site boundary and runs along the western site boundary. The scheduled monument is also marked by Bridleway 17 (Stanway) which runs along the western boundary and connects to Bridleway 30 (Stanway) and Footpath 19 (Stanway) which runs along the full extent of the northern boundary and crosses the proposed sunken conveyor. These footpaths also provide access from the south to the Church of All Saints (Grade II*) which is located to the north-west corner of the Site.
- 1.6 The Mineral Extraction Phase Plan demonstrates a rise in elevation from 16m AOD at the Roman River up to approximately 33m AOD along the northern boundary, positioning the Site as characteristically within the Roman River valley landscape. As a key characteristic of the LCA, the Roman River valley is an important local landscape feature and is highly prominent from surrounding receptors, i.e. Bridleway 17, 30 and Footpath 19. The proposed Site is also visible from receptors within the wider landscape, as has been demonstrated in the submitted LVIA, however receptors on Birch Road to the south-west have not been included. We consider that the visual impact from Birch Road would be difficult to mitigate owed to the change in elevation.
- 1.7 Existing mineral excavation is currently in operation on the northern side of Maldon Road, which extends north and west from the Site at Stanway Quarry, Colchester Quarry and Bellhouse Quarry. The proposed extension to the vast mineral extraction within the surrounding landscape will contribute to the cumulative impact on users of the surrounding public right of way network, which are currently already impacted by the extraction works
- 1.8 The proposed conveyor bridge that crosses Maldon Road may also generate additional visual and noise impacts on the local landscape, and therefore affect the perceptual quality of the area. At present, the local landscape character is currently under pressure due to the working quarries in the surrounding area, although are currently confined to the north of Maldon Road. We therefore have concerns that the proposed conveyor will extend the boundary of cumulative effects to the south of Maldon Road and in turn impact the perceptual quality of the Roman River valley landscape.
- 1.9 Vegetation removal is also likely to facilitate the proposed conveyor bridge that crosses Maldon Road. We therefore have concerns that the proposals will negatively impact the existing hedgerow network surrounding the Site and the wider green infrastructure network.
- 1.10 The red line boundary associated with the Site extends to the opposing side of Maldon Road and into Stanway Hall Quarry. The excavation of the Site will therefore likely delay the proposed restoration of the existing quarry Site, and therefore extend remediation works within the area.
- 1.11 Overall, based on our desktop study we judge the proposed changes will have a detrimental impact on the landscape character of the Roman River and adjacent woodland. In turn, the proposals would not be compliant with Policy S10 (Protecting and enhancing the environment and local amenity) of the Essex Minerals Local Plan (2014) and the NPPF. We therefore judge that this proposal will cause impact/harm to the surrounding landscape.

2.0 Urban Design (Elisha Belfon Thompson)

No comment

- 2.1 Due to the early stage of this application, there are no major urban design comments regarding the proposals. We would be happy to provide any design feedback once more detailed layout plans have been provided.
- 2.2 Consideration of views from the PROW to the quarry are important, and it is positive to see that a new native hedgerow is proposed to be planted to screen this route. Please refer to the landscape officer's comments for detailed feedback on the landscaping strategies, which we would also support from an urban design viewpoint.

3.0 Arboriculture (Sabrina Nash) **Subject to conditions or recommendations**

- 3.1 No arboricultural documents have been submitted with this application for a quarry extension to the east and south east of Colchester Zoo. From analysis of the Initial Works Plan (drawing B030-00706-3), Mineral Extraction Phase Plan (drawing B030-00706-4) and the Restoration Works Phase (drawing B030-00706-5), the proposed area of extraction, soil storage and screening bunds, conveyor belt and new planting are situated within the existing agricultural fields away from the field edge and therefore would have minimal impact upon the surrounding trees and their roots.
- 3.2 The proposed conveyor bridge will likely require the removal of or have a negative impact on the root protection areas of roadside trees and hedges to facilitate its construction but there has been no information given to clarify this. No assessment has been made as to the quality of these trees and hedges however, following a desktop based assessment of satellite imagery dated 2022, they are of low quality and so the proposed planting of new hedgerows and trees to the east and south of the site would act as suitable mitigation for any tree/hedge removal. Further information regarding the new tree and hedgerows will be required within a Soft Landscaping Scheme in accordance with BS8545:2014 'Trees from Nursery to Independence in the Landscape' to detail the species to be used, planting techniques and a five year maintenance plan so an assessment can be made on their suitability.
- 3.3 The Mineral Extraction Phase Plan (drawing B030-00706-4) states that an existing hedgerow to the west of the proposed extraction area is to be retained during the development. Due to the proximity of this hedge to the extraction area to the east and the proposed soil bunds to the west and Arboricultural Method Statement in accordance with BS5837:2012 will need to be submitted stating how this hedge will be protected from root severance and compaction and accidental damage from material storage and movements and vehicular storage and movements.
- 3.4 Overall, there is support for this application from an arboricultural perspective provided that additional information can be submitted within an Arboricultural Method Statement in accordance with BS5837:2012 'Trees in Relation to Design, Demolition and Construction' regarding the working methods and protection measures around the retained hedgerow and conveyor bridge, and further information can be given regarding the new planting within a Soft Landscaping Scheme in accordance with BS8545:2014 'Tree from Nursery to Independence in the Landscape'.
- 3.5 Condition 1: Tree Protection Scheme
No (works or) development shall take place until a scheme for the protection of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- a) A schedule of tree works for all the retained trees specifying pruning and other remedial or preventative work. All tree works shall be carried out in accordance with BS3998, 2010, 'Recommendations for Tree Work'.
 - b) Details and positions of Tree Protection Barriers identified separately where required for different phases of construction work in accordance with section 9.2 of BS5837. The Tree Protection Barriers shall be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
 - c) Details and positions of the Construction Exclusion Zones in accordance with section 9 of BS5837.
 - d) Details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area of any retained tree, including those on neighbouring or nearby ground in accordance with paragraph. 5.2.2 of BS5837.

- e) Details of any special engineering required to accommodate the protection of retained trees (e.g. in connection with foundations, bridging, surfacing) in accordance with section 10 of BS5837.
- f) Details of the working methods to be employed for the access and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.
- g) Details of the working methods to be employed for site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity
- h) Details of the method to be employed for the stationing, use and removal of site cabins within any root protection areas in accordance with paragraph 9.2.3 of BS5837.
- i) The timing of the various phases of the works or development in the context of the tree protection measures.

Reason: To ensure that retained trees are protected from damage in the interests of visual amenity and to comply with policies MLP Policy: MLP13 WLP Policy: W10E.

Condition 2: Replacement Landscaping

A Landscaping Scheme detailing the species to be used, planting techniques and a five-year maintenance plan in accordance with BS8545:2014 'Tree from Nursery to Independence in the Landscape' should be submitted in writing to the Essex Planning Authority for approval before any works commence on site. Any tree or shrub forming part of a landscaping scheme that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development (operations) 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 Essex Planning Authority.

Reason: In the interest of the amenity of the local area and to ensure development is adequately screened and to comply with policies MLP Policy: MLP13 WLP Policy: W10E.

4.0 Ecology (Hamish Jackson)

Subject to conditions or recommendations

- 4.1 We have reviewed the submitted documents for this application, including the following documents relating to the likely impacts of the proposals on designated sites, protected & Priority habitats and species, as well as the delivery of Biodiversity net gains:
- Essex Biodiversity Validation Checklist (April 2023)
 - Preliminary Ecological Appraisal Report (Kedd Ltd, January 2023)
 - Habitat Regulations Assessment (Kedd Ltd, January 2023)
 - Wintering Bird Report (Kedd Ltd, January 2023)
 - Biodiversity Net Gain Report (Kedd Ltd, January 2023)
 - Reptile Survey Report (Pleydell Smithyman Ltd, July 2021)
 - Breeding Bird Survey Report (Pleydell Smithyman Ltd, July 2021)
 - Bat Activity Survey (Pleydell Smithyman Ltd, July 2021)
 - Biodiversity Net Gain Report (Kedd Ltd, January 2023)
 - Biodiversity Metric 3.1 Calculation Tool (Kedd Ltd, January 2023)
- 4.2 We are satisfied that there is sufficient ecological information available for determination.
- 4.3 This provides certainty for the LPA of the likely impacts on protected and Priority species/habitats and, with appropriate mitigation measures secured, the development can be made acceptable.
- 4.4 The mitigation measures identified in the submitted ecological assessments, should be secured and implemented in full as part of the decision notice, as this is necessary to conserve protected and Priority species. It is recommended that a Construction

Environmental Management Plan (CEMP: Biodiversity) is secured as a pre-commencement condition of any consent, to outline the finalised mitigation strategy.

- 4.5 Therefore, it is indicated that we support the conclusions of the Habitat Regulations Assessment (Kedd Ltd, January 2023), which indicates that impacts upon International and European designated sites can be screened out for this proposal. The scheme is supported by a Wintering Bird Report (Kedd Ltd, January 2023), which did record the presence of one Lapwing. This species is a qualifying feature of the Colne Estuary SPA, but the numbers present were not significant (i.e., >1% of the Colne Estuary SPA) and the habitat present was common and widespread. Furthermore, the waterbird assemblage identified was also not significant for both the Colne Estuary SPA / Ramsar site or Abberton Reservoir SPA / Ramsar site (i.e., >1% of the identified upon International and European designated sites). As a result, we agree that the site is not functionally linked to the nearby International and European designated sites and no other impact pathways are predicted.
- 4.6 We also support the conclusions of the Biodiversity Net Gain Report (Kedd Ltd, January 2023) and the Biodiversity Metric 3.1 Calculation Tool (Kedd Ltd, January 2023). It is highlighted that Secretary of State's Metric 4.0 is now available, but we are satisfied that this updated metric is not required to support this application and measurable biodiversity net gains can be secured. Overall, the proposals we result in an increase of 19.44 habitat units, equivalent to an increase of 47.19%, as well as an increase of 7.92 hedgerow and line of tree units, equivalent to an increase of 695.91%. We are also pleased that a four-year time delay has been included within the metric, to reflect the short minerals extraction timeframe and recommend that a Landscape and Ecological Management Plan is secured for the proposed aftercare of the site, once the minerals extraction has been completed.
- 4.7 However, whilst significant increases are proposed to be achieved, it is highlighted that the majority of the new habitat creation will be modified grassland in moderate condition (12 ha), which actually will functionally deliver extremely low biodiversity gains. We note that the overall post-implementation habitat creation has been undertaken to account for a potential Zoo expansion via a separate application. As a result, it is indicated that further measurable biodiversity net gains would need to be secured for this potential proposal, with the post-implementation habitat creation for this development as the baseline.
- 4.8 This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.
- 4.9 Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.
- 4.10 Submission for approval and implementation of the details below should be a condition of any planning consent.
- 4.11 Condition 1: "Prior to commencement, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.

- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority”.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

Condition 2: “Prior to implementation of the proposed aftercare scheme, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 30-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures, including the submission of the of monitoring reports to Council in years 2,5,10,15,20,25 and 30.

The LEMP shall be completed in line with the finalised Biodiversity Net Gain Report and shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.”

Reason: To ensure biodiversity net gains under the NPPF and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species)

5.0 Archaeology (Richard Havis)

More information/amendments required

- 5.1 The proposal for sand and gravel extraction has been discussed over a number of years between the archaeological consultants, the planning authority and their archaeological advisors. The present application contains a desk based assessment, geophysical survey, aerial photographic assessment, and a trial trenching report. As a result of this assessment process the northern of the two fields originally proposed for extraction has been removed from the proposed development (However, appendix 1.1.3 still has this area to be phase 1 of the quarry), apart from having the conveyor across the field. The results of the trial trenching accurately identified the buried section of the national important Grymes Dyke along the eastern side of the development.
- 5.2 The archaeological trial trenching on the main area of proposed extraction has identified the presence of late Iron Age and Roman occupation, comprising extensive sequences of ditches and enclosures. No obvious evidence of buildings was identified, however, the level of finds

would indicate it lies in close proximity to a settlement. These are undesignated assets, however, they are should be seen in association with the Scheduled Dyke as being important and would require an appropriate level of preservation by record if the application was approved.

- 5.3 The proposal to create an open area/zone of managed grassland in order to create a buffer of open land alongside Gryme's Dyke is welcomed although it is recommended that this buffer should be taken from the western edge of the Scheduled Monument rather than from the edge of the present trackway as currently illustrated on Montage1. The Monument is up to c.54m wide, extending at its maximum c.40m to the west of the track (and c.10m to the east).
- 5.4 The present concept master restoration plan would indicate changes to the present landscape form, however, without the master plan for the zoo the impact on the setting of the monument cannot be defined unless details of the proposed zoo plans are known. As such this further complicates the understanding of the final setting that the Scheduled Monument will be appreciated in.
- 5.5 Any proposals for enhancement of the monument needs to be integrated into the detailed restoration plans, agreed with Historic England and ensure that there is an appropriate long term management plan in place. This management of the enhancement should be integrated with the 5 year restoration plan and defined in any conservation management plan produced for the monument.
- 5.6 At present further information or alteration to the existing information is required to form an opinion as to whether this proposal should go forward. If it proceeds it will require conditions for open area excavation, appropriate publication, preservation and management of the scheduled monument and appropriate outreach.

6.0 Historic Buildings (Luciana Rigano)

More information/amendments required

- 6.1 The proposal site is in close proximity to Grade II* Listed Church of All Saints (List Entry Number: 1266610), which is also a Scheduled Monument (List Entry Number: 1019879). All Saints Church is a 13th Century building, mostly re-built in the 15th century and altered in 1605 when the church became the chapel to Great Stanway Hall. The church is a ruin since the 18th century and, together with the remains of Stanway Hall, has been included within the boundary of Colchester Zoo.
- 6.2 The significance of All Saints Church as designated heritage assets is principally derived from its architectural, archaeological and historic interest. The surrounding agrarian landscape, including the Northern and Southern Fields, has historically contributed to the appreciation and understanding of its significance both as an isolated rural church and as part of Stanway Hall Farm. The proposal site, therefore, particularly the Northern Field, forms an important part of the historic setting which allows an appreciation of the significance of All Saints Church with functional connections to the surrounding landscape.
- 6.3 It is noted that the historic immediate setting of the church has been already mostly eroded by the construction of the zoo buildings and infrastructures (car park, roads...), interrupting the visual relationship between the heritage asset and the surrounding landscape.
- 6.4 The proposed conveyor bridge within the northern field and across Maldon Road would introduce an incongruous feature within the agrarian landscape which positively contribute to the significance of All Saints Church, changing the character of the wider setting and contributing to the further erosion of the historic setting of the designated heritage asset. The cumulative impact of the proposal, therefore, should be also considered.

- 6.5 Overall, the harm to All Saints Church can be considered mid-level of 'less than substantial' due to the contribution the proposal site makes to the setting of the asset, its proximity and the impact from the fundamental change in land use and character.
- 6.6 There would be some form of mitigation due to distance and the presence of intervening modern buildings which would limit the intervisibility between the church and the site. It is also noted that the Northern Fields, which is closer to the church, would only be used for the construction of the conveyor bridge, which would be placed at distance from the designated heritage asset.
- 6.7 At this stage, it is not possible to assess the impact of the proposed extension of Colchester Zoo following the reinstatement of the Southern Field at the end of the proposed extraction works.

If you have any queries regarding the above matters, please do not hesitate to contact me.

Kind Regards,

Jonathan Crane
Principal Planning Consultant
Place Services | Essex County Council

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Place Services provide and coordinate specialist planning advice on behalf of Essex County Council.

Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.



12/09/2023

For the attention of: **Terry Burns**

ESS/34/23/COL: Proposed prior extraction of sand as enabling works associated with a future expansion of Colchester Zoo including the extraction of some 500,000 tonnes of sand; the construction of temporary soil screen mounds; the use of the adjoining Stanway Quarry processing plant, DSM plant and related infrastructure in conjunction with the prior extraction scheme; the establishment of a temporary conveyor link between the prior extraction area and Stanway Quarry, including a temporary conveyor bridge over Maldon Road; and cut and fill reprofiling works to establish the proposed restoration contours and proposed (interim) after uses.

Thank you for consulting us on this application at Land at Stanway Quarry and east of Colchester Zoo, Maldon Road, Stanway, Colchester, Essex, CO3 0SL.

The following response summarises the specialist views of Place Services' Landscape, Urban Design, Arboriculture, Ecology, Archaeology and Historic Buildings Teams.

1.0 Landscape (Megan Cowell) Impact/harm

- 1.1 Following approaches from the agent who provided additional information and clarifications (09/08/23), the comments below have been amended from our previous consultation response dated 24/07/23.
- 1.2 The submitted Mineral Extraction Plan (Dwg no. B030-00706-4) outlines the proposed mineral extraction area, the proposed bunding and planting, field hopper and conveyor bridge that crosses Maldon Road into existing working Stanway Quarry, which operates to the north of the Site, but not directly adjacent.
- 1.3 The application Site is located within South Colchester Farmlands (E2) Landscape Character Area (LCA) of the Essex Landscape Character Assessment. This LCA is characterised by a mix of small regular pasture and large arable fields, dense woodland in the Roman River valley, enclosed intimate character, nucleated and linear villages and farmsteads. The Roman River runs along the southern boundary of the Site, where the surrounding linear vegetation has a strong presence in this landscape, in combination with the dense woodlands which are concentrated within the river valley and to the north-east of the Site.
- 1.4 The main parcel of the Site is also located within the Wooded Roman River Valley (A2) LCA of the Colchester Landscape Character Assessment (2005). Key characteristics of this LCA include steep wooded slopes of the Roman River valley, large areas of deciduous/coniferous woodland, small patches of Ancient Woodland and views across the valley. Land Management Guidelines are focused on conserving and managing the ancient and semi-natural woodlands and strengthening their recreational role.
- 1.5 The site is also partially located within the Southern Colchester Farmland Plateau (B3) LCA, which possesses key characteristics including sloping farmland, arable fields, the wooded Roman River to the south, large patches of woodland and also provides "physical and visual separation between Colchester urban area and the Roman River Valley". Notably, there are a number of historic features within this LCA which are present within or close to the site,



namely the Iron Age dyke system and the Gosbecks Iron Age and Romano-British Site which defines the eastern boundary. Hanging Wood and Butchers Wood also part of this LCA and are in close proximity to the Site.

- 1.6 As per the key planning and land management guidelines of the B3 LCA, there is currently “pressure on the landscape from urban-fringe related activities, such as sand and gravel extraction”. In combination with this, the LCA currently serves as a “physical and visual separation between Colchester urban area and the Roman River Valley”. Considering the existing mineral extraction works and Colchester Zoo contribute to urbanising the countryside to the south of Colchester, we have concerns that the proposed mineral extraction would complete the connection between the current gravel extraction sites and the immediate boundary of the Roman River Valley.
- 1.7 The Mineral Extraction Phase Plan demonstrates a rise in elevation from 16m AOD at the Roman River up to approximately 33m AOD along the northern boundary, positioning the Site as characteristically within the Roman River valley landscape. As a key characteristic of the LCA, the Roman River valley is an important local landscape feature and the linear surrounding vegetation is visible from surrounding receptors, i.e. Bridleway 17, 30 and Footpath 19. The proposed Site is also visible from receptors within the wider landscape, as has been demonstrated in the submitted LVIA, however receptors on Birch Road to the south-west have not been included. We consider that the visual impact from Birch Road would be difficult to mitigate owed to the change in elevation.
- 1.8 Owed to the lower topography close to the Roman River, Colchester Zoo and surrounding paraphernalia is not visible or experienced from Bridleway 17 (Stanway) towards the south. This section of the bridleway close to the river has a sense of rurality and tranquillity that is not experienced once receptors travel north, where the urbanised edge of Colchester Zoo is experienced. We therefore have concerns that the proposed mineral extraction works will bring forth urbanisation further into the countryside surrounding the extension network of public rights of way (PRoW).
- 1.9 Existing mineral excavation is currently in operation on the northern side of Maldon Road, which extends north and west from the Site at Stanway Quarry, Colchester Quarry and Bellhouse Quarry. The combination of three active quarry sites will contribute to the sense of urbanisation and disruption within the surrounding countryside. Although there is little intervisibility between the extraction sites, the proposed extension contributes to the cumulative impact on users of the surrounding public right of way network, which are currently already impacted by the extraction works.
- 1.10 Butcher’s Wood is located directly adjacent to the Site, on the north-eastern boundary, where the northern and eastern part of the woodland is designated as Ancient Woodland. Butcher’s Wood is also designated as a Priority Habitat (Deciduous Woodland). The woodland belt then connects to meet the Roman River which runs along the southern boundary and is surrounded by dense woodland (Ram Plantation and Aldercar) which is characteristic of the two LCAs for this area. Although the Site is located ~250m from the Ancient Woodland, we would therefore have concerns regarding the impact arising from excavation works on the Priority Habitat (Deciduous Woodland) and the surrounding woodlands following the Roman River on the southern boundary.
- 1.11 Gosbecks Iron Age and Romano-British Site (List entry: 1002180) is located within the site boundary and runs along the eastern site boundary. The scheduled monument is also marked by Bridleway 17 (Stanway) which runs along the eastern boundary and connects to Bridleway 30 (Stanway) and Footpath 19 (Stanway) which runs along the full extent of the northern boundary of the main parcel and crosses the proposed sunken conveyor. These footpaths also provide access from the south to Colchester Zoo and the Church of All Saints (Grade II*) which are located to the north-west corner of the Site.
- 1.12 The proposed conveyor bridge that crosses Maldon Road may also generate additional visual and noise impacts on the local landscape, and contribute to the further extension of

urbanisation into the countryside to the south of Maldon Road. At present, the local landscape character is currently under pressure due to the working quarries in the surrounding area, although are currently confined to the north of Maldon Road. We therefore have concerns that the proposed conveyor will extend the boundary of cumulative effects to the south of Maldon Road and in turn contribute to the urbanisation of the countryside edge of Colchester.

- 1.13 Although no information has currently been submitted pertaining the proposed impacts on vegetation and trees, there is potential for required vegetation removal to facilitate the proposed conveyor bridge that crosses Maldon Road. The proposed works may therefore ensue negatively impact the existing hedgerow network surrounding the Site and the wider green infrastructure network.
- 1.14 Overall, based on our desktop study we judge the proposed changes will have a detrimental impact on the landscape character of the Roman River and adjacent woodland. In turn, the proposals would not be compliant with Policy S10 (Protecting and enhancing the environment and local amenity) of the Essex Minerals Local Plan (2014) and the NPPF. We therefore judge that this proposal will cause impact/harm to the surrounding landscape.

2.0 Urban Design (Elisha Belfon Thompson)

No comment

- 2.1 Due to the early stage of this application, there are no major urban design comments regarding the proposals. We would be happy to provide any design feedback once more detailed layout plans have been provided.
- 2.2 Consideration of views from the PROW to the quarry are important, and it is positive to see that a new native hedgerow is proposed to be planted to screen this route. Please refer to the landscape officer's comments for detailed feedback on the landscaping strategies, which we would also support from an urban design viewpoint.

3.0 Arboriculture (Sabrina Nash)

Subject to conditions or recommendations

- 3.1 No arboricultural documents have been submitted with this application for a quarry extension to the east and south east of Colchester Zoo. From analysis of the Initial Works Plan (drawing B030-00706-3), Mineral Extraction Phase Plan (drawing B030-00706-4) and the Restoration Works Phase (drawing B030-00706-5), the proposed area of extraction, soil storage and screening bunds, conveyor belt and new planting are situated within the existing agricultural fields away from the field edge and therefore would have minimal impact upon the surrounding trees and their roots.
- 3.2 The proposed conveyor bridge will likely require the removal of or have a negative impact on the root protection areas of roadside trees and hedges to facilitate its construction but there has been no information given to clarify this. No assessment has been made as to the quality of these trees and hedges however, following a desktop based assessment of satellite imagery dated 2022, they are of low quality and so the proposed planting of new hedgerows and trees to the east and south of the site would act as suitable mitigation for any tree/hedge removal. Further information regarding the new tree and hedgerows will be required within a Soft Landscaping Scheme in accordance with BS8545:2014 'Trees from Nursery to Independence in the Landscape' to detail the species to be used, planting techniques and a five year maintenance plan so an assessment can be made on their suitability.
- 3.3 The Mineral Extraction Phase Plan (drawing B030-00706-4) states that an existing hedgerow to the west of the proposed extraction area is to be retained during the development. Due to the proximity of this hedge to the extraction area to the east and the proposed soil bunds to the west and Arboricultural Method Statement in accordance with BS5837:2012 will need to be submitted stating how this hedge will be protected from root severance and compaction

and accidental damage from material storage and movements and vehicular storage and movements.

- 3.4 Overall, there is support for this application from an arboricultural perspective provided that additional information can be submitted within an Arboricultural Method Statement in accordance with BS5837:2012 'Trees in Relation to Design, Demolition and Construction' regarding the working methods and protection measures around the retained hedgerow and conveyor bridge, and further information can be given regarding the new planting within a Soft Landscaping Scheme in accordance with BS8545:2014 'Tree from Nursery to Independence in the Landscape'.

3.5 Condition 1: Tree Protection Scheme

No (works or) development shall take place until a scheme for the protection of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a) A schedule of tree works for all the retained trees specifying pruning and other remedial or preventative work. All tree works shall be carried out in accordance with BS3998, 2010, 'Recommendations for Tree Work'.
- b) Details and positions of Tree Protection Barriers identified separately where required for different phases of construction work in accordance with section 9.2 of BS5837. The Tree Protection Barriers shall be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
- c) Details and positions of the Construction Exclusion Zones in accordance with section 9 of BS5837.
- d) Details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area of any retained tree, including those on neighbouring or nearby ground in accordance with paragraph 5.2.2 of BS5837.
- e) Details of any special engineering required to accommodate the protection of retained trees (e.g. in connection with foundations, bridging, surfacing) in accordance with section 10 of BS5837.
- f) Details of the working methods to be employed for the access and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.
- g) Details of the working methods to be employed for site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity
- h) Details of the method to be employed for the stationing, use and removal of site cabins within any root protection areas in accordance with paragraph 9.2.3 of BS5837.
- i) The timing of the various phases of the works or development in the context of the tree protection measures.

Reason: To ensure that retained trees are protected from damage in the interests of visual amenity and to comply with policies MLP Policy: MLP13 WLP Policy: W10E.

Condition 2: Replacement Landscaping

A Landscaping Scheme detailing the species to be used, planting techniques and a five-year maintenance plan in accordance with BS8545:2014 'Tree from Nursery to Independence in the Landscape' should be submitted in writing to the Essex Planning Authority for approval before any works commence on site. Any tree or shrub forming part of a landscaping scheme that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development (operations) 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 Essex Planning Authority.

Reason: In the interest of the amenity of the local area and to ensure development is adequately screened and to comply with policies MLP Policy: MLP13 WLP Policy: W10E.

4.0 Ecology (Hamish Jackson) **Subject to conditions or recommendations**

- 4.1 We have reviewed the submitted documents for this application, including the following documents relating to the likely impacts of the proposals on designated sites, protected & Priority habitats and species, as well as the delivery of Biodiversity net gains:
- Essex Biodiversity Validation Checklist (April 2023)
 - Preliminary Ecological Appraisal Report (Kedd Ltd, January 2023)
 - Habitat Regulations Assessment (Kedd Ltd, January 2023)
 - Wintering Bird Report (Kedd Ltd, January 2023)
 - Biodiversity Net Gain Report (Kedd Ltd, January 2023)
 - Reptile Survey Report (Pleydell Smithyman Ltd, July 2021)
 - Breeding Bird Survey Report (Pleydell Smithyman Ltd, July 2021)
 - Bat Activity Survey (Pleydell Smithyman Ltd, July 2021)
 - Biodiversity Net Gain Report (Kedd Ltd, January 2023)
 - Biodiversity Metric 3.1 Calculation Tool (Kedd Ltd, January 2023)
- 4.2 We are satisfied that there is sufficient ecological information available for determination.
- 4.3 This provides certainty for the LPA of the likely impacts on protected and Priority species/habitats and, with appropriate mitigation measures secured, the development can be made acceptable.
- 4.4 The mitigation measures identified in the submitted ecological assessments, should be secured and implemented in full as part of the decision notice, as this is necessary to conserve protected and Priority species. It is recommended that a Construction Environmental Management Plan (CEMP: Biodiversity) is secured as a pre-commencement condition of any consent, to outline the finalised mitigation strategy.
- 4.5 Therefore, it is indicated that we support the conclusions of the Habitat Regulations Assessment (Kedd Ltd, January 2023), which indicates that impacts upon International and European designated sites can be screened out for this proposal. The scheme is supported by a Wintering Bird Report (Kedd Ltd, January 2023), which did record the presence of one Lapwing. This species is a qualifying feature of the Colne Estuary SPA, but the numbers present were not significant (i.e., >1% of the Colne Estuary SPA) and the habitat present was common and widespread. Furthermore, the waterbird assemblage identified was also not significant for both the Colne Estuary SPA / Ramsar site or Abberton Reservoir SPA / Ramsar site (i.e., >1% of the identified upon International and European designated sites). As a result, we agree that the site is not functionally linked to the nearby International and European designated sites and no other impact pathways are predicted.
- 4.6 We also support the conclusions of the Biodiversity Net Gain Report (Kedd Ltd, January 2023) and the Biodiversity Metric 3.1 Calculation Tool (Kedd Ltd, January 2023). It is highlighted that Secretary of State's Metric 4.0 is now available, but we are satisfied that this updated metric is not required to support this application and measurable biodiversity net gains can be secured. Overall, the proposals we result in an increase of 19.44 habitat units, equivalent to an increase of 47.19%, as well as an increase of 7.92 hedgerow and line of tree units, equivalent to an increase of 695.91%. We are also pleased that a four-year time delay has been included within the metric, to reflect the short minerals extraction timeframe and recommend that a Landscape and Ecological Management Plan is secured for the proposed aftercare of the site, once the minerals extraction has been completed.
- 4.7 However, whilst significant increases are proposed to be achieved, it is highlighted that the majority of the new habitat creation will be modified grassland in moderate condition (12 ha),

which actually will functionally deliver extremely low biodiversity gains. We note that the overall post-implementation habitat creation has been undertaken to account for a potential Zoo expansion via a separate application. As a result, it is indicated that further measurable biodiversity net gains would need to be secured for this potential proposal, with the post-implementation habitat creation for this development as the baseline.

- 4.8 This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.
- 4.9 Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.
- 4.10 Submission for approval and implementation of the details below should be a condition of any planning consent.
- 4.11 Condition 1: "Prior to commencement, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority".

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

Condition 2: "Prior to implementation of the proposed aftercare scheme, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 30-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures, including the submission of the of monitoring reports to Council in years 2,5,10,15,20,25 and 30.

The LEMP shall be completed in line with the finalised Biodiversity Net Gain Report and shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.”

Reason: To ensure biodiversity net gains under the NPPF and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species)

5.0 Archaeology (Richard Havis)

More information/amendments required

- 5.1 The proposal for sand and gravel extraction has been discussed over a number of years between the archaeological consultants, the planning authority and their archaeological advisors. The present application contains a desk based assessment, geophysical survey, aerial photographic assessment, and a trial trenching report. As a result of this assessment process the northern of the two fields originally proposed for extraction has been removed from the proposed development (However, appendix 1.1.3 still has this area to be phase 1 of the quarry), apart from having the conveyor across the field. The results of the trial trenching accurately identified the buried section of the national important Grymes Dyke along the eastern side of the development.
- 5.2 The archaeological trial trenching on the main area of proposed extraction has identified the presence of late Iron Age and Roman occupation, comprising extensive sequences of ditches and enclosures. No obvious evidence of buildings was identified, however, the level of finds would indicate it lies in close proximity to a settlement. These are undesignated assets, however, they are should be seen in association with the Scheduled Dyke as being important and would require an appropriate level of preservation by record if the application was approved.
- 5.3 The proposal to create an open area/zone of managed grassland in order to create a buffer of open land alongside Gryme's Dyke is welcomed although it is recommended that this buffer should be taken from the western edge of the Scheduled Monument rather than from the edge of the present trackway as currently illustrated on Montage1. The Monument is up to c.54m wide, extending at its maximum c.40m to the west of the track (and c.10m to the east).
- 5.4 The present concept master restoration plan would indicate changes to the present landscape form, however, without the master plan for the zoo the impact on the setting of the monument cannot be defined unless details of the proposed zoo plans are known. As such this further complicates the understanding of the final setting that the Scheduled Monument will be appreciated in.
- 5.5 Any proposals for enhancement of the monument needs to be integrated into the detailed restoration plans, agreed with Historic England and ensure that there is an appropriate long term management plan in place. This management of the enhancement should be integrated with the 5 year restoration plan and defined in any conservation management plan produced for the monument.
- 5.6 At present further information or alteration to the existing information is required to form an opinion as to whether this proposal should go forward. If it proceeds it will require conditions for open area excavation, appropriate publication, preservation and management of the scheduled monument and appropriate outreach.

6.0 Historic Buildings (Luciana Rigano)
More information/amendments required

- 6.1 The proposal site is in close proximity to Grade II* Listed Church of All Saints (List Entry Number: 1266610), which is also a Scheduled Monument (List Entry Number: 1019879). All Saints Church is a 13th Century building, mostly re-built in the 15th century and altered in 1605 when the church became the chapel to Great Stanway Hall. The church is a ruin since the 18th century and, together with the remains of Stanway Hall, has been included within the boundary of Colchester Zoo.
- 6.2 The significance of All Saints Church as designated heritage assets is principally derived from its architectural, archaeological and historic interest. The surrounding agrarian landscape, including the Northern and Southern Fields, has historically contributed to the appreciation and understanding of its significance both as an isolated rural church and as part of Stanway Hall Farm. The proposal site, therefore, particularly the Northern Field, forms an important part of the historic setting which allows an appreciation of the significance of All Saints Church with functional connections to the surrounding landscape.
- 6.3 It is noted that the historic immediate setting of the church has been already mostly eroded by the construction of the zoo buildings and infrastructures (car park, roads...), interrupting the visual relationship between the heritage asset and the surrounding landscape.
- 6.4 The proposed conveyor bridge within the northern field and across Maldon Road would introduce an incongruous feature within the agrarian landscape which positively contribute to the significance of All Saints Church, changing the character of the wider setting and contributing to the further erosion of the historic setting of the designated heritage asset. The cumulative impact of the proposal, therefore, should be also considered.
- 6.5 Overall, the harm to All Saints Church can be considered mid-level of 'less than substantial' due to the contribution the proposal site makes to the setting of the asset, its proximity and the impact from the fundamental change in land use and character.
- 6.6 There would be some form of mitigation due to distance and the presence of intervening modern buildings which would limit the intervisibility between the church and the site. It is also noted that the Northern Fields, which is closer to the church, would only be used for the construction of the conveyor bridge, which would be placed at distance from the designated heritage asset.
- 6.7 At this stage, it is not possible to assess the impact of the proposed extension of Colchester Zoo following the reinstatement of the Southern Field at the end of the proposed extraction works.

If you have any queries regarding the above matters, please do not hesitate to contact me.

Kind Regards,

Jonathan Crane
Principal Planning Consultant
Place Services | Essex County Council

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Web: www.placeservices.co.uk

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02/10/2023

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- 1.8 Owing to the lower topography close to the Roman River, Colchester Zoo and surrounding associated paraphernalia is not visible or experienced from the southern section of Bridleway 17 (Stanway). This section of the bridleway close to the river has a sense of rurality and tranquillity that is not experienced once receptors travel north, where urbanising features associated with Colchester Zoo are experienced. We therefore have concerns that the proposed mineral extraction works will further introduce urbanising features in the countryside and on the public right of way (PRoW) network.
- 1.9 Existing mineral excavation is currently in operation on the northern side of Maldon Road, which extends north and west from the Site at Stanway Quarry, Colchester Quarry and Bellhouse Quarry. The combination of three active quarry sites will contribute to the sense of urbanisation and disruption within the surrounding countryside. Although there is little intervisibility between the extraction sites, the proposed extension contributes to the cumulative impact on users of the surrounding public right of way network, which are currently already impacted by the extraction works.
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- 1.12 The proposed conveyor bridge that crosses Maldon Road may also generate additional visual and noise impacts on the local landscape, as a result of the proposed urbanising features

within the rural countryside to the south of Maldon Road. At present, the local landscape character is currently under pressure due to the working quarries in the surrounding area, although are currently confined to the north of Maldon Road. We therefore have concerns that the proposed conveyor will extend the cumulative effects to the south of Maldon Road and introduce further urbanising and intensive development into the rural countryside edge of Colchester.

- 1.13 Although no information has currently been submitted pertaining the proposed impacts on vegetation and trees, there is potential for required vegetation removal to facilitate the proposed conveyor bridge that crosses Maldon Road. The proposed works may therefore ensue negatively impact the existing hedgerow network surrounding the Site and the wider green infrastructure network.
- 1.14 Policy S10 (Protecting and enhancing the environment and local amenity) of the Essex Minerals Local Plan (2014) states that proposals shall demonstrate that “appropriate consideration has been given to public health and safety, amenity, quality of life of nearby communities, and the natural, built, and historic environment” and “opportunities have been taken to improve / enhance the environment and amenity”. Whilst the submitted Restoration Plan looks to enhance the landscape following extraction works, we have concerns that the amenity and quality of life of the nearby communities may be adversely impacted, particularly in relation to the sequential impact on public right of way users.
- 1.15 Overall, based on our desktop study and site visit (dated 15/08/23), in our professional judgement the proposed changes would have a substantial (significant) adverse impact on the landscape character of the Roman River, the visual amenity of receptors and sequential impacts to people using the PRow network and harm to the adjacent woodland and wider countryside. We also have concerns that the proposals would conflict with Policy S10 of the Essex Minerals Local Plan (2014), and that the proposals do not accord with the key planning and land management guidelines within the Southern Colchester Farmland Plateau (B3) LCA.
- 1.16 Notwithstanding our concerns, if minded for approval, we recommend that conditions relating to hard and soft landscaping, landscape management and maintenance plan and advance planting are considered.

2.0 Urban Design (Elisha Belfon Thompson)

No comment

- 2.1 Due to the early stage of this application, there are no major urban design comments regarding the proposals. We would be happy to provide any design feedback once more detailed layout plans have been provided.
- 2.2 Consideration of views from the PRow to the quarry are important, and it is positive to see that a new native hedgerow is proposed to be planted to screen this route. Please refer to the landscape officer's comments for detailed feedback on the landscaping strategies, which we would also support from an urban design viewpoint.

3.0 Arboriculture (Sabrina Nash)

Subject to conditions or recommendations

- 3.1 No arboricultural documents have been submitted with this application for a quarry extension to the east and south east of Colchester Zoo. From analysis of the Initial Works Plan (drawing B030-00706-3), Mineral Extraction Phase Plan (drawing B030-00706-4) and the Restoration Works Phase (drawing B030-00706-5), the proposed area of extraction, soil storage and screening bunds, conveyor belt and new planting are situated within the existing agricultural fields away from the field edge and therefore would have minimal impact upon the surrounding trees and their roots.

- 3.2 The proposed conveyor bridge will likely require the removal of or have a negative impact on the root protection areas of roadside trees and hedges to facilitate its construction but there has been no information given to clarify this. No assessment has been made as to the quality of these trees and hedges however, following a desktop based assessment of satellite imagery dated 2022, they are of low quality and so the proposed planting of new hedgerows and trees to the east and south of the site would act as suitable mitigation for any tree/hedge removal. Further information regarding the new tree and hedgerows will be required within a Soft Landscaping Scheme in accordance with BS8545:2014 'Trees from Nursery to Independence in the Landscape' to detail the species to be used, planting techniques and a five year maintenance plan so an assessment can be made on their suitability.
- 3.3 The Mineral Extraction Phase Plan (drawing B030-00706-4) states that an existing hedgerow to the west of the proposed extraction area is to be retained during the development. Due to the proximity of this hedge to the extraction area to the east and the proposed soil bunds to the west and Arboricultural Method Statement in accordance with BS5837:2012 will need to be submitted stating how this hedge will be protected from root severance and compaction and accidental damage from material storage and movements and vehicular storage and movements.
- 3.4 Overall, there is support for this application from an arboricultural perspective provided that additional information can be submitted within an Arboricultural Method Statement in accordance with BS5837:2012 'Trees in Relation to Design, Demolition and Construction' regarding the working methods and protection measures around the retained hedgerow and conveyor bridge, and further information can be given regarding the new planting within a Soft Landscaping Scheme in accordance with BS8545:2014 'Tree from Nursery to Independence in the Landscape'.
- 3.5 Condition 1: Tree Protection Scheme
No (works or) development shall take place until a scheme for the protection of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- a) A schedule of tree works for all the retained trees specifying pruning and other remedial or preventative work. All tree works shall be carried out in accordance with BS3998, 2010, 'Recommendations for Tree Work'.
 - b) Details and positions of Tree Protection Barriers identified separately where required for different phases of construction work in accordance with section 9.2 of BS5837. The Tree Protection Barriers shall be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
 - c) Details and positions of the Construction Exclusion Zones in accordance with section 9 of BS5837.
 - d) Details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area of any retained tree, including those on neighbouring or nearby ground in accordance with paragraph. 5.2.2 of BS5837.
 - e) Details of any special engineering required to accommodate the protection of retained trees (e.g. in connection with foundations, bridging, surfacing) in accordance with section 10 of BS5837.
 - f) Details of the working methods to be employed for the access and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.
 - g) Details of the working methods to be employed for site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity
 - h) Details of the method to be employed for the stationing, use and removal of site cabins within any root protection areas in accordance with paragraph 9.2.3 of BS5837.

- i) The timing of the various phases of the works or development in the context of the tree protection measures.

Reason: To ensure that retained trees are protected from damage in the interests of visual amenity and to comply with policies MLP Policy: MLP13 WLP Policy: W10E.

Condition 2: Replacement Landscaping

A Landscaping Scheme detailing the species to be used, planting techniques and a five-year maintenance plan in accordance with BS8545:2014 'Tree from Nursery to Independence in the Landscape' should be submitted in writing to the Essex Planning Authority for approval before any works commence on site. Any tree or shrub forming part of a landscaping scheme that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development (operations) 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 Essex Planning Authority.

Reason: In the interest of the amenity of the local area and to ensure development is adequately screened and to comply with policies MLP Policy: MLP13 WLP Policy: W10E.

4.0 Ecology (Hamish Jackson) Subject to conditions or recommendations

- 4.1 We have reviewed the submitted documents for this application, including the following documents relating to the likely impacts of the proposals on designated sites, protected & Priority habitats and species, as well as the delivery of Biodiversity net gains:
- Essex Biodiversity Validation Checklist (April 2023)
 - Preliminary Ecological Appraisal Report (Kedd Ltd, January 2023)
 - Habitat Regulations Assessment (Kedd Ltd, January 2023)
 - Wintering Bird Report (Kedd Ltd, January 2023)
 - Biodiversity Net Gain Report (Kedd Ltd, January 2023)
 - Reptile Survey Report (Pleydell Smithyman Ltd, July 2021)
 - Breeding Bird Survey Report (Pleydell Smithyman Ltd, July 2021)
 - Bat Activity Survey (Pleydell Smithyman Ltd, July 2021)
 - Biodiversity Net Gain Report (Kedd Ltd, January 2023)
 - Biodiversity Metric 3.1 Calculation Tool (Kedd Ltd, January 2023)
- 4.2 We are satisfied that there is sufficient ecological information available for determination.
- 4.3 This provides certainty for the LPA of the likely impacts on protected and Priority species/habitats and, with appropriate mitigation measures secured, the development can be made acceptable.
- 4.4 The mitigation measures identified in the submitted ecological assessments, should be secured and implemented in full as part of the decision notice, as this is necessary to conserve protected and Priority species. It is recommended that a Construction Environmental Management Plan (CEMP: Biodiversity) is secured as a pre-commencement condition of any consent, to outline the finalised mitigation strategy.
- 4.5 Therefore, it is indicated that we support the conclusions of the Habitat Regulations Assessment (Kedd Ltd, January 2023), which indicates that impacts upon International and European designated sites can be screened out for this proposal. The scheme is supported by a Wintering Bird Report (Kedd Ltd, January 2023), which did record the presence of one Lapwing. This species is a qualifying feature of the Colne Estuary SPA, but the numbers present were not significant (i.e., >1% of the Colne Estuary SPA) and the habitat present was common and widespread. Furthermore, the waterbird assemblage identified was also not significant for both the Colne Estuary SPA / Ramsar site or Abberton Reservoir SPA / Ramsar site (i.e., >1% of the identified upon International and European designated sites). As

a result, we agree that the site is not functionally linked to the nearby International and European designated sites and no other impact pathways are predicted.

- 4.6 We also support the conclusions of the Biodiversity Net Gain Report (Kedd Ltd, January 2023) and the Biodiversity Metric 3.1 Calculation Tool (Kedd Ltd, January 2023). It is highlighted that Secretary of State's Metric 4.0 is now available, but we are satisfied that this updated metric is not required to support this application and measurable biodiversity net gains can be secured. Overall, the proposals we result in an increase of 19.44 habitat units, equivalent to an increase of 47.19%, as well as an increase of 7.92 hedgerow and line of tree units, equivalent to an increase of 695.91%. We are also pleased that a four-year time delay has been included within the metric, to reflect the short minerals extraction timeframe and recommend that a Landscape and Ecological Management Plan is secured for the proposed aftercare of the site, once the minerals extraction has been completed.
- 4.7 However, whilst significant increases are proposed to be achieved, it is highlighted that the majority of the new habitat creation will be modified grassland in moderate condition (12 ha), which actually will functionally deliver extremely low biodiversity gains. We note that the overall post-implementation habitat creation has been undertaken to account for a potential Zoo expansion via a separate application. As a result, it is indicated that further measurable biodiversity net gains would need to be secured for this potential proposal, with the post-implementation habitat creation for this development as the baseline.
- 4.8 This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.
- 4.9 Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.
- 4.10 Submission for approval and implementation of the details below should be a condition of any planning consent.
- 4.11 Condition 1: "Prior to commencement, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority".

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

Condition 2: "Prior to implementation of the proposed aftercare scheme, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 30-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures, including the submission of the of monitoring reports to Council in years 2,5,10,15,20,25 and 30.

The LEMP shall be completed in line with the finalised Biodiversity Net Gain Report and shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details."

Reason: To ensure biodiversity net gains under the NPPF and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species)

5.0 Archaeology (Richard Havis)

More information/amendments required

- 5.1 The proposal for sand and gravel extraction has been discussed over a number of years between the archaeological consultants, the planning authority and their archaeological advisors. The present application contains a desk based assessment, geophysical survey, aerial photographic assessment, and a trial trenching report. As a result of this assessment process the northern of the two fields originally proposed for extraction has been removed from the proposed development (However, appendix 1.1.3 still has this area to be phase 1 of the quarry), apart from having the conveyor across the field. The results of the trial trenching accurately identified the buried section of the national important Grymes Dyke along the eastern side of the development.
- 5.2 The archaeological trial trenching on the main area of proposed extraction has identified the presence of late Iron Age and Roman occupation, comprising extensive sequences of ditches and enclosures. No obvious evidence of buildings was identified, however, the level of finds would indicate it lies in close proximity to a settlement. These are undesignated assets, however, they are should be seen in association with the Scheduled Dyke as being important and would require an appropriate level of preservation by record if the application was approved.
- 5.3 The proposal to create an open area/zone of managed grassland in order to create a buffer of open land alongside Gryme's Dyke is welcomed although it is recommended that this buffer should be taken from the western edge of the Scheduled Monument rather than from the edge of the present trackway as currently illustrated on Montage1. The Monument is up to c.54m wide, extending at its maximum c.40m to the west of the track (and c.10m to the east).

- 5.4 The present concept master restoration plan would indicate changes to the present landscape form, however, without the master plan for the zoo the impact on the setting of the monument cannot be defined unless details of the proposed zoo plans are known. As such this further complicates the understanding of the final setting that the Scheduled Monument will be appreciated in.
- 5.5 Any proposals for enhancement of the monument needs to be integrated into the detailed restoration plans, agreed with Historic England and ensure that there is an appropriate long term management plan in place. This management of the enhancement should be integrated with the 5 year restoration plan and defined in any conservation management plan produced for the monument.
- 5.6 At present further information or alteration to the existing information is required to form an opinion as to whether this proposal should go forward. If it proceeds it will require conditions for open area excavation, appropriate publication, preservation and management of the scheduled monument and appropriate outreach.

6.0 Historic Buildings (Luciana Rigano)
More information/amendments required

- 6.1 The proposal site is in close proximity to Grade II* Listed Church of All Saints (List Entry Number: 1266610), which is also a Scheduled Monument (List Entry Number: 1019879). All Saints Church is a 13th Century building, mostly re-built in the 15th century and altered in 1605 when the church became the chapel to Great Stanway Hall. The church is a ruin since the 18th century and, together with the remains of Stanway Hall, has been included within the boundary of Colchester Zoo.
- 6.2 The significance of All Saints Church as designated heritage assets is principally derived from its architectural, archaeological and historic interest. The surrounding agrarian landscape, including the Northern and Southern Fields, has historically contributed to the appreciation and understanding of its significance both as an isolated rural church and as part of Stanway Hall Farm. The proposal site, therefore, particularly the Northern Field, forms an important part of the historic setting which allows an appreciation of the significance of All Saints Church with functional connections to the surrounding landscape.
- 6.3 It is noted that the historic immediate setting of the church has been already mostly eroded by the construction of the zoo buildings and infrastructures (car park, roads...), interrupting the visual relationship between the heritage asset and the surrounding landscape.
- 6.4 The proposed conveyor bridge within the northern field and across Maldon Road would introduce an incongruous feature within the agrarian landscape which positively contribute to the significance of All Saints Church, changing the character of the wider setting and contributing to the further erosion of the historic setting of the designated heritage asset. The cumulative impact of the proposal, therefore, should be also considered.
- 6.5 Overall, the harm to All Saints Church can be considered mid-level of 'less than substantial' due to the contribution the proposal site makes to the setting of the asset, its proximity and the impact from the fundamental change in land use and character.
- 6.6 There would be some form of mitigation due to distance and the presence of intervening modern buildings which would limit the intervisibility between the church and the site. It is also noted that the Northern Fields, which is closer to the church, would only be used for the construction of the conveyor bridge, which would be placed at distance from the designated heritage asset.
- 6.7 At this stage, it is not possible to assess the impact of the proposed extension of Colchester Zoo following the reinstatement of the Southern Field at the end of the proposed extraction works.

If you have any queries regarding the above matters, please do not hesitate to contact me.

Kind Regards,

Jonathan Crane
Principal Planning Consultant
Place Services | Essex County Council

Data Protection Act

Place Services provide and coordinate specialist planning advice on behalf of Essex County Council.

Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.



20/12/2023

For the attention of: **Terry Burns**

ESS/34/23/COL: Proposed prior extraction of sand as enabling works associated with a future expansion of Colchester Zoo including the extraction of some 500,000 tonnes of sand; the construction of temporary soil screen mounds; the use of the adjoining Stanway Quarry processing plant, DSM plant and related infrastructure in conjunction with the prior extraction scheme; the establishment of a temporary conveyor link between the prior extraction area and Stanway Quarry, including a temporary conveyor bridge over Maldon Road; and cut and fill reprofiling works to establish the proposed restoration contours and proposed (interim) after uses.

Thank you for consulting us on this application at Land at Stanway Quarry and east of Colchester Zoo, Maldon Road, Stanway, Colchester, Essex, CO3 0SL.

The following response summarises the specialist views of Place Services' Landscape, Urban Design, Arboriculture, Ecology, Archaeology and Historic Buildings Teams.

1.0 Landscape (Megan Cowell) Impact/harm

- 1.1 Following our previous consultation response dated 02/10/2023 and a site visit dated 15/08/2023, additional information has been submitted outlining the formal revisions to the original scheme.
- 1.2 The submitted Mineral Extraction Plan (Dwg no. B030-00706-4A) outlines the proposed mineral extraction area, the proposed bunding and planting, field hopper and mineral slurry pipe that runs under Maldon Road into existing working Stanway Quarry, which operates to the north of the Site, but not directly adjacent.
- 1.3 We have reviewed the additional submitted information and have made the following comments:
 - The submitted plans introduce a 50m standoff buffer from Grymes Dyke which is located to the east of the Site boundary. In turn, a 50m buffer has been provided between the PRoW and the Mineral Extraction Area. The perceived visual impacts of the proposed extraction works are therefore reduced owed to proximity from the working area, as has been demonstrated in the submitted Photomontages (Landscape and Heritage Design Statement (November 2023)).
 - Photomontages of the Existing Situation, Proposed Temporary Operational Period(s) and Concept Restoration have been submitted within the Landscape and Heritage Design Statement (November 2023). Three photomontages have been submitted representing views from three sensitive viewpoints along the eastern PRoW. With the 50m standoff distance, the impacts of the perceived landform elevation changes from the neighbouring PRoW are reduced.
 - The submitted plans outline that a Mineral Slurry Pipe is proposed beneath Maldon Road in place of the Conveyor Bridge. The removal of this Conveyor Bridge will also negate the need for screening via Agricultural Straw Bales to the north of Maldon



Road. The proposal for a Mineral Slurry Pipe directly addresses our concerns raised in Paragraphs 1.12 and 1.13 of our previous response dated 02/10/2023.

- From a landscape perspective, we recognise that the proposed Mineral Slurry Pipe will mitigate against additional visual and noise impacts that may arise in the local landscape and along Maldon Road and reduce the perceived incongruous features introduced into the landscape associated with mineral extraction. The decision to introduce the Mineral Slurry Pipe is therefore supported on landscape grounds.
- We do however note that our original comment regarding requiring information on potential arboricultural impacts is still applicable. The introduction of the Mineral Slurry Pipe and associated construction requires will likely require some vegetation and tree removals.
- Step 4 (Cultural Heritage – 5 Step Assessment Process – Summary) of the Landscape and Heritage Design Statement outlines the proposed signage and interpretation along the Grymes Dyke corridor to provide information on the buried archaeology. The Concept Restoration plan identifies these within the scheme. We are supportive of the introduction of interpretation and signage to reconnect users of the footpath to the landscape.
- A species rich grassland corridor is proposed following the PRoW to the east of the Site, which may also contribute to protecting the archaeology beneath.

1.4 Notwithstanding the above, the following comments were raised in our previous consultation and are still applicable to this application:

- The application Site is located within South Colchester Farmlands (E2) Landscape Character Area (LCA) of the Essex Landscape Character Assessment. This LCA is characterised by a mix of small regular pasture and large arable fields, dense woodland in the Roman River valley, enclosed intimate character, nucleated and linear villages and farmsteads. The Roman River runs along the southern boundary of the Site, where the surrounding linear vegetation has a strong presence in this landscape, in combination with the dense woodlands which are concentrated within the river valley and to the north-east of the Site.
- The main parcel of the Site is also located within the Wooded Roman River Valley (A2) LCA of the Colchester Landscape Character Assessment (2005). Key characteristics of this LCA include steep wooded slopes of the Roman River valley, large areas of deciduous/coniferous woodland, small patches of Ancient Woodland and views across the valley. Land Management Guidelines are focused on conserving and managing the ancient and semi-natural woodlands and strengthening their recreational role.
- The site is also partially located within the Southern Colchester Farmland Plateau (B3) LCA, which possesses key characteristics including sloping farmland, arable fields, the wooded Roman River to the south, large patches of woodland and also provides “physical and visual separation between Colchester urban area and the Roman River Valley”. Notably, there are a number of historic features within this LCA which are present within or close to the site, namely the Iron Age dyke system and the Gosbecks Iron Age and Romano-British Site which defines the eastern boundary. Hanging Wood and Butchers Wood also part of this LCA and are in close proximity to the Site.
- As per the key planning and land management guidelines of the B3 LCA, there is currently “pressure on the landscape from urban-fringe related activities, such as sand and gravel extraction”. In combination with this, the LCA currently serves as a “physical and visual separation between Colchester urban area and the Roman River

Valley". We have concerns that the proposed mineral extraction works will further extend the impacts on the relevant local landscape character areas towards the boundary of the Roman River Valley.

- The Mineral Extraction Phase Plan demonstrates a rise in elevation from 22m AOD at the Roman River up to approximately 33m AOD along the northern boundary, positioning the Site as characteristically within the Roman River valley landscape. As a key characteristic of the LCA, the Roman River valley is an important local landscape feature and the linear surrounding vegetation is visible from surrounding receptors, i.e. Bridleway 17, 30 and Footpath 19. The proposed Site is also visible from receptors within the wider landscape, as has been demonstrated in the submitted LVIA, however receptors on Birch Road to the south-west have not been included. Owing to the elevation change, there are some opportunities for views between gaps in the vegetation across the valley to the northern section of the Site.
- Owing to the lower topography close to the Roman River, Colchester Zoo and surrounding associated paraphernalia is not visible or experienced from the southern section of Bridleway 17 (Stanway). This section of the bridleway close to the river has a sense of rurality and tranquillity that is not experienced once receptors travel north, where built features associated with Colchester Zoo are experienced. We therefore have concerns that the proposed mineral extraction works will reduce the tranquillity and rurality in the countryside and on the public right of way (PRoW) network.
- Existing mineral excavation is currently in operation on the northern side of Maldon Road, which extends north and west from the Site at Stanway Quarry, Colchester Quarry and Bellhouse Quarry. The combination of three active quarry sites will contribute to the disruptions in the surrounding countryside. Although there is little intervisibility between the extraction sites, the proposed extension contributes to the cumulative impact on users of the surrounding public right of way network, which are currently already impacted by the extraction works.
- Butcher's Wood is located directly adjacent to the Site, on the north-eastern boundary, where the northern and eastern part of the woodland is designated as Ancient Woodland. Butcher's Wood is also designated as a Priority Habitat (Deciduous Woodland). The woodland belt then connects to meet the Roman River which runs along the southern boundary and is surrounded by dense woodland (Ram Plantation and Aldercar) which is characteristic of the two LCA's for this area. Potential concerns regarding the impact of the extraction works on the Ancient Woodland will be dealt with by the ecologist.
- Gosbecks Iron Age and Romano-British Site (List entry: 1002180) is located within the site boundary and runs along the eastern site boundary. The scheduled monument is also marked by Bridleway 17 (Stanway) which runs along the eastern boundary and connects to Bridleway 30 (Stanway) and Footpath 19 (Stanway) which runs along the full extent of the northern boundary of the main parcel and crosses the proposed sunken conveyor. These footpaths also provide access from the south to Colchester Zoo and the Church of All Saints (Grade II*) which are located to the north-west corner of the Site.
- Policy S10 (Protecting and enhancing the environment and local amenity) of the Essex Minerals Local Plan (2014) states that proposals shall demonstrate that "appropriate consideration has been given to public health and safety, amenity, quality of life of nearby communities, and the natural, built, and historic environment" and "opportunities have been taken to improve / enhance the environment and amenity". Whilst the submitted Restoration Plan looks to enhance the landscape resulting from the extraction works, we have concerns that the amenity and quality of

life of the nearby communities may be adversely impacted, particularly in relation to the sequential impact on public right of way users.

- Overall, based on our desktop study and site visit (dated 15/08/23), in our professional judgement the proposed changes would have an adverse impact on the landscape character of the Roman River, the visual amenity of receptors and sequential impacts to people using the PRoW network and harm to the adjacent woodland and wider countryside. We also have concerns that the proposals would conflict with Policy S10 of the Essex Minerals Local Plan (2014), and that the proposals do not accord with the key planning and land management guidelines within the Southern Colchester Farmland Plateau (B3) LCA.
- Notwithstanding our concerns, if minded for approval, we recommend that conditions relating to hard and soft landscaping, landscape management and maintenance plan and advance planting are considered.

2.0 Urban Design (Elisha Belfon Thompson) **No comment**

2.1 No comment from an urban design perspective

3.0 Arboriculture (Emily Wood) **No comment**

3.1 No further arboricultural information provided, previous comments still stand. Please see comments from 14/09/2023.

4.0 Ecology (Emma Simmonds) **Can be mitigated through conditions**

4.1 Thank you for re-consulting the ecology team with regard to the additional information for the above proposals. This includes a Supplementary Planning Application Statement (Tarmac, November 2023) and revised extraction phasing plans and restoration plans. We have reviewed these submitted documents. There is no revised ecology appraisal as this is not considered necessary by the applicant.

4.2 The scheme has been revised to provide for:

- A 50m wide undisturbed margin between Grymes Dyke and the edge of the proposed extraction area.
- Consequential revisions to the limits of the prior extraction area.
- Additional landscaping proposals to define the alignment of Grymes Dyke; and
- The replacement of the proposed conveyor link and bridge over Maldon Road with a sand pumping system and small-bore tunnel beneath Maldon Road.

4.3 We are satisfied that there is still sufficient ecological information available for determination of this application. Our previous advice, as set out in Place Services response of 24th July 2023, still applies.

4.4 The shadow Habitat Regulations Assessment (Kedd Ltd, January 2023) indicated that impacts upon International and European designated sites can be screened out for the earlier proposal. Natural England's revised response of 11th December 2023 considers that the *"additional information... is unlikely to have significantly different impacts on the natural environment than the original proposal"*.

4.5 The hydrological and hydrogeological assessment has not been revised and we have no reason to believe that the revised plans would now create direct run-off into the Roman River, which would affect water quality of the river, and potentially the Habitats Sites downstream.

No other impact pathways are predicted. Therefore, we concur that the site can be screened out from further assessment.

- 4.6 We draw your attention to the need for the removal of an outlier Badger sett which will require a licence from Natural England. We therefore recommend that the additional condition below is appended to any planning permission.
- 4.7 It must also be ensured that this scheme does not affect the timescale for the restoration of the extant quarry area north of Maldon Road.
- 4.8 The grassland areas will be relatively narrow on the perimeter and some of which will be between hedgerows and woodland. These areas are therefore unlikely to be suitable for nesting Skylarks due to this ground nesting species' need for large open spaces to feel secure. Therefore, it should be ensured that phases of the site are retained with vegetation at all times to provide nesting habitat (as recommended in section 5.8 of the Breeding Bird Survey Report (Pleydell Smithyman Ltd, July 2021). The new perimeter species rich grasslands and hedgerows should be created during the first year of operation to ensure that they have time to mature. We also draw your attention to the potential need for soil manipulation of the areas for the proposed species rich grassland to ensure that it is suitable to support this habitat, especially if the soil is currently worked as arable land.
- 4.9 This will enable MPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.
- 4.10 Impacts will be minimised such that the proposal is acceptable, subject to the conditions below- and in our response of 24th July 2023- based on BS42020:2013.
- 4.11 We recommend that submission for approval and implementation of the details below should be a condition of any planning consent.

Condition 1: PRIOR TO COMMENCEMENT OF ANY WORKS WHICH WILL IMPACT BADGERS ACTION REQUIRED: SUBMISSION OF A COPY OF THE MITIGATION LICENCE FOR BADGERS

"The following sett closure shall not in in any circumstances commence unless the local planning authority has been provided with either:

- a. a licence issued by Natural England pursuant Badger Protection Act 1992 authorizing the specified activity/development to go ahead; or*
- b. a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence."*

Reason: To conserve protected species and allow the LPA to discharge its duties under and Badger Protection Act 1992 and s17 Crime & Disorder Act 1998.

5.0 Archaeology (Adrian Gascoyne)
Impact/harm

- 5.1 Place Services Historic Environment team provided advice (24 July 2023), relating to the original planning application. At the time we noted that additional information was required to form an opinion on the proposal. Paragraph 194 of the NPPF requires the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. It is our view that, given the importance of Grymes's Dyke, which forms part of the Gosbecks Scheduled Monument, the Landscape and Heritage Design Statement (November 2023) provided in support of the application does not provide an adequate assessment of the heritage asset's significance, including identifying the contribution made by its setting.

- 5.2 We have now considered the additional information that has been provided in support of the application and our advice relating to the additional submitted information, and in relation to the impact on the significance of the scheduled monument from the proposals, is set out below.
- 5.3 Grymes Dyke survives south of Maldon Road and to the east of the proposed development as a substantial linear earthwork running along the western side of Butchers Wood, and as below ground archaeological remains running down to the Roman River from the south-west corner of Butchers Wood. Guidance in the good practice advice note produced by Historic England on behalf of the Historic Environment Forum in GPA 3; “The Setting of Heritage Assets”. GPA 3 states, “heritage assets that comprise only buried remains may not be readily appreciated by a casual observer. They nonetheless retain a presence in the landscape and, like other heritage assets, may have a setting”. GPA 3 also states, “buried archaeological remains may also be appreciated...in relation to their surrounding topography”.
- 5.4 Topography, tranquillity, and the rural land use and landscape setting of the monument, including views out into the wider countryside, make positive contributions to the setting and significance of the designated heritage asset, and the appreciation of its significance through the way in which it is experienced. Topography and the position of Grymes Dyke in the landscape are particularly important to the appreciation of the Scheduled Monument’s strategic location. The land to the west of the Scheduled Monument, within the proposed extraction and restoration site, contributes to these aspects of the asset’s setting and significance.
- 5.5 Archaeological trial trenching on the main area of proposed extraction (described as the southern field) has identified the presence of late Iron Age and early Roman agricultural activity, comprising sequences of ditches and enclosures, with probable associated occupation to the north. These features fall within the setting of the Gryme’s Dyke scheduled monument. Evidence from the archaeological evaluation indicates that the remains are slightly earlier in date than Grymes Dyke, and that this activity probably ended following the Dykes construction (Colchester Archaeological Trust Report 1610, 2020). These features thus have a relationship with the scheduled monument and contribute to its setting and significance. Any below ground archaeological remains would require an appropriate level of preservation by record if the application was approved, requiring conditions to be applied.
- 5.6 It is stated on Sheet 14 of the Landscape and Heritage Design Statement (Nov 2023), that “During the operational period (without mitigation), mineral extraction will not significantly adversely affect the assessed heritage setting, nor landscape character”. However, during extraction, negative impacts on the setting and significance of the Scheduled Monument and the ability to appreciate that significance will include change of land use and industrialisation, increased noise, dust and movement, as well as changes to local topography and views from and to the heritage asset.
- 5.7 Existing mineral excavation is currently in operation on the northern side of Maldon Road, extending along the eastern edge of the Scheduled Monument, Gryme’s Dyke. This development would contribute to the cumulative impact on the setting and significance of the designated heritage asset, and the ability of users of the public right of way that runs along Gryme’s Dyke to appreciate the significance of the designated heritage asset, which is already impacted by existing extraction works.
- 5.8 It is stated on Sheet 14 of the Landscape and Heritage Design Statement (Nov 2023), that “at Post Restoration, the changes to the heritage setting and landscape character would not be discernible compared to the existing situation”. However, the concept restoration plan indicates post restoration changes to the present landscape form, including increased visibility of the built-up area of Colchester Zoo (seen in location 2 and 3), which would have a negative impact on the ability to appreciate the setting and significance of Grymes Dyke. Without a scheme/master plan for the zoo, the understanding of the final setting that the Scheduled Monument would be experienced in is incomplete, and so the full impact on the setting of the monument cannot be accurately defined. Notwithstanding this concern, on the

basis of current understanding, we recommend that if the proposed development of the quarry proceeds, the ground level across the extraction site is restored to the original (current and pre-extraction) ground level.

- 5.9 Post restoration, the addition of hedgerows, to the east and west of the monument and proposed stand-off from the scheduled Dyke (shown on Sheet 9 of the Landscape and Heritage Design Statement), are also likely to be harmful to the significance of the heritage asset through impacts on the ability to appreciate the surrounding topography, the loss of long-distance views from the monument towards the west and the visual connection between the designated heritage asset and its wider rural setting.
- 5.10 The addition of a species rich grassland corridor positioned over the below ground remains of the Scheduled Dyke has the potential to protect any surviving sub surface archaeological remains and would be beneficial to the appreciation of the monument, serving to demarcate the original position and alignment of the monument in the landscape. Interpretation of the Dyke would also be beneficial. If the proposed development proceeds, a minimum 50m standoff margin from the western edge of the scheduled Grymes Dyke and the eastern edge of the proposed extraction area is also welcome, as is the replacement of the originally proposed conveyor link and bridge over Maldon Road with a sand pumping system and small-bore tunnel beneath Maldon Road.
- 5.11 However, the proposed development has been conceived as a permanent change to the setting of the scheduled monument, Gryme's Dyke. This would result in harm to the significance of the heritage asset. The proposed development would result in harm to the appreciation and experience of this designated heritage asset, which is of national importance. This would be contrary to policy for sustaining and enhancing heritage assets, including Policy S10 (Protecting and enhancing the environment and local amenity) of the Essex Minerals Local Plan (2014). In terms of the National Planning Policy Framework (NPPF), this would result in less than substantial harm to the significance of a Scheduled Monument. We consider this should be given 'great weight' in the planning balance, in accordance with paragraphs 199 and 202 of the NPPF. If the development proceeds it will require conditions for open area excavation, appropriate publication, and conservation management of the Scheduled Monument.
- 5.12 Condition 1: No development or preliminary groundworks of any kind shall take place until a programme of archaeological excavation has been secured in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: To define a programme of excavation based on the result of the archaeological evaluation (trial trenching) that was submitted with the application.

Condition 2: No development or preliminary groundworks of any kind shall take place until the completion of the programme of archaeological excavation identified in the WSI defined in 1 above.

Reason: To ensure that the programme of archaeological field work defined in the Written programme of archaeological investigation is undertaken.

Condition 3: The applicant will submit a final archaeological report or a Post Excavation Assessment report and an Updated Project Design for approval by the Local Planning Authority. This shall be done within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance in writing by the Local Planning Authority. This will result in 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 ensure that the results of the archaeological excavation are appropriately processed, and a publication is produced defining the results. There will also need to be a programme of outreach to ensure that the public is appropriately informed on the results.

6.0 Historic Buildings (Luciana Rigano)
No impact/harm

- 6.1 The proposal site is in close proximity to Grade II* Listed Church of All Saints (List Entry Number: 1266610), which is also a Scheduled Monument (List Entry Number: 1019879). All Saints Church is a 13th Century building, mostly re-built in the 15th century and altered in 1605 when the church became the chapel to Great Stanway Hall. The church is a ruin since the 18th century and, together with the remains of Stanway Hall, has been included within the boundary of Colchester Zoo.
- 6.2 The revised proposal has removed the previously proposed conveyor bridge across Maldon Road connecting the Northern Field to the proposal site, which was considered to introduce an incongruous feature within the wider setting of the Grade II* Listed Church. The conveyor belt has now been replaced with an underground mineral slurry pipe system, which would remove the visual impact of the proposal on the setting of heritage asset.
- 6.3 It is noted that the proposal would still involve a change of use of the wider setting of All Saints Church, however intervisibility between the heritage asset and the extraction site are likely to be very limited due to distance and presence of intervening buildings and infrastructures within the boundary of the Zoo. Potential views are likely to be sufficiently screened by the proposed planting and screening bunds.
- 6.4 Overall, the proposed revised scheme is not considered to affect the setting of the identified built heritage.
- 6.5 As previously advised, at this stage, it is not possible to assess the impact of the proposed extension of Colchester Zoo following the reinstatement of the Southern Field at the end of the proposed extraction works.

If you have any queries regarding the above matters, please do not hesitate to contact me.

Kind Regards,

Jonathan Crane
Principal Planning Consultant
Place Services | Essex County Council

Email: jonathan.crane@essex.gov.uk
Web: www.placeservices.co.uk

Place Services provide and coordinate specialist planning advice on behalf of Essex County Council.

Please note: This letter is advisory and should only be considered as the opinion formed by specialist staff in relation to this particular matter.

Project	Colchester Zoo
Project No.	P21225-00
Date	03/07/23
Purpose	Review and representation of the Tarmac Planning Application
Rev	01

Planning Application: ESS/34/23/COL

Land at Stanway Quarry and east of Colchester Zoo, Maldon Road, Stanway, Colchester, Essex, CO3 0SL

Colchester Zoo are the freehold landowner, for the area of land that is subject to the planning application for mineral extraction, by the applicant Tarmac. Tarmac has an Option on the mineral rights.

Colchester Zoo have had regular dialogue with Tarmac ahead of the planning application to ensure that the mineral extraction has no adverse implications on the Zoo's current operational requirements and visitor experiences, along with our own future redevelopment plans. These discussions have been collaborative and are ongoing.

Working with Colchester City Council and through the local plan consultation process, we have observed the promotion and acceptance of the now adopted Zoo Policy WC3. In accordance with the now adopted Policy WC3 of the Colchester City Local Plan, Colchester Zoo, working collaboratively with Tarmac, have produced a Masterplan roadmap, involving the Prior Works requirements associated with the successful extraction of mineral. We at Colchester Zoo are taking this forward to the detailed stage, over the next few years, to facilitate the future expansion of the Zoo. The masterplan vision has been developed and Colchester City Council have been consulted. The masterplan vision sets out the aspirations of Colchester Zoo and will continue to be developed to fully comply with the WC3 policy requirements. This masterplan vision sets out the proposals for how the land post mineral extraction will be developed, to give all parties the opportunity to appreciate how this land allocation could be fully developed out in the future.

It is recognized that a key element of Policy WC3 is to ensure that any viable mineral deposits can be extracted in a phased manner as part of the Zoo redevelopment. Therefore, early extraction of the limited amount of mineral by Tarmac as the first phase of the development will enable Colchester Zoo to comply with the requirements of Policy WC3 and progress our own redevelopment plans.



As a visitor attraction, our primary concern is to ensure that the operations of the mineral extraction will not have a detrimental effect on the visitor experience of our guests or the operational running of the Zoo. The applicant has provided studies on the visual and noise impacts of the proposed development during the extraction that demonstrates that there will not be a significant impact.

We have discussed some operational requirements with Tarmac directly regarding the retention of overflow parking and access for pedestrians and farm machinery along the PROW (over the proposed conveyor belt) and Tarmac have confirmed that they will address these issues and put measures in place to resolve as part of their technical site procurement strategy.

The proposed restoration and reinstatement of the land post mineral extraction will result in gently sloping landform that is slightly shallower than at present, so does not present any issues for the future redevelopment of the site by the Zoo.

We acknowledge and clearly support the applicant's proposal to enhance biodiversity on the site during and post development - conservation and habitat creation is vitally important.

In summary, having reviewed the proposed application in detail, and against the background of Policy WC3 Colchester Zoo supports the Application, and can confirm that we do not foresee that the mineral extraction will have a detrimental impact on the Zoo's current operational requirements or future redevelopment plans.



From: Mel Dench <melissa@colchesterzoo.org>
Sent: Monday, December 4, 2023 2:19 PM
To: Terry Burns - Principal Planning Officer <Terry.Burns@essex.gov.uk>
Subject: RE: Tarmac Planning Application ESS/34/23/COL

You don't often get email from melissa@colchesterzoo.org. [Learn why this is important](#)

CAUTION: This is an external email.

Dear Mr Burns,

I am emailing you from Colchester Zoo in reference to the Tarmac Planning Application ESS/34/23/COL and additional documents recently submitted.

Following our initial representation (attached), Tarmac have been in contact with us and discussed the additional information provided. On behalf of Colchester Zoo, I can confirm that we have no concerns that there will be any negative effects on our future vision with the additional information presented as part of the application.

Other than reiterating the previous representation made by us at Colchester Zoo, we do not have any further comment to add.

Thank you for your time to take our comments into consideration.

Kind regards
Melissa





Mr Terry Burns
Essex County Council, County Planning

Data Protection Act E2, County Hall
Chelmsford
Essex
CM1 1QH

Our ref: P01559985

Your ref: ESS/34/23/COL

Date: 24 May 2023

mineralsandwastedm@essex.gov.uk
BY EMAIL

Dear Mr Burns

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)
TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2017

Land at Stanway Quarry and east of Colchester Zoo, Maldon Road, Colchester
Application No. ESS/34/23/COL

Thank you for your letter of 9 May 2023 regarding the above application for planning permission. On the basis of the information available to date, we offer the following advice to assist the Council in determining the application.

Summary

Historic England considers the application would cause harm to the significance of a Scheduled Monument. The development would permanently change the setting of the Scheduled Gryme's Dyke, resulting in loss of significance. This is contrary to policy for sustaining and enhancing heritage assets. We consider this should be given great weight in the planning balance.

Disagree. The morphology, landform and contour heights of the Roman River Valley have been used as a design guide to ensure the restored site's landscape character and visual nature fully reflect and replicate those of the current Scheduled Grymes Dyke and its immediate and local environmental setting. As such there will be no material changes to topography and no material change to the setting of the Scheduled Grymes Dyke (and thus no significant impact). There would be no conflict with policy relating to sustaining and enhancing heritage assets, and, on the contrary, the proposal incorporates important enhancement measures that will ensure the asset is not further degraded by agricultural activity.

Consequently, we recommend the Council should refuse the proposed development on heritage grounds. We recommend that alterations are sought to the proposed development to reduce the level of harm to the significance of the Scheduled Monument.

Disagree. No evidence or assessment has been provided to justify this Historic England comment which is totally subjective. It also does not take account of informal pre-application discussions with Historic England, the draft scheme was revised to provide a greater standoff margin to the Dyke, the extraction of a reduced tonnage of sand, and revisions to the restored landform with the express objective of creating a landform which would have no material effect on the setting of the Dyke.

this application and the wider redevelopment of Colchester Zoo to be fully assessed.

This is not the function of the prior extraction application, and it is not a requirement of Policy WC3 of the Colchester Local Plan.

We also note this is a proposal for a quarry extension site that is not allocated in the Essex Minerals Local Plan and so is contrary to policy.

This is a fundamental misunderstanding of the nature and function of the planning application which is for the prior extraction of minerals pending future expansion of Colchester Zoo – ref Colchester Local Plan policy WC3 which expressly requires the prior extraction of mineral to avoid sterilisation of mineral resources. This is not a conventional proposal for ‘a quarry extension site’ and the absence of an allocation in the Essex Mineral Local Plan is not relevant to the determination of the application.

Historic England Advice

The significance of the historic environment

Gosbecks Iron Age and Romano-British site

The eastern edge of the application boundary extends into the Scheduled Monument known as ‘Gosbecks Iron Age and Romano-British site’ (List Entry Number: 1002180).

The eastern edge of the application site extends into the Schedule Monument, but there would be no physical works undertaken within the Scheduled Monument. The application site has been defined to provide land within the application site boundary to facilitate management and enhancements to the Monument. It should also be noted that the Colchester Local Plan Policy WC3 allocation similarly encompasses the Monument, but to a greater extent with the incorporation of land within and on the eastern side of the Monument. Within the Local Plan consultation process it should be noted that the eastern extent of the WC3 allocation was assessed by Colchester City Council and the Planning Inspector and its land area reduced to address this specific matter (see attached plans).

The complex commonly known as Gosbecks is an extensive area of settlement, military and ceremonial activity dating from the pre-Roman Iron Age to the 4th century AD. This was part of – and potentially the central part – of the late Iron Age territorial centre or oppidum of Camulodunon (sic- *Camulodunum*), a capital for British kings. The oppidum was defended by an extensive dyke system.

The significance of the centre was such that it was the main strategic objective of the Roman invasion force in AD 43, and the place where the victorious emperor Claudius accepted the submission to Roman rule of a number of British tribes. Clearly, Gosbecks remained an important ceremonial centre into the Roman period, with the construction of a fort, temple enclosure and theatre.

That part of the Scheduled Monument known as Gryme’s Dyke extends into the east side of the application redline boundary (see comments above). Gryme’s Dyke is thought to be a Roman earthwork, the latest in the series of large, linear earthworks on the west side of Colchester. It comprised a large ditch on the outer, west side and a substantial rampart on the east side, probably originally with a timber palisade on the top of the rampart.

survives as buried archaeological remains. The recent trial-trenched evaluation accurately established the western edge of the Dyke. The section to the north, alongside Butcher's Wood, survives as an earthwork.

The trial trenching undertaken by Tarmac as part of the EIA cultural heritage study allowed Historic England to accurately position the scheduled monument boundary to include the western edge of the Dyke for the first time.

The Scheduled Monument has demonstrably high potential to contain important stratified archaeological deposits and structural remains that could considerably increase our understanding of the size, construction and date of Gryme's Dyke. Buried artefacts and palaeoenvironmental remains will have potential to increase our knowledge of the social and economic functioning of Gosbecks, and its relationship with the surrounding landscape.

Noted, but it must be recognised that no physical works are proposed within the Scheduled Monument and that it has been included within the 'red line' application site boundary simply to facilitate future management and protection of the Monument.

The Scheduled Monument draws a considerable amount of significance from how it is experienced in the open, rural landscape. It is situated in a prominent location and overlooking the Roman River. As a linear boundary, and defensive earthwork, much of the significance of Gryme's Dyke relates to the visibility over, to and from, the land that surrounds it. This includes the proposed development area, immediately to the west of the Dyke.

The scheduled monument as it runs along the edge of the prior extraction area is not 'experienced' given that since the 19th century it has been ploughed over and no visitor can appreciate its existence in its current form – hence the inaccurate extent of the Scheduled Monument boundary before the current evaluation. Through pre-application consultation with Historic England, Colchester City Council's and Essex County Council's historic and landscape officers, the iterative design of the scheme has taken account of how the Scheduled Monument is experienced in the open, rural landscape. It has been demonstrated within the Historic and Landscape Chapter of the ES that during the short-term operational period the effects of the development can be mitigated, and the existing experience maintained and enhanced post restoration.

We consider the setting makes a strong positive contribution to the significance of the Monument. Moreover, the section of Gryme's Dyke to the south of Maldon Road, which includes the proposed development area, is the only part of the Monument that has not been harmed by later development and where the rural landscape context can be still readily appreciated.

The section south of Butcher's Wood that runs along the east of the proposed prior extraction area has been levelled and ploughed over and as noted above, is not a feature which is visible in the landscape, or where the Dyke 'can be appreciated in the landscape'. For this reason, the prior extraction scheme includes measures to define the alignment of the Dyke by hedgerow planting and the provision of interpretation boards to explain the location and significance of the Dyke. In addition, the restoration scheme would re-create the 'rural landscape context'.

Remains of All Saints Church, 60m north west of Stanway Hall Farm

There is a second Scheduled Monument 128m to the north-west of the PEA, 'Remains of All Saints Church, 60m north west of Stanway Hall Farm' (LEN 1019879). The Remains

of All Saints Church are also Grade II* Listed (LEN 1266610).

Non-designated Archaeology

The trial-trenched evaluation to support this application defined previously unknown archaeological remains dating to the Late Iron Age-early Roman period within the PEA (Appendix 7.4). It also defined early to middle Iron Age remains, including an assemblage of prehistoric pottery, as well as undated archaeological remains. We also note the potential for Palaeoarchaeology within the PEA (Appendix 7.5).

While not designated, the archaeological remains within the proposed development area have an important spatial and chronological relationship with the adjacent Scheduled Gryme's Dyke. They are thus important for understanding the significance of the Monument. Together with the Scheduled Monument, these remains form part of a fascinating, complex and multi-layered historic landscape.

This has been recognised by the inclusion of a fully funded programme of further excavation to provide an understanding of the relationship between the proposed prior extraction area and the Dyke. Without this further excavation, the features will be progressively destroyed by ongoing ploughing. They have already experienced significant truncation.

A detailed cultural heritage assessment has been carried out to support this planning application. We welcome ES Chapter 7 on Cultural Heritage with supporting Appendix 7. This includes a desk-based assessment (Appendix 7.2), as well as the report on a geophysical survey (7.3) and trial-trenching evaluation (7.4). It also includes a palaeoarchaeology assessment, which includes borehole data (7.5).

In addition, we note ES Chapter 6 and Appendix 6.1 on Landscape and Visual Impact. We note Montages 1 and 2 (Appendix 6.1) which show photomontages from Gryme's Dyke and also from the 'Remains of All Saints Church'.

The proposals and their impact on the historic environment

Our primary concern relates to the impact of the proposed development upon the significance of the Scheduled Monument known as 'Gosbecks Iron Age and Romano- British site' and, particular, that part of the Monument known as Gryme's Dyke that is located within the east side of the application redline boundary.

See comments above regarding the reasons for the inclusion of the Scheduled Monument within the 'red line' application site boundary. If Historic England prefers then the red line boundary could be adjusted to exclude the Monument and the associated enhancement and management measures.

We consider the proposed development would result in harm to the significance of the Scheduled Monument.

Disagree. There would be no physical harm to the Monument, there would be no material change to the landform setting, the proposal provides for enhancement to and management of the Monument, and further evaluation of the spatial significance of the Monument.

We consider the proposed extraction phase would result in harm to the significance of the Scheduled Gryme's Dyke. (Repetition of the sentence above). This would be caused principally by the visual intrusion of temporary bunds and extraction equipment within the historic landscape as well as noise from the mineral operations.

These would be very short-term temporary effects, on a Scheduled Monument that is not seen and cannot be appreciated in its current form along the eastern side of the prior extraction area. The short-term effects need to be balanced against the longer-term enhancements which the scheme would bring and would be funded by Tarmac rather than from the public purse.

The proposed restoration would result in harm to the significance of the Scheduled Monument. This is because the proposed restoration would result in considerable changes in the ground level; the restored ground level would be up to 6.0m lower than the current, pre-extraction level on the west side of Scheduled Gryme's Dyke. This will result in a considerable change to the setting of the Scheduled Monument. We consider this will permanently alter how the Monument is experienced in the landscape, resulting in harm to the significance of the Monument.

This is either an incorrect or disingenuous interpretation of the submitted plans. There would be no 'considerable changes in ground level'. The land would fall gently from a level of 32m AOD in the north to 24m AOD in the south, a 6-metre fall, but this is exactly the same as the existing contours which fall from 32mAOD to 24m AOD. A proper analysis of the contours to the west of the Dyke (Current Situation plan B030-00706-2 and Concept Restoration plan B030-00706-6) confirms the way in which the restoration contours would tie-in to the undisturbed contours with no material change in slope on the west side of Grymes Dyke from the existing. Historic England suggest the creation of a 6m deep artificial void to the west of the Dyke which is fundamentally incorrect.

In essence, the restoration landform will provide only minor, subtle changes. The final scheme has been modified through consultations, including with Historic England, to create a landform that resembles a shallow valley running down to the Roman river. This is in keeping with the historic landscape, as evidence by the geophysical survey and palaeo-geoarchaeological work that identified palaeochannels running broadly south through the prior extraction area and down to the Roman river.

Moreover, the restoration contours will not change the way in which the Monument is 'experienced' in the landscape especially as it is not a visible feature in the landscape.

We are also concerned about the potential cumulative impact of the masterplan for Colchester Zoo, which also has the potential to impact – and harm – the significance of the Monument. The minerals application does not illustrate how the extraction site would fit into the wider redevelopment of Colchester Zoo, however, to allow the cumulative impact of both proposals to be assessed.

The potential effects of a Zoo expansion will be separately considered as part of a separate planning application and EIA associated with that development. The function of the related prior extraction scheme is to create a landform which would be suitable for a Zoo expansion, at restoration levels which would not give rise to any significant effect on the setting of Grymes Dyke Monument and avoid the unnecessary sterilisation of minerals, so that the proposed prior extraction scheme fully conforms with Policy WC3 to provide for the phased delivery of the non-mineral development.

The proposed extraction would result in the 'total loss of the archaeological resource', i.e. the non-designated archaeological remains defined by evaluation (ES Section 7.13.2).

preceded by a full archaeological investigation to record, analyse and publish the findings. It has the potential to add significantly to our knowledge of late Iron Age and early Roman *Camulodunum* in an area that is not scheduled nor disturbed by later development, except by ploughing (see also comments above).

Policy considerations for this proposal

The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development in the planning system (paragraphs 7, 8, 10 and 11) which also identifies protection of the historic environment as an important element of achieving sustainable development. Further policy principles relating to the historic environment are set out in Chapter 16 of the NPPF.

NPPF also confirms that that 'planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise', where, in this case Colchester Local Plan policy WC3 is the primary element of the development plan.

In particular, it emphasises the importance of conserving heritage assets, which are an irreplaceable resource, in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations (NPPF paragraph 189).

The Monument adjoining the prior extraction site cannot be 'enjoyed' since it is not visible.

Paragraph 194 states that 'in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance'.

This requirement has been fulfilled via the cultural heritage study undertaken as part of the EIA.

Paragraph 195 requires the LPA to identify and assess the particular 'significance' of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). This policy also states that the significance of the heritage assets should be taken into account 'when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal'.

'Conflict' in this case has been 'minimised' by the sensitive design of the prior extraction scheme and restoration landform to ensure no material change to the setting of the Monument.

Paragraph 196 states, 'where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision'.

Not directly relevant to this scheme, although adverse effects by ploughing, whilst not deliberate damage, are a factor which will affect the long-term future of the archaeological resource.

Paragraph 197 states, 'in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their

conservation;

- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness’.

The prior extraction scheme incorporates positive proposals for enhancement and management, consistent with these requirements.

Paragraph 199 requires the planning authorities to place ‘great weight’ on the conservation of designated heritage assets, and states that the more important the asset the greater the weight should be, ‘this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance’.

Similarly, paragraph 211 requires that when determining planning applications, ‘great weight’ should be given to the benefits of mineral extraction, including to the economy.

Paragraph 200 states that ‘any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification’.

There is a clear and convincing justification in this case, and a separate planning policy requirement (WC3) regarding prior extraction of mineral in advance of separate development.

The letter omits reference to paragraph 201 which confirms that *‘where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.....’*

This provides an important context to the quoted paragraphs 202 and 203 below with a hierarchy of significance. There would not be substantial harm to or total loss of significance to a designated heritage asset in this case, and it is noteworthy that the paragraph is not relied upon in support of the Historic England objection.

Paragraph 202 states, ‘where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use’.

It follows from the above that Historic England’s objection is not based upon ‘substantial harm’ but ‘less than substantial harm’ which itself needs to be weighed against other considerations.

Paragraph 203 states that ‘the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset’.

Noted, and the required ‘balanced judgment’ should be undertaken in this case.

Paragraph 205 states that ‘local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost

(wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted’.

Noted, and this would be undertaken in the conventional way by a further programme of archaeological investigation.

Paragraph 206 goes on to state that, ‘Local planning authorities should look for opportunities for new development... within the setting of heritage asset, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably’.

The proposed scheme is fully in accordance with this requirement with the measures to ‘enhance and better reveal’ the alignment of the Dyke, and the positive contribution to the asset which this would provide.

Setting is then defined in the NPPF as ‘the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset and may affect the ability to appreciate that significance or may be neutral’.

The Planning Practice Guide (PPG), on managing change within the settings of heritage assets states that *a “thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.”*

The assessment of setting within the EIA was carried out using the guidelines within Historic England’s GPA3, *The Setting of Heritage Assets*. This recommends a 5-stage approach to assessment, which was followed. This concluded that during extraction there would be no effect upon our ability to appreciate the significance of the monument due to:

- a lack of intervisibility from the earthwork section of the monument, where the visitor can appreciate the form and significance of Grymes Dyke
- the absence of a visible monument south of Butcher’s Wood and a visitor’s inability to appreciate any significance in this location.

Post- restoration the assessment concluded that there would be no effect upon any views from the earthwork section of the monument. The hedging in the section adjoining the PEA will mature over time and define a linear grassland corridor that reflects a continuation of the alignment of Grymes Dyke south from Butcher’s Wood. An educational trail along the footpath will include interpretation panels that will enhance the visitor’s appreciation of Gryme’s Dyke and the wider archaeological landscape, including the results of the archaeological excavation within the prior extraction area. These enhancements were assessed as offsetting the harm to the setting of the monument during operation.

The key phrase is ‘*the ability to appreciate*’ the significance. A robust assessment, using Historic England’s guidance concluded that both during extraction and following restoration there would be no effect upon our ‘*ability to appreciate*’ the significance of the monument.

It should be noted that Historic England's response has been entirely subjective with no assessment nor any reference to their own Guidelines.

In terms of local plan policy, this is a proposal for a quarry extension site that is not allocated in the Essex Minerals Local Plan (adopted 2014).

Fundamentally incorrect. This is not a proposal for a quarry extension, and there is no such reference in any of the documents accompanying the application. The application relates to the prior extraction of sand in the context of the requirements of Policy WC3 of the Colchester Local Plan. The non-allocation of the site in the Essex Minerals Local Plan (MLP) is not relevant, albeit policy S6 of the MLP makes provision for extraction outside of the preferred sites in exceptional cases, and where express reference is made to prior extraction to prevent mineral sterilisation (para 3.106). See also para 3.140 of 'Regulation 18' draft amendments to the current MLP and the section headed 'the benefits of prior extraction', cross referenced in Section 3.2 of the Planning Application Statement.

In terms of the adopted Colchester Local Plan 2017 – 2033, Policy WC3: Colchester Zoo, the application site has been allocated for the development of the Zoo. Policy WC3 also states, 'the mineral shall be worked in accordance with a scheme/masterplan as part of the phased delivery of the non-mineral development'.

This is glossed over in the Historic England letter, but it is the underlying context to the application, which itself is accompanied by a masterplan programme illustrating the way in which the prior extraction scheme is part of the 'phased delivery' of the future expansion of Colchester Zoo (ref Planning Application Statement Appendix 1).

Our advice reflects guidance in the good practice advice notes produced by Historic England on behalf of the Historic Environment Forum in GPA 2; Managing Significance in Decision-Taking in the Historic Environment and GPA 3; The Setting of Heritage Assets.

Historic England's Advice

We have serious concerns that the proposed development would result in harm to the significance of the Scheduled Monument known as 'Gosbecks Iron Age and Romano-British site'. This is because the proposed restoration scheme would result in considerable and permanent change in the ground level and how the Monument is experienced in the landscape.

The concerns expressed are incorrect. There would be no 'considerable change' in the ground level, and the restoration profiles have been consciously designed to avoid any 'considerable' changes. In practice, there would be a gentle fall across the site which mirrors and ties into the topography of the immediately adjoining area, with no marked changes in slope, and no 'artificial' topographical features.

We consider the proposed restoration scheme would need to be revised to mitigate the impact of the development on the setting of the Scheduled Monument. In particular, the restored ground level would need to be significantly increased to reduce the difference between the current and restored levels.

There are no further opportunities to increase the restoration ground levels without the use of imported fill.

We also consider the proposed extraction phase would result in harm to the significance of the Scheduled Gryme's Dyke. This would be caused principally by the visual intrusion of temporary bunds and extraction equipment within the historic landscape as well as noise from the mineral operations. We note, however, the extraction would be undertaken and restoration completed within a relatively short-term period of three years.

The scheme has been consciously designed to limit the volume of sand to be extracted, both to minimize the duration of the development and to assist in the creation of appropriate restoration contours. Any form of prior extraction will result in some degree of temporary short-term disturbance, and this should not be a determining factor in this case.

In terms of local plan policy, this is a proposal for a quarry extension site that is not allocated in the Essex Minerals Local Plan (adopted 2014). We are concerned that development of this nature would normally be expected to be brought forward through the plan-led process as an allocation in the Minerals Local Plan. This site is not in the Plan so is contrary to policy.

Fundamentally incorrect, for the reasons explained above, and it is beyond the remit of Historic England to pronounce on the plan making process.

We are also concerned about the potential cumulative impact of the redevelopment of Colchester Zoo. This also has the potential to harm the significance of the Monument. We consider the minerals application must illustrate how the extraction site will fit into the wider redevelopment of the Zoo, to allow the cumulative impact of both proposals to be fully assessed. This is in accordance with Policy WC3 of Colchester Local Plan 2017 – 2033.

Again, an incorrect interpretation of Policy WC3. The function of the prior extraction scheme is straightforward in avoiding the sterilisation of minerals, and providing a restoration landform which would be compatible with a Zoo expansion in accordance with Policy WC3. It will be for a subsequent Zoo expansion application and EIA to consider the effects of that scheme on cultural heritage interests.

We note the proposed heritage benefits set out to offset the harm to the significance of the Scheduled Monument. We consider this would principally be delivered by improved and sustainable management of the Scheduled Monument, coupled with interpretation that is designed to improve public perception of the asset.

Disappointing that this is simply 'noted' given the benefits which would arise.

We welcome the proposed creation of grassland on the Scheduled Gryme's Dyke, and the removal of the Monument from cultivation (ES Figure 4-1). We consider this would be a heritage benefit. We are also keen to ensure this area is beneficially managed, with an appropriate conservation and landscape management plan, secured with adequate resourcing for ongoing maintenance, that benefits the Scheduled Monument.

This could be readily secured by planning condition and / or a Section 106 Agreement.

We are of the view that an adequate no-development buffer zone, beyond the edge of the Scheduled Monument, should be provided. We welcome, therefore, the proposal to create an open area/zone of managed grassland in order to create a buffer of open land alongside Gryme's Dyke — the proposed 50m stand-off between the Extraction Void Mineral Extraction and the Scheduled Gryme's Dyke (Appendix 6.1, Montage 1).

We consider the 50m stand-off should be taken from the edge of the Scheduled Monument, however, and not from the edge of the N-S trackway as currently illustrated on Montage1. This is because the Monument is up to c.54m wide, i.e. the Scheduled Monument extends c.40m to the west of the track (and c.10m to the east).

We consider, therefore, the appropriate stand-off, marked by the new hedgerow, should be c.40m + 50m from the track, to provide an open area of grassland that is 50m wide beyond either side of the Monument. This would be consistent with the approach for the Fiveways Fruit farm Extension at Stanway Quarry to the north.

Tarmac would be content to consider this further and to make modifications to the submitted scheme if the Planning Authority deem this to be necessary.

We note that all restored areas within the confines of the PEA would be subject to a detailed five-year Aftercare Management Programme (ES Section 4.4). We consider a management plan should be provided for the whole site, if planning permission is granted, including the Scheduled Monument. This is to ensure the area of new landscaping and planting is properly managed. In addition, we would recommend a planning obligation should be secured to resource the implementation of the management plan.

Noted, and can be discussed with the Planning Authority.

We welcome the proposal to create an education trail and interpretation panels (ES Section 7.3.15) to improve public perception and understanding of the Scheduled Monument and wider historic landscape. We would recommend that interpretation panels are provided in a suitable and publicly accessible locations the line of the Monument. We would recommend this is also secured via a planning obligation, if permission is granted.

Again noted, but disappointing that the acknowledged benefits of improved and sustainable management of the Dyke Monument, removal of the monument from cultivation, provision of a buffer zone, management plan, and education trail / interpretation facilities have not resulted in a more positive balance by Historic England.

We note that the northern field would remain as (and or be returned to) agricultural land (ES Section 4.3). Given the extent of archaeological remains that have been defined in this field, we would strongly recommend this field is also turned to managed grassland. We consider this would be a significant heritage benefit towards offsetting the harm we have identified to the significance of the Monument.

Noted, but this does not form part of the prior extraction scheme or application site boundary (other than the narrow corridor for the temporary conveyor).

We also note the total loss of buried archaeological remains by the proposed extraction. For non-designated archaeology, the remit for detailed advice lies with the relevant Local Authority Archaeological Advisors, in this case ECC Place Services. If planning permission is granted, we would recommend that, as well as a full programme of archaeological investigation, the scheme should also make suitable provision for the museum-quality display of artefacts and presentation of discoveries revealed by the proposed development. It should also include provision for public engagement during the investigation, to increase knowledge and understanding of the historic environment.

Noted

While we welcome the proposed management of the Scheduled Gryme's Dyke, in our view, this management could be achieved via other means, such as agri-environmental stewardship. It could thus be provided without any harm to the significance of the Scheduled Monument, that we have identified above, caused by the proposed development.

There is no obligation on landowners to engage with such a scheme, and it thus cannot be relied upon to secure the management referred to.

Recommendation

Historic England recommends refusal of the application on heritage grounds as currently submitted. We consider the application does not meet the requirements of the NPPF and, in particular, it fails the policy test in paragraph 202.

The reliance by Historic England on the policy test in NPPF paragraph 202 acknowledges that the objection is not based upon 'substantial harm' (NPPF paragraph 201) but 'less than substantial harm' which itself needs to be weighed against other considerations. With the mitigation measures enshrined within the scheme, there would be no material harm to the setting of the Scheduled Monument, and any short-term effects would be more than outweighed by the package of long-term enhancements.

Historic England has serious concerns in relation to the impact of the scheme on the historic environment. We consider the proposed development would result in harm to the significance of a Scheduled Monument. This is contrary to policy for sustaining and enhancing heritage assets.

See comments above.

We consider the proposed restoration scheme would need to be substantially amended, and the restored ground level increased, to reduce the level of harm to the significance of the Scheduled Monument. We would also recommend that an adequate stand-off would need to be provided between the edge of the Scheduled Monument and the proposed extraction area.

Again, disagree. The restoration landform would provide contours which would be imperceptible in terms of change from the current landform, with no discernable effect on the setting of the Dyke Monument.

In terms of local plan policy, we note this is a proposal for a quarry extension site that is not allocated in the Essex Minerals Local Plan (adopted 2014). This site is not in the Plan so is contrary to policy.

As above, this is a fundamental misinterpretation of planning policy.

We also consider the application also fails Policy WC3 of the Colchester Local Plan 2017 – 2033. Further information should be provided in this application to assess how the extraction site will fit into the wider redevelopment of Colchester Zoo to allow the cumulative impact of both proposals to be fully assessed.

Again, not correct, and not required by Policy WC3. If Historic England had wished Policy WC3 to include reference to 'cumulative effects', then they had an opportunity to express this during the preparation of the Local Plan. However, we note that Historic England responded on three separate occasions to invitations to comment on the emerging policy WC3 where no such comments were made. The comments were initially confined to minor changes of wording ('scheduled ancient monument' to be changed to 'scheduled monument'). At the main modifications stage, it is noted that Historic England requested amendments to policy WC3 to stipulate that any proposed

scheme for a Zoo expansion should incorporate significant public benefit for the historic environment, with the area of the Scheduled Monument within the WC3 allocation taken out of cultivation, and the need for a conservation management plan to preserve, interpret, promote and make accessible the important site. Colchester Council did not incorporate these requests into the adopted version of the Plan, but the underlying sentiments have been included as part of the prior extraction scheme, as acknowledged above, but with, in our view, insufficient weight being afforded to these positive elements of the scheme.

We recommend these representations are taken into account. If, however, you propose to determine the application in its current form, please treat this as a letter of objection, and send us a copy of your report at the earliest opportunity.

Yours sincerely,

Dr Jess Tipper MCIfA FSA
Inspector of Ancient Monuments (Essex and Hertfordshire)
Data Protection Act



Mr Terry Burns
Essex County Council, County Planning
E2, County Hall
Chelmsford
Essex
CM1 1QH

Direct Dial: 01223 582769

Our ref: P01559985
Your ref: ESS/34/23/COL

Date: 6 December 2023

mineralsandwastedm@essex.gov.uk

BY EMAIL

Dear Mr Burns

TOWN AND COUNTRY PLANNING ACT 1990 (as amended) TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017

**Land at Stanway Quarry and east of Colchester Zoo, Maldon Road, Colchester
Application No. ESS/34/23/COL**

Thank you for your letter of 16 November 2023 regarding the above application for planning permission. On the basis of the additional information, we offer the following advice to assist the Council in determining the application.

Summary

Historic England has considered the additional information submitted with this application. This does not alter our position stated in our previous advice of 24 May 2023. That is, the proposed development would permanently change the setting of the Scheduled Gryme's Dyke, resulting in harm to the significance of a scheduled monument. This is contrary to policy for sustaining and enhancing heritage assets. We consider this should be given great weight in the planning balance.

We continue to recommend the Council should refuse the proposed development on heritage grounds.

Historic England Advice

We provided detailed advice, dated 24 May 2023, relating to the original planning application. Historic England considered the application would cause harm to the significance of a scheduled monument.

We have considered the additional information provided in the Landscape and Heritage Design Statement (Nov 2023). Our position relating to the additional information and in relation to the impact on the significance of the scheduled monument is set out below. We would recommend this should be read together with our previous advice to the Local Planning Authority.

We welcome the revised stand-off - a minimum 50m standoff margin from the western edge of the scheduled Grymes Dyke and the eastern edge of the prior extraction area. This needs to be accurately plotted in relation to the edge of the Dyke, which is not entirely clear from the archaeological assessment.

We note, however, there would be no material changes to the original restoration scheme, other than a revised footprint to reflect the standoff margin to Grymes Dyke. It is stated, “the restoration landform will provide only minor, subtle changes. The final scheme has been modified through consultations, including with Historic England, to create a landform that resembles a shallow valley running down to the Roman river. This is in keeping with the historic landscape” (Section 3.3.2).

We note the further explanatory detail in relation to the restoration contours compared to the existing landform. It is stated on Sheet 14 of the Landscape and Heritage Design Statement (Nov 2023), “During the operational period (without mitigation), mineral extraction will not significantly adversely effect the assessed heritage setting, nor landscape character. At Post Restoration, the changes to the heritage setting and landscape character would not be discernible compared to the existing situation”.

We note also the additional landscaping proposals to define the alignment of Grymes Dyke to assist its appreciation and setting. The proposed new hedgerows, however, would be located along the edge of the scheduled monument (Sheet 9 of the Landscape and Heritage Design Statement, Nov 2023); the proposed hedgerows appear to be in the same location as on the previous iteration.

We continue to recommend that the proposed hedgerows should be (re-) located on the outer edge of the standoff margin, i.e. 50m away from the east and west edge of Grymes Dyke. This is in order to create a wider, open space (for example, of species rich grassland and/or wildflower meadow) and to keep the hedgerows away from the monument. This is in accordance with our previous advice of 24 May 2023.

We have reviewed our position in light of the further information. Our advice relating to this application remains consistent with our previous advice. This is because we have previously advised the restored ground level would need to be significantly increased to reduce the difference between the current and restored levels. We consider the restored ground level needs restored to the original (current and pre-extraction) ground level.

That stated, we would recommend that further, more detailed and larger-scale cross-sections are submitted to show more clearly the change in topography before extraction and following restoration. This is because the contextual landform cross-sections shown on Sheets 11 and 12 (A – D) of the Landscape and Heritage Design Statement (Nov 2023) are of insufficient scale, i.e. too small scale, to enable the altered landform adjacent to the monument to be easily assessed.

In terms of Sheet 9, showing the different landforms, we would recommend that an additional image is provided, at the same scale (and in the same style), to present the as-is landform before extraction. This will enable the before and after landforms to be more easily, and directly, compared.

We consider the topographic setting of the scheduled Grymes Dyke makes a strong positive contribution to its significance, even though the monument is no longer visible as an earthwork. This enables the strategic nature of the scheduled monument's location, and its place in the landscape, to be readily experienced and appreciated. This is important to the setting of the monument and to how the monument's strategic position is experienced and appreciated.

We consider the rural landscape setting of the scheduled Grymes Dyke makes a major positive contribution to the setting, even though the monument is no longer visible as an earthwork. The land to the west of the scheduled monument, that is the proposed mineral extraction and restoration site, forms an important part of the context or setting of this monument.

Our advice reflects guidance in the good practice advice notes produced by Historic England on behalf of the Historic Environment Forum in GPA 3; "The Setting of Heritage Assets". GPA 3 states, "heritage assets that comprise only buried remains may not be readily appreciated by a casual observer. They nonetheless retain a presence in the landscape and, like other heritage assets, may have a setting". GPA 3 also states, "buried archaeological remains may also be appreciated...in relation to their surrounding topography".

The proposed development would permanently change the setting of the scheduled Gryme's Dyke. This would result in loss of significance to the significance of the scheduled monument. The proposed development would result in harm to the appreciation and experience of this heritage asset of the highest significance. This is contrary to policy for sustaining and enhancing heritage assets.

Placing this in terms of the National Planning Policy Framework (NPPF), this would result in less than substantial harm to the significance of a Scheduled Monument. We consider this should be given great weight in the planning balance, in accordance with paragraphs 199 and 202 of the NPPF.

Following this, we confirm our position stated in our previous advice and continue to recommend refusal of this application.

We recommend these representations are taken into account. If you propose to determine the application in its current form, please treat this as a letter of objection, and send us a copy of your report at the earliest opportunity.

Yours sincerely,

Dr Jess Tipper MCIfA FSA

Principal Inspector of Ancient Monuments

Data Protection Act

DR/10/24**Report to:** DEVELOPMENT & REGULATION (23 February 2024)**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 December	41
Nº. Decisions issued in January	8
Nº. Decisions issued this financial year	39
Overall % in 13 weeks or in 16 weeks for EIA applications or applications within the agreed extensions of time this financial year (Target 60%)	97%
Nº. Delegated Decisions issued in January	1
Nº. applications where Section 106 Agreements pending at the end of January	17

MINOR APPLICATIONS	SCHEDULE
Nº. Pending at the end of December	8
Nº. Decisions issued in January	2
Nº. Decisions issued this financial year	22
% of minor applications in 8 weeks or applications within the agreed extensions of time this financial year (Target 70%)	100%
Nº. Delegated Decisions issued in January	2

ALL APPLICATIONS	SCHEDULE
Nº. Delegated Decisions issued in January	3
Nº. Committee determined applications issued in January	7
Nº. of Submission of details pursuant to conditions/legal conditions dealt with this financial year	156
Nº. of Submission of details pursuant to conditions/legal conditions pending at the end of January	46
Nº. of referrals to Secretary of State under delegated powers in January	0

APPEALS	SCHEDULE
Nº. of outstanding planning and enforcement appeals at end of January	8
Nº. of appeals allowed in the financial year	1
Nº. of appeals dismissed in the financial year	0

ENFORCEMENT	SCHEDULE
Nº. of active cases at end of December	16
Nº. of cases cleared this financial year	17
Nº. of enforcement notices issued in January	0
Nº. of breach of condition notices issued in January	0
Nº. of planning contravention notices issued in January	0
Nº. of Temporary Stop Notices issued in January	0
Nº. of Stop Notices issued in January	0

DR/11/24**Report to:** DEVELOPMENT & REGULATION (22 March 2024)**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 January	37
Nº. Decisions issued in February	7
Nº. Decisions issued this financial year	46
Overall % in 13 weeks or in 16 weeks for EIA applications or applications within the agreed extensions of time this financial year (Target 60%)	98%
Nº. Delegated Decisions issued in February	3
Nº. applications where Section 106 Agreements pending at the end of February	14

MINOR APPLICATIONS	SCHEDULE
Nº. Pending at the end of January	8
Nº. Decisions issued in February	2
Nº. Decisions issued this financial year	24
% of minor applications in 8 weeks or applications within the agreed extensions of time this financial year (Target 70%)	100%
Nº. Delegated Decisions issued in February	2

ALL APPLICATIONS	SCHEDULE
Nº. Delegated Decisions issued in February	5
Nº. Committee determined applications issued in February	4
Nº. of Submission of details pursuant to conditions/legal conditions dealt with this financial year	177
Nº. of Submission of details pursuant to conditions/legal conditions pending at the end of February	66
Nº. of referrals to Secretary of State under delegated powers in February	0

APPEALS	SCHEDULE
Nº. of outstanding planning and enforcement appeals at end of February	7
Nº. of appeals allowed in the financial year	1
Nº. of appeals dismissed in the financial year	1

ENFORCEMENT	SCHEDULE
Nº. of active cases at end of January	17
Nº. of cases cleared this financial year	21
Nº. of enforcement notices issued in February	0
Nº. of breach of condition notices issued in February	0
Nº. of planning contravention notices issued in February	0
Nº. of Temporary Stop Notices issued in February	0
Nº. of Stop Notices issued in February	0