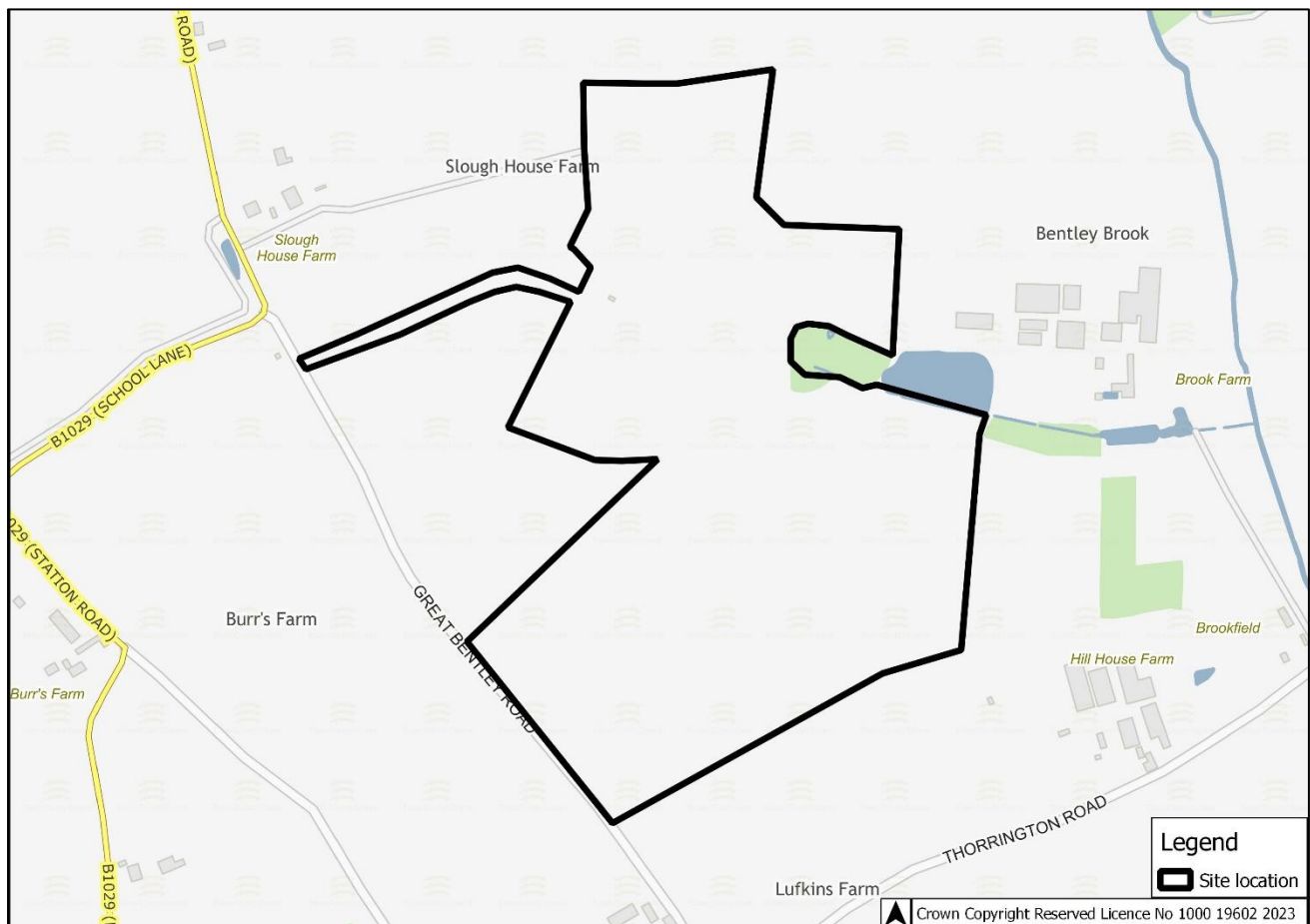


**DR/35/23****Report to:** DEVELOPMENT & REGULATION (27 October 2023)

**Proposal:** MINERALS AND WASTE DEVELOPMENT – Construction of an agricultural reservoir involving the extraction and exportation of sand and gravel; and the erection and use of an on-site processing plant with ancillary facilities. Together with the use of the access, on Great Bentley Road, currently only permitted for a temporary period as part of planning application ref: ESS/40/15/TEN and changes to the timescale of the proposed phasing and restoration of the existing reservoir as permitted as part of planning application ref: ESS/99/21/TEN

**Ref:** ESS/101/21/TEN**Applicant:** Mr S Poole & Mr G Wright**Location:** Lufkins Farm, Great Bentley Road, Frating, CO7 7HN**Report author:** Chief Planning Officer (County Planning and Major Development)**Enquiries to:** Tom Sycamore Tel: 03330 321896The full application can be viewed at <https://planning.essex.gov.uk>

## **1. BACKGROUND**

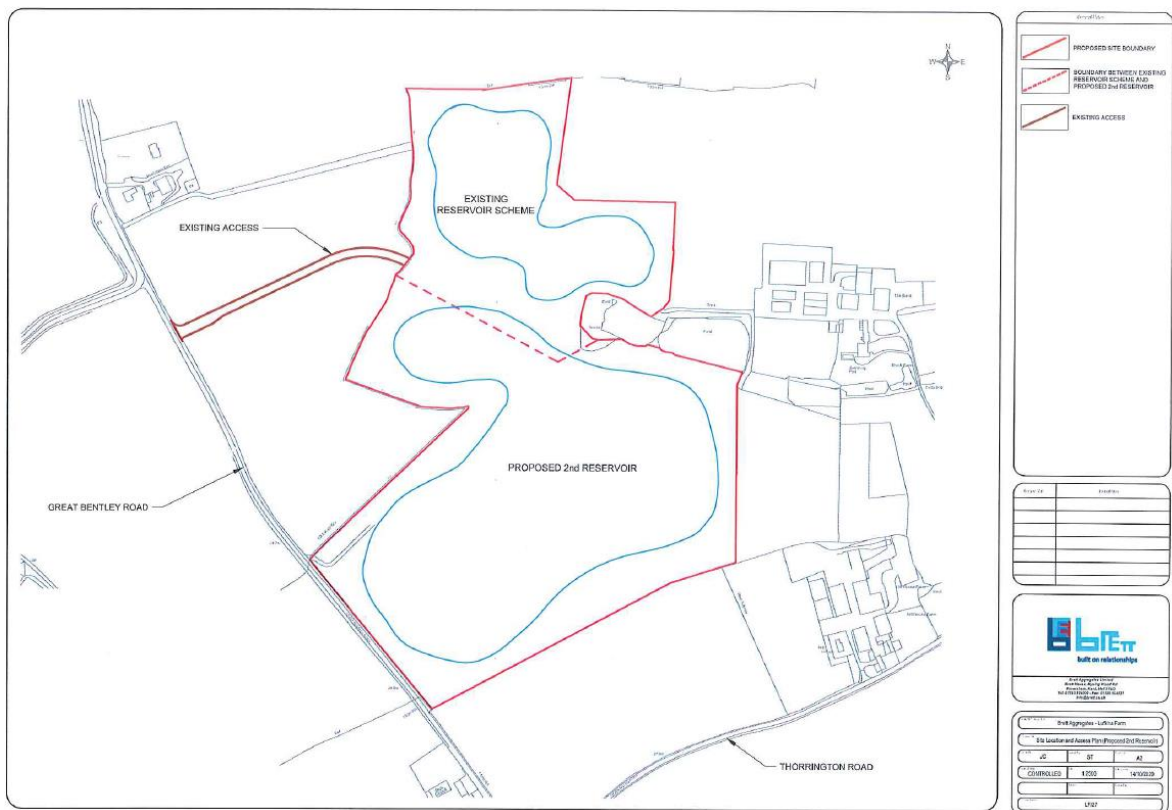
Planning permission was approved for the construction of an agricultural reservoir at Lufkins Farm, involving the extraction of minerals and the removal of surplus soils, in 2010 (ref: ESS/21/08/TEN). The date at which this permission originally needed to be implemented by (15/07/2013) was then extended to as part of (ref: ESS/10/13/TEN to 24/01/2019).

A separate application (ref: ESS/40/15/TEN) was then approved in 2016 for the construction of an alternative access to the site via Great Bentley Road. And, to accompany this, an application to vary ESS/10/13/TEN was approved at the same time (ref: ESS/41/15/TEN), which sought to update the wording of conditions attached to this permission so that that these worked with the new alternative access arrangements approved separately. Operations formally commencing on-site 14/01/2019.

Since commencement of operations in 2019, a non-material amendment (ref: ESS/41/15/TEN/NMA1) has been approved to allow the temporary storage of extracted material onsite, prior to onward transportation to Alresford Creek Quarry for processing. In addition to this planning permission was granted in 2022 (ref: ESS/99/21/TEN) to allow a two year extension to the end restoration until 14/01/2024.

## **2. SITE**

The site is located around five miles to the southeast of Colchester on the western edge of Great Bentley. The surrounding area is rural in nature, characterised by agricultural fields, hedgerows and farms. The existing agricultural reservoir at Lufkins Farm (extant permission ref: ESS/99/21/TEN) is included within the red line boundary and is located to the north of the proposed second reservoir. The total area of the proposal and associated land covers an area of approximately 22.3 ha.



The southern part of the site is currently agricultural land; 13.6ha is classed as subgrade 3a (81%) and 3.2ha classed as subgrade 3b (19%) as per the Agricultural Land Classification. 3a is classed as 'Good Quality Agricultural Land' and 3b is classed as 'Moderate Quality Agricultural Land'. The northern part of the site is occupied by the existing reservoir.

'Hill House' is a Grade II Listed Building approximately 220m to the southeast of the site and adjacent 'Barn approximately 20 metres north east of Hill House' is also Grade II Listed about 210m southeast of the site. 'Lufkins Farmhouse' is a Grade II Listed Building approximately 175m to the south.

Two Public Right of Ways (PRoW 163 and 165) run to the north and northeast of the site, skirting the northern boundary of the existing reservoir area.

Further afield, Colne Estuary Ramsar site, Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Essex Estuaries Special Protection Area (SPA) lie approximately two miles to the southwest of the site.

The site lies within Flood Zone 1. Bentley Brook is located approximately 245m to the east of the site.

The area is designated in the Tendring District Local Plan 2013-2033 and Beyond Policies Map as 'Safeguarding Sand / Gravel Areas'.

### 3. PROPOSAL

This application is considered to have three main elements:

- The proposed construction of a second agricultural reservoir;
- Changes to the approved phasing and restoration of the reservoir currently under construction; and
- Without prejudice, should planning permission be granted, the consolidation of previously approved and proposed new development as part of one planning permission/decision notice.

These three elements of the application are discussed in turn below:

#### Proposed second reservoir

The proposal seeks the construction of an agricultural reservoir to the south of the reservoir currently under construction. The reservoir construction would involve the extraction and removal of approximately 1.068 million tonnes of sand and gravel, creating a water storage capacity of approximately 480,000 cubic metres with a surface area of approximately 10.4ha. The total proposed excavation volume would be approximately 900,000 cubic metres taking into consideration a 30% buffer due to evaporation and 'dead storage', accommodation of the two-metre gradient fall that exists across the site, and a 10% contingency based on unknown ground conditions.

A processing plant is proposed to be installed between the two reservoir areas to support the proposed extraction. With regard to this, 70% of all material extracted is proposed to be processed on-site within the plant proposed, with 30% proposed to be transported to Alresford Creek for processing to feed a concrete batching plant located at that site.

The majority of stripped soils and subsoils are proposed to be retained onsite in bunds and utilised as part of a landscaping scheme. Underlying clay would be profiled to seal the sides of the reservoir for water retention and storage purposes.

The extraction of sand and gravel would be phased, commencing in the north west and working in an anti-clockwise direction. Once extraction has concluded, the sides of the reservoir would be profiled using the aforementioned clay and all plant, machinery and equipment would be removed from site. The reservoir would be filled using existing water abstraction licenses which would source water during winter. The land surrounding the reservoir would be restored back to agricultural use.

Proposed hours of working are 0700 and 1800 hours Monday to Friday, 0700 and 1300 hours Saturdays, with no working on Sundays or Bank/Public Holidays.

It is proposed to retain the access off Great Bentley Road, originally permitted to support the reservoir under construction, and utilise this access and haul road for the duration of construction of this second reservoir now proposed. Vehicle movements are proposed at a rate of 60 HGVs per day (30 in and 30 out).

The extraction and subsequent formation of the reservoir is proposed to take a total of 9 years.

#### Changes to the reservoir already permitted and under construction



The following policies of the [Essex Minerals Local Plan \(MLP\) adopted July 2014](#) and Section 1 (adopted January 2021) and Section 2 (adopted January 2022) of the [Tendring District Local Plan 2013-2033 and Beyond \(TLP\)](#) provide the development plan framework for this application. The following policies are of relevance to this application:

Essex Minerals Local Plan (MLP) adopted July 2014

Policy S1 – Presumption in Favour of Sustainable Development  
Policy S2 – Strategic Priorities for Minerals Development  
Policy S3 – Climate Change  
Policy S6 – Provision for Sand and Gravel Extraction  
Policy S8 – Safeguarding Mineral Resources and Mineral Reserves  
Policy S10 – Protecting and Enhancing the Environment and Local Amenity  
Policy S11 – Access and Transportation  
Policy S12 – Mineral Site Restoration and Afteruse  
Policy DM1 – Development Management Criteria  
Policy DM2 – Planning Conditions and Legal Agreements  
Policy DM3 – Primary Processing Plant

Tendring District Local Plan 2013-2033 and Beyond (TLP) (Section 1 & 2) fully adopted January 2022

Policy SP1 – Presumption in Favour of Sustainable Development  
Policy SPL3 – Sustainable Design  
Policy PP13 – The Rural Economy  
Policy PPL1 – Development and Flood Risk  
Policy PPL3 – The Rural Landscape  
Policy PPL4 – Biodiversity and Geodiversity  
Policy PPL5 – Water Conservation, Drainage and Sewerage  
Policy PPL7 – Archaeology  
Policy PPL9 – Listed Buildings  
Policy CP1 – Sustainable Transport and Accessibility  
Policy CP2 – Improving the Transport Network  
Policy DI1 – Infrastructure Delivery and Impact Mitigation

The Revised National Planning Policy Framework (NPPF) was published in September 2021 and sets out the Government's planning policies for England and how these should be applied. The NPPF highlights that the purpose of the planning system is to contribute to the achievement of sustainable development. It goes on to state that achieving sustainable development means the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways: economic, social and environmental. The NPPF places a presumption in favour of sustainable development. However, paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

For decision-taking the NPPF states that this means; approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most



important for determining the application are out-of-date, granting permission unless: the application of policies in this NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

Paragraphs 218 and 219 of the NPPF, in summary, detail that the policies in the Framework are material considerations which should be taken into account in dealing with applications and plans adopted in accordance with previous policy and guidance may need to be revised to reflect this and changes made. Policies should not however be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

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

On 9 October 2017 Tendring District Council, along with Braintree and Colchester Councils, submitted their Local Plans and accompanying documents to the Planning Inspectorate. Due to strategic cross-boundary policies and allocations, Tendring, Braintree and Colchester's Local Plan share an identical Section 1. As a result of this, Section 1 was considered through a joint examination in public. Tendring specific policies and allocations can be found within Section 2 of the Local Plan, which was considered through a separate examination. In accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012, documents were submitted to the Planning Inspectorate to support the examination of the entire Plan. Section 1 of the Tendring District Local Plan 2013-2033 and Beyond was formally adopted on 26 January 2021. Section 2 of the Plan was formally adopted on 25 January 2022.

## **5. CONSULTATIONS**

*A second consultation was undertaken during the course of determination, in view of additional/revised information submitted. Where consultees were reconsulted, their response is provided under 'Additional consultation response'.*

Summarised as follows:

TENDRING DISTRICT COUNCIL – No objection.

Additional consultation response: No comments to add.

TENDRING DISTRICT COUNCIL ENVIRONMENTAL HEALTH – No comments received.

ENVIRONMENT AGENCY – No objection.

The applicant may require Environmental Permits for both the construction of the reservoir and extraction, processing and exportation of the sand and gravel associated with this. The company acting as agents, Brett Aggregates Limited, already hold a number of permits in other locations and so should be familiar with the requirements. The reservoir is for 480,000m<sup>3</sup> winter high flow storage (so about 2637m<sup>3</sup> per day) and therefore will need an abstraction licence. We find a record of pre-application discussions. The applicant should contact the National Permitting Service regarding this. They already hold three abstraction licences near the site, but these are for direct spray irrigation, not storage for subsequent spray irrigation, so these will need to be varied to match the purpose.

NATURAL ENGLAND – No comments to make.

Additional consultation response: No comments to make.

HISTORIC ENGLAND – No objection.

We are satisfied that the impact on the setting of (nearby) designated assets will be at a very low level of less than substantial.

HIGHWAY AUTHORITY – No objection, subject to the following.

Securing and maintaining the visibility splays in accordance with previous drawing D381/200 Rev B, provision of wheel and underbody washing facilities and within 3 months of completion of construction of the reservoir, the internal haul road and access gate hereby permitted shall be removed and reinstated to agricultural use.

LEAD LOCAL FLOOD AUTHORITY – No objection, subject to the following.

The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the FRA and the documents submitted with this application are implemented as agreed.

Condition: The works hereby consented shall be carried out in accordance with the information supplied on 23/01/23 by SLR, ref 230126\_422.09886.00029\_L.

During construction the proposed silt lagoon will be operated in accordance with Environmental Permit EPR/FB3594/RS granted by the Environment Agency. Accumulated silt shall be monitored and removed as necessary to maintain the proposed storage volume of 3,000m<sup>3</sup>.

*Officer comment:* Should permission be granted an informative can be added.

Additional consultation response: As the amendments relate only to the timing of operations, they are not considered to have an impact on flood risk at the site. We therefore do not wish to comment, and our letter of 11/04/23 remains as our formal position.

GEOESSEX – No objection.

Would like to ensure that access is allowed during the working life of the excavations for geologists from GeoEssex or their representatives to enable geological description and documentation of the pit outcrops as they evolve with mineral extraction and before they are thus destroyed. We would also like to see



the borehole information obtained to fully delineate the site. We are very concerned that little information of the precise nature of the Sands and Gravels is given in the application documents. There are no cross sections showing thicknesses etc., no gravel analyses and nothing that suggests any great understanding of the detailed nature of the deposits to be exploited.

The site is of interest and importance geologically. Boreholes nearby show a thick sequence of Quaternary sediments and it is close to Wivenhoe where pre-Anglian interglacial deposits have been found to include flint artefacts. More secure dating is needed for these finds and with modern methods this could be obtained from the workings here. Any gravels present may shed further light on the relationship of the Early Thames (Wivenhoe Gravels) and the Early Medway which crossed eastern Essex to join the Early Thames broadly in the Clacton area (Cooks Green Gravel); Undated and little interpreted deposits occurring at Walton-on-the Naze between the Red Crag and the Cooks Green Gravel currently are the subject of investigation and similar deposits have been recorded at Weeley, so possibly they may be present also at Frating. Access during extraction would particularly enable detailed correlation within the Kesgrave Sands and Gravels as indicated above.

Investigation would be based on interpretation of the geotechnical information from the site, preferably boreholes, but also logging and sampling of faces as they are revealed, in consultation with the extraction company. The London Clay at the base of the excavations is also of interest as there are few inland Data Protection Act exposures of this formation. Fossils of interest may be revealed and these would help to identify the horizon found here beneath the Quaternary deposits.

GeoEssex members would like to arrange a mutually agreeable site visit to the current workings to discuss aspects of geological interest and how these might be pursued further in the new excavations. There is a significant body of knowledge that has been built up over the past decades, but this reveals that there is still much to be learnt from direct observation of the geological deposits themselves. Understanding of this kind are particularly significant as they record the climate change of the past which is the key to understanding the present-day scenario being faced by our planet.

CAMPAIGN TO PROTECT RURAL ENGLAND – No comments received.

COUNTY COUNCIL LANDSCAPE CONSULTANT – No objection.

Happy with hedgerow planting for hedgerows 1, 2, 3 and 4 to be undertaken upon bund construction. The cross sections show that recommended buffer areas will be implemented, so all good in this regard. I noticed the 1:1.5 inner slopes for the proposed bunds; these are quite steep. Have gradients like this one been used on other site and have we had issues with erosion from stormwater runoff?

Recommended condition: Before any works commence on site, details of advance planting to hedges 1, 2, 3 and 4 shall be submitted and approved by the Local Planning Authority. Implementation will need to be carried out prior to any other construction work and in accordance with an implementation timetable agreed in writing with the Local Planning Authority.

Recommended condition: No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning

Authority. The scheme shall include details of areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall also include details of any existing trees and hedgerows on site with details of any trees and/or hedgerows to be retained and measures for their protection during the period of (operations/construction of the development). The scheme shall be implemented within the first available planting season (October to March inclusive) following commencement (or completion) of the development hereby permitted in accordance with the approved details and maintained thereafter.

Recommended condition: No development shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a landscape management plan for a minimum of 5 years. This should include: a) Drawings showing the extent of the LMP - showing the areas to which the LMP applies. b) Written Specification detailing (where applicable): - All operation and procedures for soft landscape areas; inspection, watering, pruning, cutting, mowing, clearance and removal of arisings and litter, removal of temporary items (fencing, guards and stakes) and replacement of failed planting. - All operations and procedures for hard landscape areas; inspection, sweeping, clearing of accumulated vegetative material and litter, maintaining edges, and painted or finished surfaces. – Furniture (Bins, Benches and Signage) and Play Equipment - All operations and procedures for surface water drainage system; inspection of linear drains and swales, removal of unwanted vegetative material and litter. - Maintenance task table which explains the maintenance duties across the site in both chronological and systematic order.

Additional consultation response: We have no major concerns on landscape impact as a result of a delay in completing restoration of reservoir one. There will be a degree of impact arising from a continuation of operations on site for a period longer than previously agreed but we do not consider these to be significant.

COUNTY COUNCIL ARBORICULTURE CONSULTANT – No objection, subject to the following:

An Arboricultural impact assessment, method statement and tree protection plan, which will conform with BS5837 2012: Trees in relation to design demolition and construction, will be required. This will outline any impacts which the proposals have on existing vegetation, what trees may need to be removed, what mitigation will be required to minimise the impact, and protective measures to prevent damage caused to retained vegetation throughout the construction period.

Recommended condition: No development shall take place until, a site specific Arboricultural impact assessment and method statement along with a tree protection plan has been submitted, which will conform with BS5837: 2012 Trees in relation to Design, demolition and construction.

Additional consultation response: Timescale extension, no Arboricultural comments required in this instance.

COUNTY COUNCIL ECOLOGY CONSULTANT – No objection, subject to the following:

The mitigation measures identified in the Breeding Bird Survey Report (Green Shoots Ecology, September 2022) should be secured by a condition of any

consent and implemented in full. This is necessary to conserve and enhance protected and Priority bird species.

In our previous response, we recommended that there should be no hedgerow between the areas of shallows of the two reservoirs in order to provide a larger open area to enable birds users to feel more secure. The new area of 'shallows' is too enclosed for many potential wetland birds that may use this area; this has not been adjusted in the revised reservoir restoration plan (002 SLR, November 2022). We also wish to draw your attention our previous request for additional clarify with respect to a potential conflict between bats and lighting; we have not had any additional information in relation to this.

Recommended condition: A Farmland Bird Mitigation Strategy shall be submitted to and approved by the local planning authority to compensate the loss or displacement of any Farmland Bird territories identified as lost or displaced. This shall include provision of offsite compensation measures to be secured by legal agreement, in nearby agricultural land, prior to commencement. The content of the Farmland Bird Mitigation Strategy shall include the following: a) Purpose and conservation objectives for the proposed measures e.g. Skylark plots and ; b) detailed methodology for the measures to be delivered; c) locations of the compensation measures by appropriate maps and/or plans; d) Mechanism for implementation & Monitoring of delivery The Farmland Bird Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years.

Recommended condition: All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (S. Deakin, February 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details."

Recommended condition: 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. i) Containment, control and removal of any Invasive non-native species present on site. 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.

Recommended condition: No development shall take place that will have any effect upon Bentley Brook until a Biodiversity Method Statement for protected species (Water Voles) has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the following: a) purpose and objectives for the proposed works; b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used); c) extent and location of proposed works shown on appropriate scale maps and plans; d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction; e) persons responsible for implementing the works; f) initial aftercare and long-term maintenance (where relevant); g) disposal of any wastes arising from works. The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Recommended condition: A Biodiversity Enhancement Strategy for habitat creation and restoration and for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following: a) Purpose and conservation objectives for the proposed enhancement measures; b) detailed designs to achieve stated objectives; c) locations of proposed enhancement measures by appropriate maps and plans; d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development; e) persons responsible for implementing the enhancement measures; f) details of initial aftercare and long-term maintenance (where relevant). The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Recommended condition: A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the extraction. 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 five-year period). g) Details of the body or organisation responsible for implementation of the plan. h) Ongoing monitoring and remedial measures. The LEMP shall also include details of the legal and funding mechanism(s) by which the longterm 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.

Recommended condition: A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of

appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Recommended condition: Where the approved development is to proceed in a series of phases over several years, further supplementary ecological surveys for shall be undertaken to inform the preparation and implementation of corresponding phases of ecological measures required through Condition(s) XX. The supplementary surveys shall be of an appropriate type for the habitats and species set out in the Ecological Appraisal (S. Deakin, February 2021) and survey methods shall follow national good practice guidelines.

Additional consultation response: The 1.5-year delay to the final restoration of Reservoir 1 may continue to impact protected Priority and species and Priority Hedgerow habitat and woodland in the local area. However, we do not anticipate that it would create any additional impacts, beyond the current estimated levels. We therefore do not object, providing that the restoration plans are completed no later than 18 months longer than the original time period, including the extent of the shallows and reedbed habitat within the final form of the restored waterbody. We recommend that submission for approval and implementation of the ecology conditions recommended in the previous Place Services responses of 18/02/2022 and 24/02/2023 should be included any planning consent.

COUNTY COUNCIL ARCHAEOLOGY CONSULTANT – No objection, subject to the following:

An archaeological evaluation has been completed for the above site and the report submitted with this application, weather conditions at the time of the evaluation prohibited excavation of many features and some trenches were unable to be excavated. The results of the evaluation reveal survival of archaeological features including ditches, a cremation and possible pits. The alignment of some ditches may relate to the Roman rural landscape revealed to the north while the cremation may indicate some prehistoric activity. Neolithic and Bronze Age activity has been revealed in earlier investigations to the north and there is a circular cropmark and parallel ditches recorded immediately east of the site. A previous evaluation in 2007 which crossed the site recorded a number of ditches and pits, some dated to the Roman period and possible prehistoric activity. There will need to be a programme of further archaeological investigation to determine the nature of the archaeological remains, many of which were unable to be fully investigated and which may have been obscured through flooding and weather conditions.

The site has recorded Quaternary sediments that have been identified as being of possible geoarchaeological significance, pre-Anglian interglacial deposits are recorded at Wivenhoe which have yielded flint artefacts. The sediments are likely to have been laid down by the early Thames River before it was diverted by the Anglian icesheet. The potential of the sediments for Palaeolithic archaeological and Pleistocene floral and faunal remains will need to be assessed and a suitable evaluation and mitigation strategy proposed. A geoarchaeological desk based

assessment will need to be undertaken by a specialist to inform the programme of geoarchaeological evaluation.

Recommended condition: No development or preliminary groundworks shall take place until a Written Scheme of Investigation for a programme of geoarchaeological investigation and recording has been submitted to and approved by the Mineral planning authority.

Recommended condition: No development or preliminary groundworks can commence until the completion of a programme of geoarchaeological investigation in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority.

Recommended condition: No development or preliminary groundworks can commence until a mitigation strategy detailing the approach to further archaeological excavation, monitoring and/or preservation in situ has been secured in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the planning authority.

Recommended condition: No development or preliminary groundworks can commence on those areas of the development site containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the local planning authority.

Recommended condition: Following completion of the geoarchaeological fieldwork, the applicant will submit to the local planning authority a post-excavation assessment (within 12 months of the completion date, unless otherwise agreed in advance with the planning authority), which 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.

Recommended condition: Following completion of the archaeological fieldwork, the applicant will submit to the local planning authority a post-excavation assessment (within 12 months of the completion date, unless otherwise agreed in advance with the planning authority), which 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.

Additional consultation response: No further comments on additional information submitted.

COUNTY COUNCIL HISTORIC BUILDINGS CONSULTANT – No objection, subject to the following:

The level of harm is considered to be 'less than substantial' due to the change in the heritage asset's setting during the extraction works. This is mostly due to construction of bunds and to the presence of processing plants which would compromise the open character of the setting and diminish the appreciation of their significance within an isolated and rural context. The extension of the initially proposed reservoir would involve an increase of the size and duration of the extraction activity and consequently of the temporary site layout, including screening bunds, noise and air pollution, vehicular traffic which would affect the

way the significance of the heritage assets is experienced within their isolated and secluded context.

However, it is noted that: • the proposal site does not have any historic connection with Lufkin Farmhouse, Hill House and Brook Farm; • there is limited visibility between the proposal site and the affected heritage assets, due to intervening modern agricultural buildings and existing woodlands; and • adverse effects on the setting of the heritage assets would be considerably reduced to negligible/neutral at the completion of the extraction works and with the introduction of the proposed reservoir and surrounding landscape.

Therefore, there would be a slight initial increase in the level of harm caused to the significance of the identified heritage assets due to the ongoing extraction works, which will be considerably reduced to the low end of less than substantial at completion of the proposed works and after a number of years sufficient to establish the new reservoir and landscape.

With regards to the National Planning Policy Framework, Paragraph 202 is relevant and Local Planning Authority should weigh this harm against any public benefits of the proposal including, where appropriate, securing its optimum viable use. Whilst the scale of harm may be at the lower end of 'less than substantial' great weight should be given to the heritage assets' conservation (Paragraph 199) and clear and convincing justification provided for any level of harm (Paragraph 200).

Recommended condition: Prior commencement, a detailed landscape layout, including existing and proposed plantings and specification of hardstanding materials and boundary treatment (if required) shall be submitted to and approved in writing by the Local Planning Authority. Particularly, it is advised that only low height shrubs are planted to the south and east side of the proposal reservoir, in order to maintain the open character of the setting.

Additional consultation response: The revised proposal is not considered to have any additional impact on the setting of the identified heritage assets.

COUNTY COUNCIL NOISE CONSULTANT – No objection, subject to the following:

- a. Temporary operations noise limit of 70 dB LAeq 1hr for up to 8 weeks per year;
- b. Normal operations noise limits as set out in Table 2 (can be seen in full response online);
- c. A minimum of quarterly noise monitoring at the 4 receptor locations. Since the predicted noise levels in the NA are not verified, and our own indicative calculations suggest mineral extraction noise levels could be close to the noise limit, it is suggested that the quarterly noise monitoring is supplemented with an additional visit when works are at the surface within each phase;
- d. Operational hours as existing consent (however it is assumed no mineral extraction will take place prior to bund completion within each phase);
- e. HGV movements as existing consent;
- f. Silencers to be required on all machinery;
- g. Mobile plant and vehicles used on site to be fitted with broadband reversing alarms.



COUNTY COUNCIL AIR QUALITY CONSULTANT – No objection.

The dust assessment has concluded a slight adverse dust risk at one receptor (H5) location, which with the existing dust mitigation measures and best practice applications in place, would lead to a not significant effect. The dust control measures outlined in section 7 are acceptable for the proposed scheme and all existing dust related conditions should remain in place for the proposed Lufkins 2 reservoir. It is recommended that vigilance and pro-active dust mitigation measures are actioned during soil bund construction and any works close to the site boundary, particularly where sensitive receptors have been identified.

The current site received one dust complaint in 2019, due to mud on the road and this was resolved. The following condition is currently active as part of the existing permit and should remain in place: 'The access / haul road used in connection with the operations hereby permitted shall be sprayed with water during dry weather conditions to prevent dust nuisance'. There are no impacts from road traffic emissions, based on the information submitted, which is accepted.

COUNTY COUNCIL AGRICULTURAL CONSULTANT- Comment. Full response can be seen on online planning record.

Given the need for proposed cropping, and the UKCP18 climate change scenarios, there is a need for storage capacity for high-flow abstracted water to irrigate high-value crops. The project is sustainable insofar as it is proposed to export 1,068,000t (667,800m<sup>3</sup>) of saleable sand and gravel over a nine-year period. Water abstracted during high-flow periods to fill the reservoir, would replace abstractions made during periods of low water availability. This would increase sustainability of the farming business and the environment.

There is not enough detail regarding the design of the reservoir to state whether the design has been optimised, and thus that the scale of the extraction is no more than the minimum essential for the purpose of the proposal. No soil movement schedules have been provided, so this cannot be assessed. The total proposed extraction of 900,000m<sup>3</sup> of material to create the necessary void does not have enough evidence to show that the extraction is no more than the minimum essential for the purpose of the proposal.

The land where the proposed reservoir is located is ALC Subgrade 3a land, which is classed as BMV land. It has not been demonstrated that the reservoir could be sited on land that is not BMV.

There is an overriding benefit from the access to additional water that the proposed reservoir would achieve, resulting in increased gross margin income. The economic justification of the reservoir is sound, in that the assessment submitted demonstrates that the proposal would also likely be viable with finance secured by bank loan i.e without the sale of any extracted minerals.

GREAT BENTLEY PARISH COUNCIL – No comments received.

THORRINGTON PARISH COUNCIL – No comments received.

FRATING PARISH COUNCIL – Objection.

The council feel that although this (along with the first reservoir) will help the farmer in time with irrigation this is not the primary reason for the application. On the Essex Minerals Local Plan (formally adopted in 2014) this site is classified as an Existing Site, therefore it had been earmarked for the extraction of minerals. We are aware that extraction from the present site has been on hold not through Covid but as there was no requirement for those particular minerals, which the council feels is why this application has been made. With the new site is projected to take a minimum of 7 years to be completed this helps to confirm the reason for the application is for the mineral extraction not for irrigation.

Although the main part site is not in Frating the access road to the site is, which is really where a huge problem lies. This access goes onto the B1029, A133 & A120 this means that 60 lorries a day half of which will weigh 20 tonnes, will come to the very busy Frating Cross Roads which at present has seen a huge increase in the HGV usage due to the contested planning proposal made by Pallet plus at the Crossways site using the Bromley Road B1029. At the moment there has been a dramatic increase in the problems of damage to the road's structures, drain integrities and the verges are non-existent in some places. So, to add another 60 HGVs into this is going to only exacerbate the problem with the roads very, very quickly. The planning application also states that this could be increased.

If permission for this site is granted, to help curtail some of the road issues it would be better if the extracted minerals were to go to Alresford for processing (as happens now with the other site), rather than being processed on site and then out onto these smaller roads as listed above. The current proposal is for 70% to be processed on site which is going to cause a lot of noise pollution in the village location for local residents. As the history shows that with the first reservoir, major highways changes were made to the junction of the B1029/Lufkins Lane to facilitate access for the lorries to go to Alresford. Bretts have already ask for a twelve-month extension for extraction for the first reservoir but we were advised at the meeting we had with them and the landowners that they wished to extend this in line with the new reservoir so both could easily still be in operation passed 2030.

Therefore Frating Parish Council are objecting to this application on the following grounds:

- The loss of prime agricultural land.
- The main reason for the application is the minerals not the provision of a reservoir.
- The construction of this reservoir is over development of this site.
- It is very close to Great Bentley Road and is detrimental to the landscape.
- Noise pollution will be an issue from the processing plant.
- Movement of extracted minerals being transport through Frating by 6000 plus in 20 tonne lorries each year rather than going to Alresford.
- The increase in HGVs using the B1029 will increase the amount of damage caused to both the highway and the highway verges as these vehicles tend to damage the drains and verges do to their mere size.

Additional consultation response: At the moment the Alresford Viaduct is closed to vehicles over 7.5 tons which means that the majority of large vehicles leaving Alresford Pit are now using the B1029 and Frating Cross Roads A133 to access Colchester, which is having a hugely detrimental effect on the village and with this

further application is only going to make things worse – we have been advised that it will be at least 3 years until this viaduct is opened. Also Essex Highways state that if this application is granted it should not commence until the first reservoir is completed. But it does not state if this is granted what date do they wish to commence construction and also time scale to complete it, can you please advise what this will be please?

#### ALRESFORD PARISH COUNCIL – Objection.

Brett Aggregate are proposing on-site processing in their planning application for Lufkins Farm phase 2, Planning Application ESS/101/21/TEN. If Essex County Council decide to approve this application, and given the above policy, it should do so on condition that Brett's process all extracted mineral on-site at Lufkins Farm. On-site processing of material at its place of extraction would immediately ameliorate the severity of the environmental damage and safety concerns outlined above. Further, it mirrors the conditions applied to the approval of Sunnymead Farm quarry, which is conditional on the erection of sand and gravel processing plant and ancillary facilities for on-site processing. It is vital that Essex County Council take this action in order to limit the extremely negative impact that large numbers of vehicles needed to transport high volume of material to Alresford for processing is currently having, both on our community and the environment generally. Onsite processing should mean that the HGV daily traffic from Lufkins through the residential areas of Alresford ceases. However, on close inspection of the EIA for transportation we note that 30% or more of arisings will still be transported to Alresford - this is unacceptable to residents and the Parish Council. Mitigation of the environmental and human impact needs to be at the core of Mineral Planning Decisions.

LOCAL MEMBER – TENDRING – TENDRING RURAL WEST – Any comments received will be reported.

LOCAL MEMBER – TENDRING – BRIGHTLINGSEA – Any comments received will be reported.

## 6. REPRESENTATIONS

22 properties were directly notified of the application. 6 letters of representation have been received. These relate to planning issues, summarised as follows:

<u>Observation</u>	<u>Comment</u>
30% of material being taken to Alresford Quarry will continue using the haul road which has severe impacts on health, wellbeing and quality of life of residents along the haul road (noise; dust; impact to bridleway; impact to wildlife; vehicles arriving before 7am). Haul road not fit for purpose.	Impacts associated with Alresford Quarry arrangement are considered in the appraisal.
If there is increased demand for concrete or bagged materials from	As above. Highways impact considered in appraisal.

Alresford, more HGVs will likely pass through Alresford.

All processing should be done onsite. No need to come to Alresford.

As above.

EIA does not mention anything about exhaust particulates or gases, expelled brake dust nor tyre degradation and how that will impact on air quality. It might disperse in the middle of a field but it's concentrated along the road and even in the field has the potential to contribute to climate change.

Air quality considered in appraisal.

Great concerns that if planning is granted for the reservoir but no licence for irrigation that it could end up being used as a landfill site. During the years of construction the water table on the land in the surrounding area would be very adversely affected.

The Application is not for a landfill site. Hydrology and water abstraction considered in appraisal.

Applicant has not attempted to mitigate impact to Listed Building Holly Cottage, its wider landscape and impact upon livestock kept at the farm. Will also adversely affect setting of Listed Building Hill House. The proposal represents non-agricultural development.

Heritage impact considered in appraisal.

Application is for minerals extraction, with a farm reservoir being an added benefit and not the main reason for the proposal.

Justification considered in appraisal.

Not an Allocated Site in the MLP. Cannot be considered an extension of the existing adjacent reservoir (ESS/41/15/TEN).

Application considered against MLP Policies in appraisal.

Significant impact to landscape.

Landscape considered in appraisal.

All the land is classed as Grade 1 agricultural land. Development will result in loss of BMV.

Agricultural impact considered in appraisal.

60 HGV movements per day in addition to the 60 approved under ESS/99/21/TEN will put huge pressure

Highways impact considered in appraisal.

on highway network, particularly Frating crossroads.

Development will create noise and dust pollution, particularly from onsite processing plant and machinery. Noise and dust considered in appraisal.

## **7. APPRAISAL**

The key issues for consideration are:

- A. Principle of Development including Agricultural Justification
- B. Soils
- C. Water Environment
- D. Transport and Highways
- E. Landscape and Visual Impact
- F. Air Quality
- G. Noise
- H. Ecology
- I. Cultural Heritage

### **A PRINCIPLE OF DEVELOPMENT INCLUDING AGRICULTURAL JUSTIFICATION**

Paragraph 84 of the NPPF states in respect of supporting a prosperous rural economy that planning policies and decisions should enable b) the development and diversification of agricultural and other land-based rural businesses. Policy PP13 of the Tendring Local Plan Section 2 (TLP) relates to farm diversification and, whilst the proposed development does not involve a change to the crop diversification of the agricultural holding involved, the proposal would facilitate an increase in the area of land cropped with a high value irrigated cropping mix, which it is suggested would help maintain long term viability of the farming enterprise.

An agricultural reservoir can be constructed in a number of ways and potentially even as permitted development (subject to the prior approval process) under Part 6 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). However, a condition or restriction to any excavation or engineering operations, which are reasonably necessary for the purposes of agriculture being undertaken under permitted development, is that any mineral extracted is not removed from the unit. Although the GPDO does not give express reasons for restrictions/conditions it is presumed that this is on the basis that such development (excavation or engineering operations involving the removal of mineral) has the potential for a number of environmental impacts and also has the potential to undermine mineral local plans and preferred sites for such extraction.

With regard to this, and minerals in general, paragraph 209 of the NPPF states that it is essential that there is sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation. Expanding on this paragraph 213 states that mineral planning authorities should plan for a

steady and adequate supply of aggregates by f) maintaining landbanks of at least 7 years for sand and gravel.

Policy S6 of the Essex Minerals Local Plan (MLP) details that the Mineral Planning Authority will endeavour to ensure reserves of land won sand and gravel until 2029, sufficiently for at least 7 years extraction or such other period as set out in national policy.

Mineral extraction outside preferred or reserved sites, such as this, will be resisted 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.

### Sand and Gravel Landbank

The MLP explicitly states the annual plan provision for sand and gravel is 4.31mtpa for Essex and 4.45mtpa including Thurrock (Greater Essex). This was set or adopted on the basis of 'National and Sub-National Guidelines for Aggregates Provision in England 2005-2020' (DCLG, June 2009) and with an assessment of the previous ten years of rolling sales (ten year sales prior to adoption of the MLP) provided annually for context.

The most up to date published information on the landbank position within Greater Essex is contained with the Local Aggregate Assessment (LAA) drafted in October 2023. This portrays the landbank position at the end of 2022. At 31 December 2022, the permitted sand and gravel reserve in Greater Essex stood at 33.76mt. By dividing this figure by the annualised figure detailed in the MLP the landbank was calculated to stand at 7.59 years (apportionment approach) and 9.77 years (average 10 year sales approach) on 31 December 2022.

For Essex alone, the emerging figures are an apportionment landbank of 7.80 years and an average 10 year sales landbank of 10.14 years (31 December 2022).

Importantly with regard to this, the LAA nevertheless notes the annualised plan provision of 4.31mtpa for Essex alone is greater than both the 10 year average sales (3.26mt) figure which suggests the landbank may not have actually decreased as much as the above simplified calculation might show. Furthermore, whilst no planning permissions have been granted for aggregate extraction since December 20022, there is a resolution to grant planning permission for mineral extraction at Colemans Farm that would add a further 265,000 tonnes to the permitted landbank once issued.

Accordingly, on the basis of published information the landbank is not below 7 years and the MPA considers the aforementioned circumstances demonstrate that the MPA is planning for a steady and adequate supply of aggregate through the appropriate maintenance of the landbank.

Nonetheless, the applicant has not sought to suggest that this application has come forward in context of the above and/or any potential landbank deficit argument. The applicant has sought to suggest that the agricultural need for the development should be considered in context of the requirements of MLP policy S6.

With regard to the above, the supporting text to policy S6 states proposals for mineral extraction for agricultural reservoirs may occur at non-preferred sites with such proposals considered on their individual merits and in-particular the justification/need that is cited. For any such application to be granted planning permission the MPA must be satisfied that there are exceptional reasons for permitting the development, after having considered all the relevant circumstances so as not to prejudice the overall strategy of the document.

### Agricultural Justification

The agricultural justification statement (AJS) submitted with the application suggests that, in the face of an increasingly challenging environment due to climate change reducing summer rainfall and extending periods of drought, an additional 480,000m<sup>3</sup> of high-flow water storage would be required to allow an increase to the area of land dedicated to the production of high value irrigated crops, from 367ha to 648ha. Such an increase in high value crops would reportedly be required to ensure the long term viability and future of the business. It is not stated whether the farm as a whole makes a profit or not as existing. The applicant already grows high-value crops and states that there is a need for a secure supply of irrigation water to improve yields, achieve produce quality specifications and mitigate against the risks associated with climate change and reduced water resources. From this it is considered that, if the proposed reservoir is just to support the existing crop rotation, the need for the size of the reservoir put forward should be questioned. However if the justification is to grow more high value/water intensive crops as previously suggested then there is justification for the proposed size.

The applicant also states that it would provide irrigation for cereals, which are not usually irrigated, but may become increasingly necessary in the future. A high-flow water storage reservoir would reduce the losses of crop yields and reduction in quality, therefore would be in the public interest to construct an agricultural reservoir. The most significant risk or reason for crop failure is lack of water and with climate change and prolonged periods of drought the (farming) industry and in particular National Farmers' Union has sought to acknowledge the benefits which winter storage and irrigation can provide and are promoting future reservoir building through tax relief and positive planning policies with the government.

It is accepted that the Tendring area has lower than average rainfall compared to the rest of the UK and that irrigation is needed for existing and proposed crops. The AJS quotes the UK Climate Projections 2018 which states that "summer rainfall is likely to decrease in eastern England by more than 10% by 2030, and 20-30% by 2080". It argues that summer abstraction licences increasingly would be subject to restrictions, making irrigating high-value produce unreliable, and that a high-flow storage reservoir would mitigate these risks.



Financially there is an obvious incentive to grow higher value crops such as salads/spinach in comparison to cereal and wheat crops, with the gross margin of salads/spinach around £3360 per ha compared to £760 per ha for wheat. However, to realise this benefit, in the event that soil conditions are appropriate, some sort of irrigation investment is usually required as these crops are more water demanding, according to the AJS.

The applicant has provided an indicative proposed crop rotation across the entire farm holding including the change in area for each crop type and the increase/decrease in gross margins per year:

<b>Crop</b>	<b>Gross margin (£/ha)</b>	<b>Change in area (ha)</b>	<b>Increase in gross margin (£/yr)</b>
Potatoes	£2,642	60	£158,520
Sugar beet	£1,044	97	£101,268
Onions	£2,333	45	£104,985
Salads/spinach	£3,359	47	£157,882
Brassicas	£2,642	17	£44,914
Turf	£2,413	15	£36,192
Wheat	£761	-297	-£226,017
<b>Totals</b>		<b>-16</b>	<b>£377,744</b>

\*The reduction in total area cropped is due to land loss associated with the reservoir construction.

The acceptability of the scheme from an agricultural perspective stems from the applicant demonstrating a need case or benefits to render the development sustainable as defined within the NPPF. Viability is however also a key consideration, as this seeks to safeguard against proposals which are fundamentally being promoted because of the mineral reserve rather than the suggested agricultural (or other) justification or benefit, a concern that has been raised via third party presentation and objection lodged by Frating Parish Council.

The Council's agricultural consultant considers that the economic justification of the proposed reservoir, in this case, is sound as it has been demonstrated that it would be viable without the sale of extracted minerals. Whilst the financials submitted do not take into account any costs associated with additional water distribution infrastructure such as pipework and other equipment that would be required to supply the newly irrigable areas, it is not considered that these costs would affect the profit margin to the point of representing a net loss.

It is accepted that a developer's gross profit margin and total operating profit as a result of a proposal should not be a material consideration. Indeed, in this regard, the applicant has provided nothing to suggest that as existing the farm/farm holding is operating at a loss and is not viable cropping wheat. It is however, accepted that the financial appraisal does show that if the crop rotation was changed that the farm/farm holding would likely be more profitable and it is accepted, in principle, that the higher value crops of which this forecast has been based do or would require more water in comparison to wheat.

In view of the above, it is considered that the applicant has demonstrated, from an economic perspective, that this is a justification to the development. This justification has been shown to exist with regard to a reservoir of the size proposed on the land, without any reference or consideration to the extraction and sale of mineral. That said, in this context, the justification is considered relatively generic.

Policy S6 a) requires an 'overriding' justification and/or benefit from the proposal and in consideration of that the proposal is to excavate and export the mineral realised it is considered necessary to evaluate any and all impacts or harms resulting from this. It is not considered a conclusion of point a) of policy S6 can be reached until such an assessment has been completed.

With regard to point b) of policy S6, the finished size of the reservoir would be 900,000m<sup>3</sup>. This figure is derived from the storage capacity of 480,000m<sup>3</sup> of water, a 30% buffer (144,000m<sup>3</sup>) to account for evaporation, seepage and 'dead storage' required for maintaining the hydraulic integrity of the clay liner and to protect aquatic ecology, an additional 200,000m<sup>3</sup> to account for the 2m gradient across the site, and a further 10% contingency figure to accommodate unknown ground conditions.

The applicant has sought to suggest that the design capacity of the reservoir has been based on the water requirements of the proposed crop mix. The 480,000m<sup>3</sup> water storage capacity would duly, as shown below, allow delivery of high value crops across all land within the applicant's holding and that farmed on rotation from adjoining farms:

Crop	Irrigation depth (mm)	Current crop mix		Proposed crop mix	
		Ha	Irrig Qty m <sup>3</sup> /yr	Ha	Irrig Qty m <sup>3</sup> /yr
Potatoes	210	60	126,000	120	252,000
Sugar beet	150	70	105,000	167	250,500
Onions	150	55	82,500	100	150,000
Salads/spinach	185	53	98,050	100	185,000
Brassicas	150	49	73,500	66	99,000
Turf	200	80	160,000	95	190,000
Wheat/cereals	0	899	-	602	-
<b>Totals</b>		<b>1266</b>	<b>645,050</b>	<b>1250*</b>	<b>1,126,500</b>

\* The area available for the proposed crop mix is reduced by 16 ha to accommodate land loss due to the proposed reservoir.

In this regard no concerns are raised as to the size of the reservoir void. That said, it is noted that the applicant only owns or has direct control of 582ha of land. The other 750ha is on rotation from adjoining farms. Whilst, in principle, no concerns are raised in terms of the presented calculations,. It is considered that without consideration of the land used on rotation, the reservoir is far greater than required. It has since been confirmed by the applicant that George Wright Farms source, store and distribute the water to many different farms on a crop rotation basis and a formal agreement by way of an Annual Cropping License is agreed between the parties when required. Therefore the water afforded by the proposed

second reservoir would be able to be used on the 750ha outside of the direct control of the applicant.

Questions are also raised by the Council's agricultural consultant regarding specific design features such as the 30% buffer and the additional 200,000m<sup>3</sup> to account for gradient change. They accordingly question whether the proposal has been designed purely in respect of agricultural need and not in terms of maximising the potential for extraction within the red line.

In respect of this and the buffer, 30% is considered to be an industry-standard figure that can also be seen in other similar developments for agricultural reservoirs (for example Sheepcotes Farm, planning permission ref: ESS/01/18/CHL). It is not considered that this figure is overly inappropriate. The applicant has also stated that the design of the reservoir has been developed to the minimum necessary volume in order to allow the removal of the sand and gravel mineral, the soils and the clay overburden.

Regarding detail on the mineral proposed to be extracted, borehole investigations show that the superficial sands and gravels have a thickness of between 3.3 to 8.3 metres and are described in Chapter 10 of the Environmental Statement (ES) as an "upper deposit of gravelly, very silty fine to coarse sand which is occasionally clayey and becomes coarser with depth typically comprising silty gravels with fine to medium sand". The sand and gravel deposit thickens significantly from south east to north west across the site. Overburden thickness ranges between approximately 0 and 1.1 metres, with a mean average of 0.58 metres. Cross sections are provided in Chapter 10 of the ES. Extraction of this mineral would avoid sterilisation of the reserve and, whilst not in itself justification for the proposal, it is considered that this weighs in favour of the development when considering the planning balance.

The sloping nature of the land from 28m AOD to 25m AOD would require the additional 200,000m<sup>3</sup> capacity, confirmed in the Geological Investigation report supporting the application. It is considered that, in order to extract the sand and gravel, clay/subsoil and topsoil to reach the London Clay at the base which would be used to construct an engineered seal creating a hydraulically isolated sub-surface reservoir within the void. To this end, it is considered that this would comply with part 3 of MLP Policy S2.

To summarise, no principle concerns are raised to the extent of extraction on the basis that no material would be required to be imported to facilitate the development and final landform proposed. It is also considered that the size and volume of the proposed reservoir is acceptable in principle. It is considered that this would be in accordance with the spirit of MLP Policy S1 and TLP Policy SP1. In terms of MLP Policy 6 (c) the environmental considerations and impacts are considered below.

## **B SOILS**

To assist in assessing land quality, the Ministry of Agriculture, Fisheries and Food (MAFF) developed a method for classifying agricultural land by grade according to the extent to which physical or chemical characteristics impose long-term

limitations on agricultural use for food production. The MAFF Agricultural Land Classification (ALC) system classifies land into five grades numbered 1 to 5, with grade 3 divided into two subgrades (3a and 3b). Best and most versatile (BMV) agricultural land is classed as land in grades 1, 2 and 3a and is a valuable commodity; NPPF paragraph 174 points to its economic benefits.

The application is supported by a Soil Resource and Agricultural Land Quality Survey which identifies the land to be primarily a mixture of subgrades 3a and 3b, 3a being BMV land. Of the 16.8ha total area, 13.6ha (81%) is grade 3a (good quality) and 3.2ha (19%) is grade 3b (moderate quality). A subsequent letter provided by the applicant states that this is an estimation as the difference between the two grades is not an exact line and more of a general process from one grade to another, which is perhaps suggested by the map provided.

The proposed location of the reservoir would result in a loss of this land and the Council's agricultural consultant states that the application does not demonstrate that the reservoir could be sited on land not classed as BMV. The aforementioned subsequent letter provided by the applicant responds to this assertion by referring to the ALC map which shows all land within the surrounding area also being BMV land (grade 3 or above). Land which is not BMV is located relatively considerable distances away from the water sources which would supply the proposed extension and would therefore be economically unviable and unsustainable. The letter also states that, given that the site verges between 3a and 3b, it is likely not the highest level of grade 3a land which would be verging into grade 2 (very good quality), therefore it would appear that the site is likely one that would have the least impact on agricultural production by converting it from farmland to a reservoir. This, coupled with the benefits of additional water storage capacity to use on agricultural land during periods of drought, would likely result in an overall net benefit in terms of agricultural production.

In terms of soil health and sustainability, the applicant refers to their diverse cropping mix and rotation which would maintain and improve soil structure and organic matter. This uses a longer term rotation, involving a diverse mix of crops that provide improved structure through deeper rooting crops, such as turf, and the use of strategic cover crops to ensure that fields are not left dangerously exposed to heavy winter rainfall.

Cereal crops, primarily winter wheat, would still play a significant part in the new rotation as they provide a restorative phase between the relatively intensive vegetable crops. The cereals also provide good rooting to help soil structure, over winter stubbles and the opportunity to incorporate organic fertilisers such as Farm Yard Manure and digestate from AD plants.

It is considered that the proposed new crop mix would improve the overall quality of soils. Whilst it is accepted that some BMV land would be lost due to the reservoir, it is considered that the overall benefit of the reservoir provision would allow for a more diverse and beneficial cropping mix across a greater area and that the proposal would conform with MLP Policy DM1.

With regards to soil handling, Part 3 of the ES (Soil Resources and Agricultural Quality) refers to good practices for soil stripping and stockpiling in bunds which

would be utilised in the proposed development. This includes topsoils being stripped and stored separately in bunds no greater than 3m tall and sown with grass, as well as using excavator and dumper method to strip soils as per the 'MAFF Good Practice Guide for Handling Soils'. It is considered that this element of the proposal is acceptable and no concern is raised. Planning conditions relating to soil handling shall be attached.

## C WATER ENVIRONMENT

A significant consideration of the proposal is the potential impact on the quality and quantity of the water environment including both surface and groundwater. Water abstraction sites are important for agriculture and so it is also important to consider the impact that the proposal may have on water abstraction provision.

From a hydrological perspective, Bentley Brook is located approximately 300m east of the site. There is also a spring located to the south of Brook Farm and two small reservoirs located 1km to the northeast and two small natural ponds 500m to the northeast.

The mineral extraction phase of the development would involve dewatering of the void to remove the sand and gravel and line the reservoir in the dry. The acceptability of dewatering would need to be considered separately by the Environment Agency as part of a permitting process and there is no guarantee that such a license would be granted. A Hydrogeological Impact Assessment (HIA) submitted as part of the ES estimates that the dewatering volumes from the quarry would be low (approx. 1,000m<sup>3</sup>/day or 12 l/sec, and the radius of influence, i.e. distance to no lowering of the water table, would be approx. 140m from the boundary of the excavation (approx. 340m from the centre of the site). Dewatering would only likely to affect two water supplies that are held by the farmer for whom the reservoir is being constructed, and who has already agreed to sign a derogation waiver for the potential impact from the first reservoir.

The potential for groundwater contamination is also considered to be low; the only significant source of pollution would likely be from mobile plant and machinery fuel and oils spills. However the proposal refers to best practice techniques and operational activities which would be utilised in order to protect the water environment from such pollutants. Such techniques includes mitigation such as storing all onsite fuel and chemicals within bunds; access to emergency spill response kit onsite; site speed limits to reduce potential for collisions; and more.

With regards to surface water flows and flood risk, the majority of incidental rainfall to the site would infiltrate to the ground. This would be replicated as far as practical during the quarrying of the site with run-off primarily being routed to the base of the quarry from where it would either directly infiltrate to ground or would be abstracted along with groundwater. This water would be pumped from the sump to a settlement lagoon located to the east of reservoir 1 to settle out fines and then discharged at no more than greenfield runoff rates to Bentley Brook via a ditch/culvert under an existing discharge consent. The settlement lagoon would ensure an acceptable level of suspended solids in the surface and groundwater abstracted from the quarried area before it is discharged to the Brook. It is considered this would protect flows in the brook while not increasing the flood risk

downstream. The Lead Local Flood Authority (LLFA) raise no objection to the proposal from a flood risk perspective, subject to the measures set out in the FRA and other flood risk-related documents submitted with the application are implemented. It is considered that this could be secured by condition.

Concern has been raised via representation that, during the years of construction, the water table on the land in the surrounding area could be adversely affected. The construction of the reservoir would involve the dewatering of the void and the lining of the sides of the void with low permeability clay. The base of the site would comprise in-situ low permeability Thames Group strata. The clay liner would have very different hydraulic properties from the extracted sand and gravels and would locally impede groundwater flow. However the proposed development area is considered to be small in relation to the overall aquifer extent and, given the relatively high hydraulic conductivity of the sand aquifer, groundwater would be routed around the lined site and would not significantly change flow direction or levels. The HIA concludes that the estimated dewatering volumes from the quarry would be low and the radius of influence from lowering the water table would be 140 metres from the boundary of the excavation. There are only two water supplies that fall within this radius which are both held by the farmer for whom the reservoir is to be constructed – a derogation waiver for the potential impact of the first reservoir has already been agreed to be signed by the farmer. The HIA finds that the potential magnitude of impact on groundwater receptors from dewatering would be low and no mitigation would be required.

Once the mineral has been extracted and the site is restored to a reservoir, the void would be lined with low permeability clay. The application considers that groundwater would be routed around the lined site and flow direction or levels would not be significantly impacted. Infiltration rates to the underlying aquifer would inevitably be reduced due to the change from the permeable sand and gravel deposits. However, given the area of the reservoir and the aerial extent of the aquifer, the overall impact on the aquifer is considered to be small.

It is considered overall that, following the final restoration of the site to an agricultural reservoir, the hydrological and hydrogeological environment would likely be the same or better than the existing baseline with no residual long-term effects anticipated.

With regard to abstraction, the application considers the impact of the proposal on existing abstraction sites, of which there are 34 licensed and four private identified within 2km of the site. Only three lie within 140m of the edge of the site. Two of these would likely experience a limited drawdown effect as a result of the proposal whilst the third would experience no drawdown. Both of these licenses are held by the applicant therefore no other third party is considered to be disenfranchised by the proposal from a water abstraction perspective. It is understood that the license holder has agreed to sign a derogation waiver, which is already in place for reservoir 1. The EA raise no objection to the proposal but remind the applicant that they would need a new abstraction license.

It is considered that the proposal conforms with MLP Policies S3 and DM1 and TLP Policies PPL1 and PPL5 with respect to the water environment and flood risk.

The Environmental Statement assesses the potential effect of the proposed development on groundwater levels, flow, recharge and quality as well as surface water flow, flood risk and quality and considers that, subject to the implementation of suitable best practice the overall significance of impact from the development on groundwater and surface water would be 'neutral/negligible' to 'minor'. The MPA agrees with the conclusions on significant environmental effects in relation to the water environment. No additional mitigation measures are identified beyond the embedded mitigation that would be included within the design of the site and secured by condition.

## D TRANSPORT AND HIGHWAYS

At present, the existing reservoir to the north of the site uses the same access proposed in this application. Existing vehicle movement limits are allowed at a maximum of 60 HGVs per day (30 in and 30 out). It is proposed to retain the existing access arrangements at the same rate of up to 60 HGV movements per day (30 in and 30 out) over a nine-year extraction period. To note, the proposed movements associated with the new reservoir would not commence until extraction at the existing reservoir has concluded, therefore the existing 60 HGV daily movement limit is proposed to remain. It is considered that the proposal would not impact the safety or capacity of the highway network above and beyond what is already permitted in association with the first reservoir, and the continuation at this frequency for another nine years is not likely to cause a significant impact to the network.

The Highway Authority raise no objection to the proposal subject to the access being removed and reinstated to agricultural use following completion of the construction of the reservoir. Visibility splays and vehicle underbody and wheel washing facilities are currently established as part of the existing permissions and would be retained as part of this proposal.

One issue that has arisen in relation to the first reservoir arrangements is the vehicle routing once vehicles leave the site. At present, all mineral extraction from the first reservoir is transported to Alresford Creek Quarry to be processed as there are currently no processing facilities on-site at Lufkins Farm. This has resulted in vehicles travelling through the village of Alresford and down the haul road (Marsh Farm Lane) which has caused some local issues particularly around noise and safety concerns.

A key difference with this proposal is that the processing plant would be located on-site and so the majority (70%) of extracted mineral would be processed on-site instead of being hauled to Alresford. 30% would still be taken to Alresford for processing in order to supply the concrete batching plant that is also located at Alresford Quarry. It is considered that the proposal would result in an improved situation in terms of highway impact in Alresford due to the reduction in vehicles travelling there. It is relevant to note that the concrete batching plant is covered under a separate permission and is associated with HGV movements separate from the movements generated by the Lufkins Farm operation. Therefore, even if no vehicles were proposed to travel between Lufkins Farm and Alresford Quarry, there would still be HGVs travelling through Alresford and down the haul road in order to supply the concrete batching plant, located at Alresford Creek Quarry.



70% of mineral would be processed on-site and taken straight onto the main highway network – this would likely result in HGVs turning right out of the site and towards the A133 / A120. Frating Parish Council object to the proposal on grounds of the impact of HGVs on Frating crossroads which already experiences a lot of heavy traffic, including HGVs. The Parish Council request that all material is taken to Alresford Quarry to be processed so that HGVs avoid travelling through Frating. Alresford Parish Council object on grounds of impact to Alresford, with vehicles still having to travel through Alresford and request that 100% of material is processed at Lufkins Farm and taken through Frating directly onto the A-roads.

Whilst it is accepted that the proposal would increase vehicle movements through Frating and use of the crossroads, the main road (Main Road) through Frating is the A133 and, as an A-road, is considered to be a major route that is already traversed by HGV traffic in the region. The B1029 links the site to the A133 in Frating. As the proposal would also reduce movements through Alresford, it is considered overall that the proposal would be an improvement to the highway network.

Best practice already employed at the existing reservoir would include utilising the existing wheel cleaning facility already located on site and the use of a road sweeper, to ensure that the access would be maintained and that mud is not tracked onto the public highway from travelling vehicles.

The Environmental Statement assesses the potential effect of the proposed development on the surrounding highway network and whether there would be any significant environmental effects from a highways and transportation perspective. The maximum increase in total traffic on the network would be 2.6% on Great Bentley Road at a point where the application site would take access. It considers that the vehicular operations associated with the second reservoir would not have a material impact. The MPA agrees with the conclusions on significant environmental effects in relation to the highway network. No additional mitigation measures are identified.

Overall, it is considered that the proposal would not have unacceptable impacts on the efficiency and effective operation of the road network, including safety and capacity, local amenity and the environment and conforms with MLP Policies S11 and DM1 and TLP Policies CP1 and CP2. It is also considered that locating the processing plant on site conforms with MLP Policy DM3.

## E LANDSCAPE AND VISUAL IMPACT

The existing landscape is characterised by majority agriculture, with farms and a number of reservoirs spread throughout the wider area. The site is in the Tendring Plain, landscape character type E3 as defined in the Essex Landscape Character Assessment (LCA) 2003. Characteristics of E3 are: Gently undulating or flat landform; Heavy clay soils and lighter loamy soils where sand and gravel deposits overlie clay; Regular and straight edged field boundaries; Pasture and arable farmland; Mostly enclosed nature of the landscape; The main hedgerow species are hawthorn, oak, elm with occasional ash blackthorn and field maple. The site exhibits several of these characteristics. The land is nearly flat (sloping at

approximately 1 in 200) and has sand and gravel deposits over the London Clay. The field boundaries are mostly straight and most of the hedgerow trees are oak. The LCA suggests the significant loss of hedges and hedgerow trees might be reversed if changes in agricultural subsidy bring opportunities for restoring hedgerows, small woodlands and heathland. In this case there are places where the hedgerows might be improved with gapping up and the addition of more trees.

The proposal involves a restoration plan that would include the provision of an agricultural reservoir with a mixture of planting around the periphery. It is considered that the construction and mineral extraction phase of the development would cause some visual impact to the landscape, although bunds would be constructed using stripped soils in order to provide visual screening during this phase. The majority of bunds would be 3m tall, with a 4.2m high bund along the south-eastern boundary and a 5.4m high bund on the north-eastern boundary to screen views from Hill House Farm and Brook Farm respectively. The plant and stockpile area would be located in between the two reservoir areas and would be surrounded by 3m high bunds as well as being lowered by approximately 2m. There are four hedgerows proposed to be gapped up and planted along the western boundary along with additional tree planting.

There was some initial concern that these hedgerows would not be planted until after the completion of the reservoir, however advance planting has subsequently been agreed so that this provision is planted once the adjacent bunds are constructed. It is also agreed that a planting plan and five year aftercare plan should be required by condition if planning permission is granted.

The Council's landscape consultant raises no objection subject to a number of conditions including specific details of the advanced planting arrangements, landscaping scheme and landscape management plan. The landscape consultant raised a question on whether the proposed bund gradient (1:1.5) would be too steep and whether issues of erosion from stormwater runoff would be created. It is not considered that this gradient is out of the ordinary and the operator has experience constructing similar bunds in relation to the adjacent reservoir to the north. The Lead Local Flood Authority raises no objection to the proposal and does not raise any concern around this matter.

The Environmental Statement assesses the potential effect of the proposed development on the surrounding landscape and whether there would be any significant environmental effects from a landscape perspective. It considers that there would be some visual impacts from the proposed bunds and vehicle movements during the construction phase and once the extraction phase is completed, however it is not considered that the effects would be significant particularly considering they would be temporary. Planting and bunding is proposed to mitigate the visual impact which would be secured by conditions. Taken as a whole, the end use is considered in the ES as a richer and more diverse landscape than at present. The MPA agrees with the conclusions on significant environmental effects in relation to landscape and visual impact.

It is considered that the proposal conforms with MLP Policy S12 and DM1 as well as TLP Policy SPL3 and PPL3.

## F AIR QUALITY

Potential sources of dust include the movement of soils during the stripping stage and bund creation, movement of vehicles particularly on unsurfaced roads, extraction of mineral and operation of the proposed plant. The application is supported by an Air Quality Assessment which identifies these potential sources along with mitigation measures that have been incorporated into the proposal and the applicant has sought to suggest that, although the processing of material and traffic on the haul road have some potential to give to dust impact, subject to good practice and management it is not considered that prevailing dust would be an issue.

The mitigation measures and best practices proposed would include the use of a wheel cleaner for HGVs, minimisation of drop heights, water suppression spraying during dry conditions, 20mph speed limit on haul road, sheeting of all HGVs prior to leaving the site and maintenance of the haul road.

The Council's air quality consultant raises no objection to the proposal and considers that the dust control measures outlined would be acceptable for the proposed scheme and that all existing dust related conditions attached to the first reservoir permission should be carried over the second reservoir.

Representation received refers to the lack of information included in the application around exhaust particulates or gases, expelled brake dust or tyre degradation and how that would impact on air quality. The assessment considers both dust and emissions from traffic caused by the proposal and it is considered that, based on the information submitted, road traffic emissions would be negligible, particularly in context of the existing traffic movements related to the first reservoir. The Council's air quality consultant considers that there would be no adverse impacts from road traffic emissions and that the proposal would be acceptable from an air quality perspective.

It is considered that the proposal would be acceptable from an air quality perspective and conforms with MLP Policy S10 and DM1 in relation to protecting and enhancing the environment and local amenity.

The Environmental Statement assesses the potential significant effect of the proposed development in terms of air quality including dust and road traffic impacts. It considers that the impact of dust on amenity would be 'not significant' and the effect of PM10 concentrations at receptors would also be 'not significant'. It considers that mitigation would not be required in this respect, although best practice dust control measures would be utilised onsite. From a road traffic perspective, the ES considers that the potential effect on air quality caused by road traffic would not be significant and no mitigation is proposed. The MPA agrees with the conclusions on significant environmental effects in relation to air quality.

## G NOISE

Mineral planning authorities should aim to establish a noise limit, through a planning condition, at the noise-sensitive property that does not exceed the

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

The hours of operation proposed by this application are considered to be standard for a development such as this and indeed align with similar permissions issued by the MPA, including the extant permission for the existing reservoir at Lufkins Farm (ESS/99/21/TEN). The hours proposed are 07:00-18:00 hours Monday to Friday; and 07:00-13:00 hours Saturday with no working on Sundays or Bank Holidays.

With regards to this, as part of the submitted updated noise assessment results from multiple surveys undertaken at four locations representative of the nearest noise sensitive receptors (Slough House Farm; Lufkins Farm; Hill House Farm and Brook Farm) were provided. The noise climate at each location was found to be generally characterised by local road traffic on Great Bentley Road, distant farm activity, birdsong & high-altitude aircraft.

Noting the PPG with regard to noise and mineral sites/operations; the noise assessment submitted in support of the applications recommends the below noise limits, when measured at nearby properties. The limits have been set with reference to the criteria stipulated in the PPG; to represent a worst-case the lowest limits at each receptor is utilised as the basis of the assessment:

<b>Location</b>	<b>Measured LA90</b>	<b>LAeq,1-hour Noise Limit (10dB above LA90 up to 55dB)</b>
Location 1: Slough Farm	41	51
Location 2: Lufkins Farm	40	50
Location 3: Hill House Farm and Brook Farm	37	47

It is noted that noise impacts would vary over time at each receptor depending on which phase would be being worked. Based on noise limits of no more than 10dB(A) above the prevailing background levels the assessment shows that at the nearest sensitive receptor locations the predicted noise levels are below the derived noise limits during temporary operations, all four phases of extraction operations and reprofiling works.

Initially all bunds were proposed to be at a height of 5.4m in order to mitigate noise impacts, however many have been reduced in height based on the outcomes of

the revised noise assessment which takes into consideration material stockpiles present in the processing area. Additionally, no extraction or processing operations would be undertaken concurrently with reprofiling works.

The Council's noise consultant identified a risk that the proposed noise limits may be exceeded, however considers that the noise limits identified in the assessment are likely derived from a conservative interpretation of background noise level data. They comment that the worst case predicted noise levels for Brook Farm only marginally exceed the limit by approximately 1dB(A), therefore it is considered likely that both the mineral extraction works and reprofiling works could achieve the slightly lower limits that the noise consultant identifies. Since the distance from receptor to the mineral extraction area is similar for Brook Farm and Hill House Farm, it is considered likely that noise levels at Hill House Farm would also comply with the noise consultant's proposed noise limit. Lufkins Farm is also a similar distance from mineral extraction, but would be subject to a higher noise limit, whilst Slough Farm is further from the site, and also subject to a higher noise limit. The Council's consultant therefore concludes that it is likely that operations would comply with their proposed noise limits for all receptors. The consultant considers that the noise limits at the receptors listed in the table above would more likely be 53dB, 52dB and 50dB LAeq 1hr respectively instead of the 51dB, 50db and 47dB.

Overall no objection is raised on noise grounds subject to securing conditions for these normal working noise limits, temporary operations noise limit of 70dB LAeq 1hr for up to 8 weeks per year, quarterly noise monitoring, silencers on all machinery, broadband reversing alarms on mobile plant and vehicles and securing operational hours and vehicle movement limits in line with the existing reservoir.

It is considered that the proposal would be acceptable from a noise perspective and conforms with MLP Policy S10 and DM1 in relation to protecting and enhancing the environment and local amenity.

The revised noise assessment that makes up part of the Environmental Statement assesses the potential significant effect of the proposed development in terms of noise. It considers that the significance of effect caused by noise from the development would be none, therefore mitigation measures are not considered necessary. The MPA considers that if no mitigation were proposed (mainly bunds) then there would likely be some level of impact, although not significant. With the mitigation that is proposed as part of the scheme, it is considered that there would be no impact caused by noise.

## H ECOLOGY

The area to which development is proposed does not form part of any ecological designation, and in itself, as arable land is considered of relatively low ecological interest. There are some areas of woodland in the locality, with the partially wooded course of the Bentley Brook located within 300m of the eastern site boundary, beyond Brook Farm.

There are no Sites of Special Scientific Interest (SSSI) or sites of European importance for nature conservation within 2km of the site, although the closest part

of the extensive Colne Estuary, which is designated as Ramsar and Special Protection Area (SPA), as well as an SSSI on account of its special ornithological interests and diverse range of estuarine habitats, is approximately 2.5km to the SW of the site. There are a number of Local Wildlife Sites (LoWS) of County level importance for nature conservation, within the wider study area. The closest of these is Bentley Brook located less than 300m to the east of the site, beyond Brook Farm. This comprises a linear corridor, with a mosaic of grassland, woodland, scrub and ponds, as well as the brook channel itself which supports water voles.

Other LoWSs exist within relatively close proximity of the site at Hockley Wood an area of ancient woodland approximately 1km to the west of the site and the nearby Hockley Farm Woods a network of small woods and hedges, which support dormice. Bentley Green is located in Great Bentley, approximately 1km to the west of the site.

The application is supported by an Ecological Appraisal which considers the ecological impacts, mitigation, compensation and ecological enhancement measures of the proposal. A Breeding Bird Survey Report is also submitted in support of the appraisal. Regarding the SSSI, LWSs and other known areas of ecological interest, the appraisal concludes that there would be no direct impacts to these receptors as a result of the proposal.

In respect of biodiversity net gain (BNG), the restoration plan would provide an agricultural reservoir with surrounding shallows and reed beds alongside gapping up of existing hedgerows along the western boundary and further hedgerow / tree / shrub planting along the southern, eastern and northern boundaries. It is considered that this would likely create wildlife corridors once the site is restored as well as a wetland habitat in and around the shallows. There is also tree and hedgerow planting proposed in between the two reservoirs and areas of shallows. The Council's ecology consultant considers that there should not be any hedgerow between the two shallows in order to provide a larger open area for birds to feel more secure. With the hedgerow, there is the risk of wetland birds feeling too enclosed within the new area of shallows.

The Breeding Bird Survey Report estimates that there would likely be a loss of two skylark breeding territories as a result of the development which could be compensated for by creating four skylark plots in winter cereal fields onsite or in nearby adjacent fields. It is considered that this could be achieved via condition, unless offsite mitigation is required which could be secured via legal agreement as per MLP Policy DM2 and TLP Policy DI1. The Council's ecology consultant does not object to the proposal and considers that the mitigation measures identified in the Breeding Bird Survey Report should be implemented in full and secured by condition. A number of other conditions are also recommended including the requirement of a Farmland Bird Mitigation Strategy, a Construction Environmental Management Plan (CEMP), Biodiversity Method Statement, Biodiversity Enhancement Strategy, Landscape and Ecological Management Plan (LEMP) and a lighting design scheme for biodiversity. They also recommend a condition requiring further supplementary ecological surveys to inform the preparation and implementation of corresponding phases of ecological measures as the works progress through the series of phases over the years of development.

With regards to the proposed silt lagoon located to the eastern side of reservoir 1, the applicant has confirmed that the proposed shallows area on the revised restoration plan would be achieved by allowing the silt lagoon to naturally regenerate over time. Questions were initially raised in terms of how this would be achieved to form the 'natural' shaped shallows if no engineering would be carried out. The applicant confirmed that there would be some minor engineering in the sense of removing the perimeter bunding and then blading in the underlying substrate to form the rounded shape with its gently shelving shallow margins. The shallow margins where the depth of the water would be less than 1m would be then be allowed to naturally regenerate as reed beds.

It was also questioned as to whether the presence of a silt lagoon would change/impact the level of biodiversity. The Council's ecology consultant raises no concern with the presence of a silt lagoon. It is considered that the shallows would still be provided as originally planned and so the provision of a silt lagoon would not negatively impact the previously anticipated biodiversity. An addendum to the Environmental Statement has been provided and considers that the silt lagoon would not significantly add any impacts as to what has been previously assessed. The MPA agrees with this assessment.

It is considered that the proposal conforms with MLP Policies S3, S12 and DM1 and TLP Policy PPL4 as it would provide biodiversity and habitat creation and would attract new flora and fauna due to the restoration and afteruse as a reservoir.

The Environmental Statement assesses the potential significant effect of the proposed development on ecological receptors. It considers that the type of mineral extraction proposed has the potential to cause significant ecological impacts in the absence of mitigation. Mitigation and enhancement is proposed to prevent such environmental effects, in particular boosting the integrity of the western boundary hedges and creating new hedges on the northern, eastern and southern boundaries. Other features includes shallows and reed beds, grassland, stand-off buffer zones, root protection zones, monitoring and other schemes to be secured by condition. The MPA agrees with the conclusions set out in the ES in relation to ecology and support the proposed mitigation measures.

## I CULTURAL HERITAGE

With regards to the National Planning Policy Framework (2023), Paragraph 202 is relevant and Local Planning Authority should weigh this harm against any public benefits of the proposal including, where appropriate, securing its optimum viable use. Whilst the scale of harm may be at the lower end of 'less than substantial' great weight should be given to the heritage assets' conservation (Paragraph 199) and clear and convincing justification provided for any level of harm (Paragraph 200).

'Hill House' is a Grade II Listed Building approximately 220m to the southeast of the site and adjacent 'Barn approximately 20 metres north east of Hill House' is also Grade II Listed about 210m southeast of the site. 'Lufkins Farmhouse' is a Grade II Listed Building approximately 175m to the south.



The application is supported by a Cultural Heritage Assessment which concludes that there would be significant impact to the above listed buildings. The Council's historic buildings consultant considers that the level of harm caused by the development is likely to be 'less than substantial' due to the change in the heritage assets' settings during the extraction works. Most of this would come from the construction of bunds and the presence of the processing plant which would compromise the open character of the setting. Other factors such as noise, dust and vehicular traffic also has the potential to affect the significance of the heritage assets within their isolated contexts.

However it is noted that the proposal site does not have any historic connection to Lufkins Farmhouse, Hill House or Brook Farm and there is limited visibility between the site and the assets due to intervening modern agricultural buildings and existing woodlands. It is also considered that the extraction period is temporary and the restoration to an agricultural reservoir coupled with the proposed landscape features would considerably reduce the impact on the heritage assets to negligible at most.

Overall the Council's historic buildings consultant considers that there would be a slight initial increase in the level of harm caused during the extraction period however this would be significantly reduced after a number of years once the site is restored. They recommend that a condition requiring a detailed landscape layout, including existing and proposed planting and specification of hardstanding materials and boundary treatment, is attached.

With regard to archaeology, the site is in arable use and has been ploughed for many years. An Archaeological Evaluation has been submitted in support of the application. The results of the evaluation reveal survival of archaeological features including ditches, a cremation and possible pits. The alignment of some ditches may relate to the Roman rural landscape revealed to the north while the cremation may indicate some prehistoric activity. Neolithic and Bronze Age activity has been revealed in earlier investigations to the north and there is a circular cropmark and parallel ditches recorded immediately east of the site. A previous evaluation in 2007 which crossed the site recorded a number of ditches and pits, some dated to the Roman period and possible prehistoric activity.

The Council's archaeology consultant considers that a programme of further archaeological investigation would be required should permission be granted in order to determine the nature of the archaeological remains, many of which were unable to be fully investigated and which may have been obscured through flooding and weather conditions.

The site has recorded Quaternary sediments that have been identified as being of possible geoarchaeological significance, pre-Anglian interglacial deposits are recorded at Wivenhoe which have yielded flint artefacts. The sediments are likely to have been laid down by the early Thames River before it was diverted by the Anglian icesheet. The potential of the sediments for Palaeolithic archaeological and Pleistocene floral and faunal remains would need to be assessed and a suitable evaluation and mitigation strategy proposed. A geoarchaeological desk

based assessment would need to be undertaken by a specialist to inform the programme of geoarchaeological evaluation.

Whilst no objection is raised from an archaeological perspective, a number of conditions are recommended by the Council's archaeological consultant to ensure compliance with planning policies should planning permission be granted.

It is considered that the proposal conforms with MLP Policy DM1 and TLP Policies PPL7 and PPL9.

The Environmental Statement assesses the potential significant effect of the proposed development from a cultural heritage perspective. It considers that there would be no direct significant effects upon statutorily designated heritage assets. It considers that the impact on archaeology would not be significant however considers that the loss of archaeology would need to be offset by a scheme of mitigation, secured by condition. It considers that the significance of effect on Lufkins Farm would be negligible and on Hill House Farm it would be none. The MPA agrees with the conclusions set out in the ES in relation to cultural heritage and support the proposed measures in relation to archaeology.

## **8. CONCLUSION**

This application has been proposed on the basis of agricultural need. Policy S6 of the Essex Minerals Plan in such circumstances states that applications will be considered on their individual merits. Mineral extraction outside preferred or reserved sites will be resisted unless an overriding justification and/or overriding benefit for the proposed extraction has been demonstrated.

It is considered that, for this case, there is an agricultural benefit associated with the provision of an agricultural reservoir and guarantee of water supply. That said, the justification in this instance is reliant solely on a change of crop rotation and the financial benefits. The principal benefit associated with winter storage is nevertheless accepted and although some questions/concerns do exist as to whether this benefit/justification suggested can be applied across the entire proposed crop rotation, the overall size/volume of the reservoir is not considered unduly excessive if the land which is cropped on rotation by the applicant is considered.

It is considered that, in view of the limited impact which has been identified during the proposed construction phase of the development, subject to conditions, the benefits which would be realised as part of the restoration scheme does represent sustainable development and a net overriding benefit overall.

To confirm the suggested benefits, albeit generic, in this instance are considered to satisfactorily outweigh other considerations. A consideration as part of the balancing exercise has included the current landbank position in Essex and that suggested within the NPPF and the Essex Minerals Local Plan with regard to safeguarding and making best use of reserves.

## **9. RECOMMENDED**

That planning permission be granted subject to

a) the prior completion within 6 months (unless otherwise agreed with the Chairman of Development and Regulation Committee) of a Section 106 Legal Agreement securing the provision of off-site skylark plots;

b) conditions covering the following matters:

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

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

- 2 The development hereby permitted shall be carried out in accordance with:

the details submitted by way of the application ref ESS/21/08/TEN dated 23 May 2008 and covering letter dated 22 May 2008, together with drawings numbered 0318/A (26/02/2007), 0318/O/1b (17/08/2015) and 0318/R/1a, Supporting Statement dated 20 May 2008, Irrigation Requirements Report dated December 2004, Traffic Statement dated March 2007, Hydrogeological Assessment dated August 2007, Preliminary Appraisal of Ecological Interests and Constraints dated March 2007 as amended by Ecological Appraisal update August 2009, Search of Essex Heritage Conservation Record dated 19/10/04, Archaeological Evaluation dated December 2007, Correspondence between Hafren Water and the Environment Agency dated 26 March 2008, 04 April 2008 and 25 April 2008, email dated 28 July 2008 with drawing number 0318/I/1 dated 08/08/2007, email dated 12 August 2008, email dated 07 August 2008 and Licence for access over land at Hill House Farm dated 2007;

AS AMENDED BY

the details submitted by way of the application ref ESS/10/13/TEN dated 13 March 2013, covering letter dated 13 March 2013 and supporting statement entitled 'Lufkins Farm, Great Bentley, Essex, Application for a new planning permission to replace the existing planning consent ESS/21/08/TEN in order to extend the time limit for implementation' by Mineral Services Ltd, together with drawing numbered 0318/A v2 dated 08/03/13 and Ecological Appraisal update March 2013;

AS AMENDED BY

the details submitted and approved by way of the application ref ESS/41/15/TEN dated 21 August 2015;

AS AMENDED BY

the details submitted by way of the application ref ESS/41/15/TEN/NMA1 dated 20 September 2019 and Plan no. 0318/O/1b titled 'Operations Plan' dated 21 August 2019;

AS AMENDED BY

the details of the application dated 12 November 2021, ref: ESS/99/21/TEN;

AS AMENDED BY

The details of the application dated 19 November 2021, ref: ESS/101/21/TEN together with:

- Drawing No. LF/27 titled 'Site Location and Access Plan', dated 14 October 2020;
- Drawing No. 001 titled 'Operations Plan', dated November 2022;
- Drawing No. 002 titled 'Reservoir Restoration Plan', dated November 2022;
- Drawing No. 001B titled 'Interim Restoration Plan', dated August 2023;
- Drawing No. LF/36 titled 'Proposed Reservoir and Silt Lagoon', dated 7 October 2022;
- Drawing No. 001A titled 'Interim Operations Plan', dated August 2023

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

Reason: *For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with Essex Minerals Local Plan (2014) policies S1, S2, S3, S6, S8, S10, S11, S12, DM1 and DM3, North Essex Authorities' Shared Strategic Section 1 Plan policy SP1 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policies SPL3, PP13, PPL1, PPL3, PPL4, PPL5, PPL7, PPL9, CP1, CP2 and DI1.*

- 3 Notwithstanding the provisions of the Town and Country planning (General Permitted Development) Order 1995 (or any order evoking and re-enacting that Order with or without modification) no building, structure, fixed plant or machinery (other than hydraulic excavator, plant for the movement of materials, the office weighbridge and portacabin and mobile WC), shall be erected, extended, installed or replaced on the site without the prior agreement in writing of the Mineral Planning Authority.

Reason: *To enable the Mineral Planning Authority to adequately control, monitor and minimise the impacts on the amenities of the local area and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1.*

- 4 All aggregate materials available for sale shall only originate from the workings hereby permitted. No aggregate shall be imported for processing or resale.

Reason: *To ensure uses on site are wholly ancillary to the mineral operations hereby permitted and in the interest of local amenity and compliance with Essex Minerals Local Plan (2014) policies S10 and DM1.*

- 5 The operators shall maintain records of their monthly output/production and shall make them available to the Mineral Planning Authority upon request. All records shall be kept for the duration of the extraction.

Reason: *To enable the Mineral Planning Authority to monitor progression and activity at the site and compliance with Essex Minerals Local Plan (2014) policies S6 and S11.*

- 6 The development hereby permitted shall cease not later than 1 November 2034 by which time the site shall be restored in accordance with the scheme approved under Condition 43.

For the area previously approved under permission ref: ESS/99/21/TEN, the development hereby permitted shall cease not later than 14 July 2025.

Reason: *To provide for the completion and progressive restoration of the site within the approved timescale, in the interest of local amenity and to comply with Essex Minerals Local Plan (2014) policies S10 and S12.*

- 7 In the event that operations are terminated, or suspended for a period in excess of 24 months, a revised scheme of restoration and aftercare shall be submitted to and approved in writing by the Mineral Planning Authority. The development shall be implemented in accordance with the revised scheme.

Reason: *To enable the Mineral Planning Authority to adequately control the development, to ensure that the land is restored to a condition capable of beneficial use and to comply with Essex Minerals Local Plan (2014) policies S10 and S12.*

- 8 Unless the Mineral Planning Authority otherwise agrees in writing any building, plant, machinery, foundation, hardstanding, roadway, structure or erection in the nature of plant or machinery used in connection with the development hereby permitted shall be removed from the site when they are respectively no longer required for the purpose for which they were installed, in any case not later than 1 November 2034 and upon their removal the land shall be restored in accordance with the approved restoration scheme.

Reason: *To enable the Mineral Planning Authority to adequately control the development, to ensure that the land is restored to a condition capable of beneficial use and to comply with Essex Minerals Local Plan (2014) policies S10 and S12.*

- 9 Operations authorised or required by this permission shall only be carried out between the following times:

0700 – 1800 hours Monday to Friday;  
0700 – 1300 hours Saturdays;

And at no other time or on Sundays and Public Holidays, except for emergency maintenance and monitoring of the site and the following provisions, unless

otherwise approved in writing by the Mineral Planning Authority. For the avoidance of doubt, all vehicles in excess of 7.5 tonnes gross vehicle weight (t gvw) and vehicles in excess of 3.5t gvw associated with the operations shall not be allowed to enter or leave the site outside of these times.

For clarity, the operation of plant and machinery for the stripping of soil, construction of screen bunds or the extraction of sand and gravel shall not commence before 0800 hours prior to the completion of the screen bunds related to the phase being worked and intended to afford visual and aural protection to nearby residents.

Reason: *In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1.*

- 10 Within 12 months from the date of this permission a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Mineral Planning Authority.

Reason: *For the protection of ecology, wildlife and protected species within the site, to minimise the nuisance and disturbances to neighbours (and the surrounding area and in the interests of highway safety) and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policies SPL3, PPL3 and PPL4.*

- 11 All plant and machinery shall operate only during the permitted hours, as specified in Condition 9, except in an emergency (which shall be notified to the Mineral Planning Authority as soon as practicable), and shall be silenced at all times in accordance with the manufacturers recommendations.

Reason: *To ensure minimum disturbance from operations and avoidance of nuisance to the local community and compliance with Essex Minerals Local Plan (2014) policy S10 and DM1.*

- 12 Within 12 months from the date of this permission, details of advance planting to hedges 1, 2, 3 and 4 shown on the restoration scheme approved under Condition 43 shall be submitted and approved by the Mineral Planning Authority. Implementation will need to be carried out prior to any other construction work and in accordance with an implementation timetable agreed in writing with the Mineral Planning Authority.

Reason: To comply with Section 197 of the Town and Country Planning Act 1990, to improve the appearance of the site in the interests of visual amenity, to screen the workings and to assist in absorbing the site back into the local landscape and compliance with Essex Minerals Local Plan (2014) policies S10 and S12 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policies SPL3, PPL3 and PPL4.

- 13 Within 12 months from the date of this permission, a landscape restoration scheme shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include details of areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall also include details of any existing trees and hedgerows on site with details of any trees and/or hedgerows to be retained and measures for their protection during the period of (operations/construction of the development). The scheme shall be implemented within the first available planting season (October to March inclusive) following commencement (or completion) of the development hereby permitted in accordance with the approved details and maintained thereafter.

Reason: To comply with Section 197 of the Town and Country Planning Act 1990, to improve the appearance of the site in the interests of visual amenity, to screen the workings and to assist in absorbing the site back into the local landscape and compliance with Essex Minerals Local Plan (2014) policies S10 and S12 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policies SPL3, PPL3 and PPL4..

- 14 Within 12 months from the date of this permission, a landscape and ecological management plan (LEMP) covering a minimum of 5 years shall be submitted to, and approved in writing by, the Mineral Planning Authority. This should include:
- a) Drawings showing the extent of the LEMP - showing the areas to which the LEMP applies.
  - b) Written Specification detailing (where applicable):
    - Description and evaluation of features to be managed;
    - Ecological trends and constraints on site that might influence management;
    - Aims and objectives of management;
    - Appropriate management options for achieving aims and objectives;
    - Prescriptions for management actions;
    - Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
    - Details of the body or organisation responsible for implementation of the plan;
    - Ongoing monitoring and remedial measures;

Any tree or shrub that dies, is damaged, diseased or removed five years after completion of the operations shall be replaced by the applicants during the next planting season with a tree or shrub of species and size to be agreed with the Mineral Planning Authority.

Reason: To comply with Section 197 of the Town and Country Planning Act 1990, to improve the appearance of the site in the interests of visual amenity, to screen the workings and to assist in absorbing the site back into the local landscape and

*compliance with Essex Minerals Local Plan (2014) policies S10 and S12 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policies SPL3, PPL3 and PPL4.*

- 15 Within 12 months from the date of this permission, a site specific Arboricultural impact assessment and method statement along with a tree protection plan shall be submitted, which conforms with BS5837: 2012 Trees in relation to Design, demolition and construction.

The works shall be carried out in accordance with the approved details.

Reason: *In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with Essex Minerals Local Plan (2014) policies S10 and S12 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policies PPL3 and PPL4..*

- 16 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (S. Deakin, February 2021) as already submitted with the planning application and agreed in principle with the Mineral Planning Authority prior to determination. This may include the appointment of an appropriately competent person to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: *To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with Essex Minerals Local Plan (2014) policies S10 and S12 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy PPL3 and PPL4.*

- 17 Within 12 months from the date of this permission , a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Mineral Planning Authority. The CEMP (Biodiversity) shall include the following:
  - a) Risk assessment of potentially damaging construction activities.
  - b) 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).
  - c) The location and timing of sensitive works to avoid harm to biodiversity features.
  - d) The times during construction when specialist ecologists need to be present on site to oversee works.
  - e) Responsible persons and lines of communication.
  - f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - g) Use of protective fences, exclusion barriers and warning signs.
  - h) Containment, control and removal of any Invasive non-native species present on site.



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 Mineral Planning Authority.

Where the approved development is to proceed in a series of phases over several years, further supplementary ecological surveys shall be undertaken to inform the preparation and implementation of corresponding phases of ecological measures required through Conditions 16, 17, 18 and 19. The supplementary surveys shall be of an appropriate type for the habitats and species set out in the Ecological Appraisal (S. Deakin, February 2021) and survey methods shall follow national good practice guidelines.

*Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with Essex Minerals Local Plan (2014) policies S10 and S12 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy PPL3 and PPL4.*

- 18 Within 12 months from the date of this permission, a Biodiversity Method Statement for protected species (Water Voles) shall be submitted to and approved in writing by the Mineral Planning Authority. The content of the method statement shall include the following:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

*Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with Essex Minerals Local Plan (2014) policies S10 and S12 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy PPL3 and PPL4.*

- 19 Within 12 months from the date of this permission, a Biodiversity Enhancement Strategy for habitat creation and restoration and for protected and Priority species shall be submitted to and approved in writing by the Mineral Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;

- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the enhancement measures;
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

Reason: *To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and in accordance with Essex Minerals Local Plan (2014) policies S10 and S12 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy PPL3 and PPL4.*

- 20 Any temporary fuel or chemical storage vessel shall be within an impermeable container with a sealed sump and capable of holding at least 110% of the vessel's capacity. All fill, draw and overflow pipes shall be properly housed to avoid spillage.

Reason: *To minimise the risk of pollution of watercourses and aquifers and compliance with Essex Minerals Local Plan (2014) policy S10 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy PPL5.*

- 21 The access / haul road used in connection with the operations hereby permitted shall be sprayed with water during dry weather conditions to prevent dust nuisance.

Reason: *To reduce the impacts of dust disturbance from the site on the local environment and to comply with Essex Minerals Local Plan (2014) policy S10.*

- 22 No loaded lorry shall leave the site unsheeted.

Reason: *In the interests of highway safety, safeguarding local amenity and to comply with Essex Minerals Local Plan (2014) policies S10 and S11 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy CP2.*

- 23 All ingress to and egress from the site by vehicles shall be by the access and internal access road from Great Bentley Road as per planning ref. ESS/40/15/TEN. A metal gate shall be placed across the access point from the public highway and securely locked outside of the permitted hours referred to in Condition 9 of this permission. Visibility splays shall be secured and maintained in accordance with Drawing No. D381/108 Rev D, dated 19 June 2015.

Reason: *In the interests of highway safety, safeguarding local amenity and to comply with Essex Minerals Local Plan (2014) policies S10 and S11 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy CP2.*

- 24 There shall be no more than 60 vehicle movements in excess of 3.5t gvw (30 in/30 out) from the site on any single working day. Except on Saturday mornings when

there shall be no more than 30 vehicle movements in excess of 3.5t gvw (15 in/15 out) from the site.

Reason: *In the interests of highway safety, safeguarding local amenity and to comply with Essex Minerals Local Plan (2014) policies S10 and S11 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy CP2.*

- 25 For HGV traffic leaving the site and travelling to Alresford Creek Quarry plant site, the development hereby permitted shall be carried out in accordance with Traffic Management Plan titled 'Application to discharge the requirements of condition 19 of planning permission ESS/99/21/TEN requiring submission and agreement of a traffic management plan', dated April 2023.

Reason: *In the interests of amenity, highway safety and to comply with Essex Minerals Local Plan (2014) policies S10 and S11 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy CP2.*

- 26 No development or preliminary groundworks shall take place on reservoir 2 until the implementation of a programme of geoarchaeological investigation in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the Mineral Planning Authority.

Reason: *To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy PPL7.*

- 27 No development or preliminary groundworks shall take place on reservoir 2 until a mitigation strategy detailing the approach to further archaeological excavation, monitoring and/or preservation in situ has been secured in accordance with a Written Scheme of Investigation, which has been submitted by the applicant, and approved by the Mineral Planning Authority.

Reason: *To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy PPL7..*

- 28 No extraction in reservoir 2 can commence on those areas of the development site containing archaeological deposits, until the satisfactory completion of archaeological fieldwork, as detailed in the mitigation strategy, which has been signed off by the Mineral Planning Authority.

Reason: *To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy PPL7.*

- 29 Following completion of the archaeological and geoarchaeological fieldwork, the applicant will submit to the Mineral Planning Authority a post-excavation assessment (within 12 months of the completion date, unless otherwise agreed in

advance with the Mineral Planning Authority), which 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 any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy PPL7.*

- 30 No stripping or handling of topsoil or subsoil shall take place unless a scheme of soil movement has been submitted to and approved in writing by the Mineral Planning Authority. The scheme shall:
- a) Clearly identify the origin, intermediate and final locations of soils for use in restoration together with details of quantities, depths and areas involved.
  - b) Define the type of machinery to be used and all the machine movements shall be restricted to those approved.
  - c) Confirm that all available topsoil and/or subsoil has been stripped from that part and stored in accordance with the details agreed under Condition 33 of this planning permission.

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

*Reason: To ensure the retention of existing soils on the site for restoration purposes, to minimise the impact of the development on the locality and to comply with Essex Minerals Local Plan (2014) policies S10, S12 and DM1 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy PPL7.*

- 31 No stripping or handling of topsoil or subsoil shall take place until details for the forming, planting and maintenance of soil bunds to the site have been submitted to and approved in writing by the Mineral Planning Authority. Details shall include a plan, showing the location as well as the seed mixture and the application rates, and identifying the soil types and units contained therein.

All storage bunds intended to remain in situ for more than 6 months or over the winter period shall be grassed over and weed control and other necessary maintenance carried out to the satisfaction of the Mineral Planning Authority.

*Reason: To protect the amenities of the local residents, to screen the development, to reduce the effects of noise disturbance and to comply with Essex Minerals Local Plan (2004) policies S10 and S12.*

- 32 All topsoil, subsoil and soil making material shall be retained on site unless with the prior approval of the Mineral Planning Authority. No bunds shall remain on site as part of the restoration scheme agreed under Condition 43 to this permission.

*Reason: All soils are required on site to ensure a satisfactory restoration of the land and to comply with Essex Minerals Local Plan (2014) policies S10 and S12.*

- 33 No movement of soils or soil making materials shall take place except when the full depth of soil to be stripped or otherwise transported is in a 'suitably dry soil

moisture condition". No movement of soils shall take place between November and March unless a field assessment has been undertaken in the presence of the MPA and it has been agreed that the soils are in a "suitably dry soil moisture condition"

"Suitably dry soil moisture condition" is determined by a field assessment of the soil's wetness in relation to its lower plastic limit. The field assessment should be made by attempting to roll a ball of soil into a thread on the surface of a clean plain glazed tile (or plate glass square) using light pressure from the flat of the hand. If the soil crumbles before a long thread of 3mm diameter can be formed, the soil is dry enough to move. The assessment should be carried out on representative samples of each major soil type.

Reason: *To prevent damage to the integrity of the soil resource by avoiding movement when the soils are wet or excessively moist and so do not meet the defined criteria having regard to Essex Minerals Local Plan (2014) policy S12.*

- 34 Noise levels shall be monitored by the operating company at three-monthly intervals at the locations listed in Condition 35, as shown on Figure 2-1 in the report titled 'Lufkins 2 – New Reservoir and Associated Processing Plant. Noise Assessment', ref: 403.09885.00027v1, dated July 2021. The results of the monitoring shall include the LA90 and LAeq noise levels, the prevailing weather conditions, details of the measurement equipment used and its calibration and comments on the sources of noise which control the noise climate. The survey shall be for two separate 15 minute periods during the working day and the results shall be kept by the operating company during the life of the permitted operations and a copy shall be supplied to the Mineral Planning Authority. After the first year of operation, the frequency of the monitoring may be modified by agreement with the Mineral Planning Authority.

Reason: *To protect the amenities of local residents and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1.*

- 35 Except for temporary occasions, the free-field Equivalent Continuous Noise Levels (LAeq, 1hour) at noise sensitive properties near the site shall not exceed the limits set out below:

Slough Farm – 53 dB  
Lufkins Farm – 52 dB  
Hill House Farm – 50 dB  
Brook Farm – 50 dB

Reason: *To protect the amenities of local residents and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1.*

- 36 For temporary but exceptionally noisy operations, the free-field Equivalent Noise Level at noise sensitive properties shall not exceed 70dB LAeq, 1 hour. Temporary operations shall not exceed a total of eight weeks in any continuous 12 month period for work affecting any noise sensitive property. These operations shall include bund formation and removal, soils stripping, removal of spoil heaps and construction of new permanent landforms.

Reason: *To protect the amenities of the local residents from the effects of noise pollution and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1.*

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

Reason: *To protect the amenities of the local residents from the effects of noise pollution and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1.*

- 38 All plant, equipment and machinery shall only operate during the hours permitted under Condition 9. No vehicle, plant, equipment and/or machinery shall be operated at the site unless it has been fitted with and uses an effective silencer. All vehicles, plant and/or machinery and shall be maintained in accordance with the manufacturer's specification at all times.

Reason: *To protect the amenities of the local residents from the effects of noise pollution and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1.*

- 39 A width of 5m shall be left between the toe of the northern bund and footpath 4 Great Bentley including the 2m width of the footpath itself.

Reason: *In order to protect the users of Footpath 4 Great Bentley and to comply with Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy CP1.*

- 40 Prior to discharge of water to Bentley Brook a river level gauge shall be installed upstream of the discharge point to monitor levels within the river to ensure that no water is discharged to Bentley Brook during high flow periods.

Reason: *To ensure the flood risk to the site and surrounding area is not increased as a result of the development and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policies PPL1 and PPL5.*

- 41 Prior to first discharge of water to Bentley Brook the river gauge shall be fully operational and maintained for the duration of the development.

Reason: *To ensure river levels can be monitored prior to water discharge into the Bentley Brook and to ensure the flood risk to the site and surrounding area is not increased as a result and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1 and Tendring District Local Plan 2013- 2033 and Beyond: Section 2 policies PPL1 and PPL5.*

- 42 All tree/shrub/hedgerow removal shall be undertaken outside of the bird breeding season.

Reason: For the protection of nesting birds and to comply with Essex Minerals Local Plan (2014) policies S10 and DM1 and Essex Minerals Local Plan (2014) policies S10 and DM1. Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy PPL4.

- 43 The development shall be carried out in accordance with the restoration scheme titled 'Reservoir Restoration Plan', Drawing No. 002, dated November 2022. The development shall be implemented in accordance with the approved plan.

Reason: To ensure that the land is rehabilitated to a suitable condition to support trees, hedgerows and grassland and to comply with Essex Minerals Local Plan (2014) policy S12.

- 44 An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for trees, grassland and hedgerows shall be submitted to and approved in writing by the Mineral Planning Authority prior to commencement of restoration works on site. The scheme shall provide an outline strategy for the 5 year aftercare period and provide a detailed annual programme of care. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that the land is rehabilitated to a suitable condition to support trees, hedgerows and grassland and to comply with Essex Minerals Local Plan (2014) policy S12.

#### Informatives

1. Previous permission refs: ESS/99/21/TEN and ESS/40/15/TEN are consolidated, with variations, as part of this permission.
2. The construction of the proposed silt lagoon should be in accordance with Environmental Permit EPR/FB3594/RS granted by the Environment Agency.

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## BACKGROUND PAPERS

Consultation replies  
Representations

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

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

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

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## EQUALITIES IMPACT ASSESSMENT

This report only concerns the determination of an application for planning permission. It does however take into account any equality implications. The

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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.

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

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

## **LOCAL MEMBER NOTIFICATION**

Tendring Rural West ED  
Brightlingsea ED