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## **Minutes of the meeting of the Development and Regulation Committee, held in Committee Room 1 County Hall, Chelmsford, Essex on Friday, 28 October 2016**

### **Present:**

Cllr R Boyce (Chairman)	Cllr J Jowers
Cllr K Bobbin	Cllr S Lissimore
Cllr M Ellis	Cllr M Mackrory
Cllr A Erskine	Cllr Lady Newton
Cllr C Guglielmi	Cllr J Reeves

### **1 Apologies for Absence**

Apologies were received from Cllr J Abbott and Cllr J Lodge.

### **2 Declarations of Interest**

Cllr Guglielmi declared a personal interest in agenda item 5.1, in respect of Elmstead Hall, as the local member (for Tendring Rural West division). (Item 6 below refers.)

Cllr Jowers declared a personal interest in agenda item 5.1, in respect of Elmstead Hall, as a member of the Regional Flood Board, which was referred to in the report. (Item 6 below refers.)

Cllr Jowers declared a personal interest in agenda item 5.2, in respect of land at Greenacres, Wormingford, as he was involved in the original decision. (Item 5 below refers.)

### **3 Minutes**

The minutes of the meeting held on 23 September 2016 were agreed and signed by the Chairman.

### **4 Identification of Items Involving Public Speaking**

Persons to speak in accordance with the procedure were identified for the following item:

To consider report DR/36/16, relating to an application for a variation of conditions 4 and 23 of planning permission reference number ESS/13/11/COL, seeking to allow wood waste to be handled externally and to approve the containment walls to the sites northern boundary as now constructed. On land at Greenacres, Packards Lane, Wormingford. Reference: ESS/29/16/COL.

Applicant: R.W.Mitchell & Sons.

Public Speaker: Steven Huggett, speaking against  
Cllr Anne Brown, speaking as local member.

### **Minerals and Waste**

### **5 Land at Greenacres, Wormingford**

The Committee considered report DR/36/16 by the Director of Operations, Environment and Economy.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

- Appropriateness for the location and operation of the wood processing activities
- Environmental aspects - visual
- Noise and dust
- General.

In accordance with the protocol on public speaking the Committee was addressed by Steven Huggett, a local resident. Mr Huggett said:

- Although not representing any particular action group, he had spoken to several local residents in the week and his comments reflected the views of eleven of these
- When the current development was approved on appeal, the then senior planner had suggested that it would benefit in three ways: there would be no excuse for the applicant to breach conditions; all activities would be carried on inside; and the site would be completely dark at night. None of these have held true
- Only a small percentage of food waste is diverted away from the site (p78), causing an odour nuisance
- Liaison meetings are not useful, as only one resident attends, just to be kept in the loop, Wormingford Parish Council do not see the point of them; and the process seems only to recognize the concerns of the operator
- Page 79 states that the WPA has been working to steer the operator to address activities that have developed as the business has grown; however, this activity has not grown, but has been carried out illegally for years
- Most residents of the village and members of the local parish council believe that the WPA is totally biased on behalf of the operator
- The processing of timber in the open air has not been sanctioned by the EA. Their licence only covers the site as a whole; carrying this out in the open air breaches planning conditions
- The noise from CSH is totally alien to the area and the timber processing even more intrusive. There are also dust issues, as referred to by the EA. If the timber processing only takes a limited time per day, the hours of timber processing should be restricted to protect the local amenity.

Cllr Anne Brown, local Member for Constable, then addressed the meeting. Cllr Brown made a number of points:

- She has received regular complaints about this site from the outset, but she has been unable to get residents to keep diaries in which to record incidents
- There have been some excellent meetings with the residents and operator, but these have been held during the day; holding at least some of them in the evening would enable those residents who work to attend
- In her experience, complaints are usually valid, but Colchester Skip Hire are seen as a well-run operation; so a balanced approach is necessary
- The noise comes not only from the shredder but from the crushing process as well - does the 35-45 decibel limit apply to the loading process as well as the shredder?

- If it requires the intervention of the local member to rectify situations, is CSH really being a good partner in this process?
- The wind has a significant impact, both on noise and odour. Will there be extra visits by Council officers to ensure that the process is being carried out properly?
- This provides a good opportunity for CSH to demonstrate its willingness to have better relations with its neighbours, as the relationship has not been good in the past. Creating a situation where local concerns are managed and dealt with will also cost the Council less in the long run.

Some issues raised by the speakers were addressed:

- At present, two out of the three residents with properties next to the site regularly attend the liaison meetings. The third, Mr Huggett, chooses not to, but is sent emails and minutes to keep him informed. Usually, two representatives of Wormingford PC also attend. Moving some of these meetings to an evening, to accommodate residents, should be possible
- Regarding matters relating to food waste and odours, these are already dealt with, as part of the ongoing operations, by the WPA and EA
- Regarding noise levels - these will continue to be subject to existing conditions, measured at the residential property boundary. The EA have expressed support for the use of the bays, as amelioration measures in respect of noise and dust
- representations have only been received from three local residents and these are recorded in the report.

In response to further points raised, it was noted:

- With regard to wood processing, there was no justification to restrict the number of hours of operation, as this process did not breach the conditions in respect of noise levels
- Landscaping was an issue that was being addressed, with further planting being required on the bund
- Essex takes the noise issue seriously; it has sanctioned the use of its own noise consultants, to investigate and monitor the situation.

Members made further observations:

- There was some concern over the amount of growth of the business, as it was unusually located for this kind of operation
- The site seemed to be generally well managed
- There have been issues with local residents in the past. Officers have made a lot of effort to foster better relations between all parties, with a measure of success. It is hoped that this trend will continue
- Officers should monitor the situation carefully, to ensure conditions are being met.

There being no further matters raised by Members, the motion was proposed and seconded, and, following a unanimous vote in favour, it was

**Resolved**

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## 1. Approved Details

(A) The development hereby permitted shall be carried out in accordance with the details submitted by way of the 'Planning Application' (ESS/13/11/COL Appeal ref no: APP/Z1585/A/11/2165340) dated 4th July 2012 comprising:

(a) Drawing Numbers:

- (i) No 220 entitled "Site Layout Plan" dated January 2011
- (ii) No. 221 entitled "Floor Plan" dated December 2010
- (iii) No.222 entitled "Elevations" dated December 2010.
- (iv) No.223 entitled "Administration Offices" dated January 2011
- (v) No. 224 entitled "Maintenance Workshop" dated January 2011.
- (vi) No. 225 entitled "Weighbridge Office" dated January 2011.
- (vii) Landscape 100 entitled "Landscaping Plan" dated January 2011.
- (viii) Landscape 101 entitled "Landscaping Planting Schedule" dated November 2010.
- (ix) Landscape 108 entitled "Cross Sections" dated January 2011.

As amended by those details reserved by condition of planning permission ref no: ESS/13/11/COL:

(a) For Material Samples those details set out in:

- (i) Planning application form from Peter Johnson dated 10/07/15 and accompanying:
- (ii) "Span/load table for C19 Wall Profile from Tata Steel dated 2012
- (iii) Colourcoat HPS200 Ultra Tata Steel sample colour: Van Dyke Brown.

(b) For Travel Plan those details set out in:

- (i) Letters of the 14th December 2012
- (ii) application form dated 14th December 2012 and amended Travel Plan dated January 2013 and drawing number 130/A dated January 2013
- (iii) Letters of 7th January 2013 and 21st January 2013.

(c) For External Lighting those details set out in:

- (i) Letters of: the 7th November 2012.
- (ii) Application form dated 7 November 2012
- (iii) Letter of 12th December 2012
- (iv) Email of the 20th March 2013 and document entitled External Lighting dated October 2012 and drawing numbers P9306-334-R1 1 of 1 dated 31/10/12 and 137 dated October 2012.

(d) For Noise Monitoring those details as set out in:

(i) E-mail from Johnson Dennehy Partnership (Peter Johnson) dated 06/10/14.

(ii) AAD "Acoustic Report" dated 21/12/12.

(e) For Sound Insulation those details set out in:

(i) Letters of 23rd January 2013

(ii) Planning application form application form dated 23rd January 2013, and accompanying documents entitled Sound Insulation (Condition 10) dated January 2013 and revision dated February 2014

(iii) Letters of 18th February 2014; 12th April 2013; 23rd September 13; 9th December 2013 and

(iv) Emails from The Johnson Dennehy Planning Partnership dated 20th May 2013 and 23rd July 2014.

(f) For Scheme for suppressing or limiting audible noise from warning devices on vehicle those details set out in:

(i) Letter of the 14th January 2013

(ii) Application form dated 14th January 2013

(iii) Email of the 4th February 2013 and document entitled "Suppression of Audible Noise" dated January 2013.

(g) For foul and surface drainage those details as set out in:

(i) Letters of the 7th November 2012

(ii) Application form dated 7th November 2012 and accompanying document entitled Foul and Surface Water Drainage dated October 2012; document entitled Colchester Recycling and Recovery Facility Surface Water Drainage Strategy prepared by Richard Jackson Intelligent Engineering Job No. 44218 dated November 2012;

(iii) Letter of 21st November 2012.

(h) For Habitat protection scheme those details as set out:

(i) Letters of the 22nd February 2013

(ii) Application form dated 22nd February 2013 and accompanying document entitled Habitat Protection Scheme dated February 2013, drawing numbers Landscape 101/A dated August 2012 and 144 dated January 2013.

(iii) Letter of 12th April 2013

(iv) Email of the 3rd May 2013 and 19th March 2013.

(i) For Habitat Management Scheme those details as set out in:

- (j) Letter of the 22nd February 2013
- (ii) Application form dated 22nd February 2013, document entitled Habitat Management Scheme dated February 2013, drawing numbers 136 dated October 2012, 144 dated January 2013, Landscape 100 dated August 2012 and Landscape 101/A dated August 2012
- (iii) Letter of and 12th April 2013
- (iv) Emails of the 15th March 2013 and 19th March 2013.

(k) For Tree and hedgerow Protection Scheme those details as set out in:

- (i) Letter of the 28th January 2013
- (ii) Application form dated 28th January 2013, document entitled Tree and Hedgerow Protection dated January 2013 and drawing numbers 143 dated January 2013 and Landscape 100 dated August 2012

(l) For Landscaping Timetable and Management Plan those details as set out in:

- (i) Letter of the 13th September 2012
- (ii) Application form dated 13th September 2012
- (iii) Email of the 9th November 2012, document entitled Management Plan and Landscape Timetable dated August 2012 and drawing number Landscape 100 dated August 2012.

(m) For Archaeology those details set out in:

- (i) The 'Archaeological Investigation' (reference: PRJ/SS/1104), dated August 2012 subject to the field work, publication and archiving being completed. And the following note attached to the determination letter that "in accordance with the advice from Essex Council's archaeological officer (email dated 26/10/12) and the requirements of the condition, the condition shall not be fully discharged until. In previous communications with yourself it was indicated that this work is scheduled to commence week beginning 5 November 2012 and it is expected that Essex County Council (planning and archaeology) would be kept fully informed throughout".

(n) For the Storage of Empty Skips and Waste Containers and Parking of HGVs when not in use those details as set out in:

- (i) Letters of the 14th January 2013
- (ii) Application form dated 14th January 2013, document entitled Storage and Parking dated January 2013 and drawing numbers 128/B dated November 2012 and 130/B dated January 2013
- (iii) Letter of 22nd April 2013

(iv) Emails of the 4th February 2013, 20th May 2013.

(o) For Materials to be used for all hard surfaces those details as set out in:

- (i) Letter of the 7th November 2012
- (ii) Application form dated 7th November 2013, document entitled Surfacing Materials dated October 2012 and drawing number 138 dated October 2012.
- (iii) Email of the 18th December 2012,

(p) For Proposed Bunding or Mounding those details as set out in:

- (i) Letter of the 7th November 2012
- (ii) Application form dated 7th November 2013, document entitled Earth Bunding Details dated October 2012 and drawing number 139 dated October 2012.
- (iii) Email of the 18th December 2012.

(q) For Ancillary Works Timetable those details as set out in:

- (i) Letter of the 14th December 2012,
- (ii) Application form dated 14th December 2012, document entitled Ancillary Works Timetable dated December 2012 and drawing numbers 139 dated October 2012, 140 dated December 2012, 141 dated December 2012 and Landscape 101 dated August 2012.
- (iii) Email of the 21st January 2013

(B) As amended by the Non Material Amendment for the Welfare Building as set out in:

- (i) Planning application form from Peter Johnson dated 11/05/16 and accompanying
- (ii) Drwg No: 157 entitled "Staff Welfare Accommodation" dated Feb 2016
- (iii) Drwg No: 163 entitled "Recycling and recovery Facility Non Material Amendment Staff Welfare Facilities" dated May 2016.

(C) As amended by the planning application ESS/21/16/COL comprising:

- (i) Planning application form from Peter Johnson dated 16/05/16 and accompanying Supporting Document entitled "Variation of Conditions 04 & 23 "Greenacres" Old Packards Lane, Wormingford" dated May 2016;
- (ii) Drwg No: 158 entitled "Change of Use to Workshops and Dry Storage Building" dated Feb 2016
- (iii) Drwg No: 159 entitled "Change of Use to Workshops and Dry Storage Building" dated Feb 2016
- (iv) Drwg No: 165 entitled "Recycling and recovery Facility

Variation of Conditions 04/23 Vehicle Maintenance Building/  
Dry Storage and Containment Walls to Northern Boundary" dated May 2016.  
(v) Drwg No: 166 entitled "Recycling and recovery Facility  
Variation of Conditions 04/23 Vehicle Maintenance Building/  
Dry Storage and Containment Walls to Northern Boundary"  
dated May 2016.

As amended by the e-mail from Johnson Dennehy Partnership (Peter Johnson)  
dated 20/06/16 and 3 page planning justification ref no: PRJ/SM/1104.

(D) As amended by the planning application ESS/29/16/COL comprising:

- (i) Planning application form from Peter Johnson dated 08/07/16 and accompanying Supporting Document entitled "Variation of Condition 06 (Waste Handling) "Greenacres" Old Packards Lane, Wormingford" dated May 2016;
- (ii) Drwg No: 155 entitled "Recycling and Recovery Facility Recycled Timber Storage Bays" dated Feb 2016
- (iii) Drwg No: 156 entitled "Recycling and Recovery Facility Recycled Timber Storage Bays" (Isometric View of Storage Bays) dated Feb 2016
- (iv) Drwg No: 162/A entitled "Recycling and Recovery Facility Variation of Condition 06 Timber Recycling Compound" dated May 2016.
- (iv) Letter from AAD Applied Acoustic Design dated 3rd October 2016 entitled "Acoustic Survey Note".
- (v) E-mail from Johnson Dennehy Partnership (Peter Johnson) dated 18th October 2016.

#### Availability of Plans

2. A copy of this permission and the approved plans shall be available at the operator's site office at all times during the life of the site the subject of this permission. Any subsequent amendments approved by the Waste Planning Authority shall also be available upon request.

#### **Environmental Protection**

##### Operating Hours

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

07:30 – 18:30 Monday to Friday,  
07:30 – 13:30 Saturdays

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

##### HGV Movement times



4. (i) The total numbers of Heavy Goods Vehicle (HGV) movements entering or leaving the site during any single day shall not exceed the following overall limits:

Mondays to Fridays: 150 movements

Saturdays: 74 movements

Sundays and Bank/Public Holidays: none

(ii) Outside the hours specified In Condition 3 above, any HGV movements associated with the site shall be limited to the following times and numbers:

Mondays - Saturdays: 06.00- 07.00: 6 movements

07.00- 07.30: 6 movements

Sundays and Bank/Public Holidays: none

For the avoidance of doubt, all movements permitted under Condition 4 (ii) shall count towards the daily limit for that day as set out under Condition 4 (i).

(iii) All movements before 07.30 on any day, permitted under Condition 4 (ii) above shall be limited to out-bound movements only.

(iv) All movements between 06.00 - 07.00 on any day, permitted under Condition 4 (ii) above shall exit the site by turning right only, towards the B1508.

(v) No HGV movements of any kind shall take place prior to 06.00 on any day, or after 18.30 on Mondays to Fridays, or 13.30 on Saturdays.

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

### Noise

5. Outside the times specified in Condition 3, the noise level at the boundary with Rees Farm, resulting from any activities, operations, or vehicle movements at the site, shall not exceed the following limits, measured as the free field equivalent continuous level(LAeq, 5 min):

- (A) (i) the pre-existing background level (LA90) plus 5dB; and
- (ii) the average residual level (LAeq 5 min) plus 1dB.

(B) During the times specified In Condition 3, the noise level at the boundary with Rees Farm, resulting from all activities, operations, and vehicle movements at the site, measured as the free field specific noise level, shall not exceed 45 dB

(L.Aeq,1hr).

(C) The frequency of monitoring shall not be less than once every three months.

(D) The monitoring scheme shall be implemented as approved.

(E) All noise measurements carried out in connection with this condition shall be undertaken in accordance with the guidance contained in BS4142:2014.

#### Waste Handling

6. All waste materials, recycled materials and recycled products, fuels brought to the site shall be loaded, stored, sorted, treated, and processed and handled only within the proposed main recycling building: and not in or on any other building or any other part of the site with the exception of dry storage of recycled products within approved designated area within former recycling building as identified in Drawing No 1104/165 entitled "Recycling and Recovery Facility Variation of Conditions 04/23 Vehicle Maintenance Building/Dry Storage and Containment Walls to Northern Boundary" dated May 2016 and the Handling and Processing of Timber Products within a Defined Compound Area as identified on Drawing No.1104/162/A dated May 2016.

#### Waste Types

7. All waste materials brought to the site shall be either from commercial and Industrial sources or from construction and demolition sources. No waste materials of any other kinds shall be brought to, or accepted or handled at, the site. Records shall be kept of the source and nature of each load of waste material and those records shall be made available to the Waste Planning Authority on request.

#### Waste Throughput

8. The maximum quantity of waste materials handled at the site within any 12-month period shall be no more than 50,000 tonnes per annum. Records shall be kept of the weights of each load of waste material entering and leaving the site, and those records shall be made available to the Waste Planning Authority on request.

#### Boundary Maintenance

9. The site perimeter fence/demarcation shall be maintained, in accordance with those details in Condition 1 of this permission that provides for their design and installation, during the life of the waste transfer activities.

#### Dust Suppression

10. Within one month of the date of this permission, a water bowser and connected oscillating blower shall be positioned at the timber processing bays

and shall be used in dry weather periods to suppress dust when the wood shredder is operational. Without prejudice to the foregoing, the water bowser and connected oscillating blower shall be used continually when the wood shredder is operational when, without water suppression, the prevailing wind speed and direction would cause dust to escape the site.

## 6 Elmstead Hall, Elmstead

The Committee considered report DR/35/16 by the Director of Operations, Environment and Economy.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues, which were:

- Policy background to irrigation reservoirs
- Agricultural need for the reservoir and mineral implications
- Landscape and visual
- Traffic
- Noise.

In response to a query on traffic flow, Members noted that a Transport Plan would be in force, directing vehicles onto the Strategic Highway Network.

Members made several observations:

- This provided a practical solution to the problem of providing an adequate water supply for crops in this area. Tendring has very low rainfall and this scheme will reduce the need to draw on the Tendring aquifer
- It should improve overall crop yield from the area under development
- It should also enhance local environmental conditions, creating a suitable haven for wildlife.

There being no further matters raised by Members, the motion was proposed and seconded, and, following a unanimous vote in favour, it was

### **Resolved**

That planning permission be granted subject to the following conditions:

#### Commencement and Duration

1. At least seven days written notice shall be given, to the Mineral Planning Authority of the commencement of site preparation works (for the purposes of this requirement site preparation works shall include the erection of site boundary fencing and soil stripping connected with the reservoir footprint).

2. All operations authorised or required by this permission shall cease, and all plant, machinery equipment, structures, buildings, stockpiles and other above ground infrastructure associated with the development, approved as part of this permission, less the access track and site bellmouth, subject to the other condition requirement below, shall be removed and the site restored in

accordance with the conditions of this permission not later than 48 months from the date of notification of the commencement of site preparation works as notified in accordance with Condition 1.

#### Approved Details

3. Except as may be modified or required by the other conditions to this permission by the Mineral Planning Authority, none of the uses, operations and activities associated with the development hereby approved shall be carried out other than in accordance with the details as set out in the application letter from D. K. Symes Associates dated 19th March 2015 and accompanying:

- a) Planning Application form dated 19th March 2015
- b) Planning Statement and Environmental Statement Volumes 1 and 2 dated March 2015.
- c) Drwg Nos: 1003/A/1 entitled "Application Plan" dated 12-03-2015
- d) Drwg Nos: 1003/AD/1 entitled "Proposed Access Detail" dated 13-03-2015
- e) Drwg Nos: 1003/PP/1 entitled "Proposed Processing Plant" dated 27-02-2015
- f) Drwg Nos: 1003/SB/1 entitled "Illustrative Details of Typical Site Buildings" dated 27-02-2015

as amended by:

g) The e-mail from Douglas Symes dated 2nd June 2015 and accompanying:

I. Drwg no: 1003/0/1v7 entitled "Illustrative Operations Plan", dated 28/04/2015. For clarity this plan only in respect of depicting the extraction depth in the depicted cross section. Drwg no: 1003/0/1v10 below supercedes this plan in all other respects.

II. Drwg no: 1003/CS/1 entitled "Illustrative Cross Sections – During Operations" dated 12-05-2015.

III. Drwg No: 1003/CS/2 entitled "Illustrative Cross Sections – Completed Reservoir" dated 12-05-2015.

IV Drwg No: 1003/R/1 entitled "Illustrative Reservoir Plan" dated 29-04-2015.

h) The e-mail from Douglas Symes dated 27th January 2016 and accompanying Archaeological Solutions Ltd Historic Buildings Impact Assessment entitled "Proposed agricultural Reservoir, Elmstead Hall, Elmstead, Essex Historic Building Impact Assessment" dated 21st December 2015.

i) BLacoustics Environmental Noise Survey dated February 2016 ref no: BDL3519tr2 as amended by letter from LFAcoustics dated 23rd May 2016.

j) The e-mail from Douglas Symes dated 12th September 2016 and accompanying Drwg no: 1003/0/1v10 entitled "Illustrative Operations Plan", dated 01/09/2016.

#### Availability of Plans

4. A copy of this permission, including all documents hereby approved and any other documents subsequently approved in accordance with any conditions of this permission shall be kept available for inspection at the site during the prescribed working hours.

#### Protection of Existing Trees and Perimeter Vegetation

5. Existing hedgerows and trees within, and on the perimeter of, the site and identified for retention shall be retained and shall not be felled, lopped, topped or removed without the prior written consent of the Mineral Planning Authority. Any vegetation removed without consent, dying, being severely damaged or becoming seriously diseased (at any time during the development or aftercare period) shall be replaced with trees or bushes of such size and species as may be specified by the Mineral Planning Authority, in the planting season immediately following any such occurrences.

6. No soil stripping shall take place within the footprint of the reservoir location until a scheme for the provision and protection measures of the standoff/buffer for the protection of the trees, as identified on Drwg no: 1003/0/1v7 entitled "Illustrative Operations Plan"; dated 28-04-2015 has been submitted to and received the written approval of the Mineral Planning Authority. The scheme shall make provision for:

- a) Measures to demarcate the standoff/buffer enhancement zones.
- b) Maintenance of the demarcation measures during the life of the site activities.
- c) Measures to restrict the open face along the standoff area to no more than one week.

For clarification all trees should be protected in accordance with BS: 5837 Trees in relation to design, demolition and construction – Recommendations.

#### Boundaries and Site Security

7. The operator shall maintain and make stock proof the perimeter hedges and fences and protect the same from damage. Where the site boundary does not coincide with an existing hedge or fence line, the operator shall provide and maintain fencing for the duration of the development and aftercare period.

8. No soil stripping shall take place until the footprint of the excavation area and those areas to be disturbed in the course of the reservoir construction have been physically pegged out. Those markers that can be retained during the course of the development to maintain demarcation boundaries shall be retained for that period.

#### Ecological Interest

9. No site preparation works, as defined in Condition 1 of this permission, shall take place until written confirmation has been received from a qualified ecologist that there are no protected species interests within the site. Such confirmation shall relate to a period not more than 6 days prior to the commencement of soil stripping operations.

#### Bird Nesting

10. No vegetation shall be physically disturbed during the bird nesting season (March to August inclusive) unless the vegetation identified for removal has been surveyed to confirm the absence of active bird nesting.

#### Archaeology

11. No site preparation shall take place as defined in Condition 1 of this permission until a mitigation scheme to address archaeological investigation and recording has been submitted to, and received the written approval of, the Mineral Planning Authority. The scheme shall be implemented as approved, or as may subsequently be approved, in writing by the Mineral Planning Authority. The scheme shall make provision for:

- a) The recording of archaeological features which are revealed during site operations.
- b) Procedures for post excavation analysis including production of an archive and report of findings made and
- c) The conservation of any artefacts which are recovered and deposit of such artefacts at a suitable museum.

#### Processing Plant

12. No processing plant shall be brought onto the application land until the "Plant Area" as shown on Drwg no: 1003/0/1v10 entitled "Illustrative Operations Plan", dated 01/09/2016, has been prepared and is available to accommodate the processing plant.

#### Limits of Extraction

13. No excavation shall be carried out deeper than 8 metres below existing ground level as provided for in paragraph 3.11.6 of the Environmental Statement and as shown on Drwg no: 1003/0/1v7 entitled "Illustrative Operations Plan", dated 28/04/2015.

#### Topographical surveys

14. A survey of site levels shall be carried out at intervals of not less than every 12 months, starting from the date on which soil stripping commences. A copy of the survey shall be submitted to the Mineral Planning Authority within 14 days of being undertaken.

#### Vehicle Routeing

15. No soil stripping shall take place until sign/s advising drivers of vehicle routes agreed with the Mineral Planning Authority have been erected and thereafter maintained during the life of the development permitted, at the site exit.

16. A written record shall be maintained at the site office of all movements in/out of the site by HGVs. Such records shall contain the vehicle's registration and operating company's identity and time/date of movement. The records shall be made available for inspection by the Mineral Planning Authority if requested and retained for the duration of the life of the development permitted.

17. No site preparation works shall take place as defined in Condition 1 of this permission until a Transport Plan for the routeing of HGVs to and from the site has been submitted to, and received the written approval of, the Mineral Planning

Authority. The scheme shall be implemented as approved, or as may subsequently be approved, in writing by the Mineral Planning Authority. The scheme shall make provision for:

- i) Monitoring both visual and written of the approved arrangements during the life of the site.
- ii) Ensuring that all drivers of vehicles under the control of the applicant are made aware of the approved arrangements,
- iii) Routeing map for use by drivers; and
- iv) The disciplinary steps that will be exercised in the event of default.

#### Highway Cleanliness

18. No mud or dirt shall be carried out onto Tye Road by vehicles using the site.

#### Haul Road maintenance

19. The internal haul road shall be maintained with a compacted bound surface/or tarmaced and maintained in good condition throughout the reservoir construction period as provided for in para 3.6.3 of section 3.6 on Access of Volume 1 of the Environmental Statement.

#### HGV Movements

20. The total numbers of Heavy Goods Vehicle (HGV) movements entering or leaving the site during any single day shall not exceed the following overall limits: Mondays to Saturdays: 80 movements (40 in/40 out)

Sundays and Bank/Public Holidays: none

#### Sheeting Vehicles

21. All HGVs shall be sheeted before leaving the site.

#### Vehicle Maintenance

22. No servicing, maintenance or testing of vehicles or plant shall take place other than within the excavation void area. (For the purposes of this condition the restriction shall not apply to unforeseen vehicle breakdowns).

#### Construction Environmental Management Plan (CEMP): Biodiversity

23. No site preparation work, as defined in Condition 1 of this permission, shall take place until a scheme of working has been submitted to, and received the written approval of, the Mineral Planning Authority. The scheme shall be implemented as approved, or as may subsequently be approved, in writing by the Mineral Planning Authority. The submitted scheme shall make provision for:-

- 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 or similarly competent person; and the
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be implemented and adhered to throughout the construction period of the development hereby approved.

#### Scheme of Working

24. No site preparation work, as defined in Condition 1 of this permission, shall take place until a scheme of working has been submitted to, and received the written approval of, the Mineral Planning Authority. The scheme shall be implemented as approved, or as may subsequently be approved, in writing by the Mineral Planning Authority. The submitted scheme shall make provision for:-

- a) Screener technical data and elevation/cross sections.
- b) Processing plant technical data and elevation/cross sections.
- c) Silt handling arrangements.
- d) Water pump technical data and plan/elevations.
- e) Arrangements for the day to day onsite assessment of depth levels.
- f) A programme of grass cutting and weed control on any storage mounds which avoids the bird breeding season.
- g) Cross sections through the application area using Drwg no: 1003/0/1v10 entitled "Illustrative Operations Plan", dated 01/09/2016 on a central north-south and central east –west axis to clarify depth and relationship of processing plant and temporary "as dug" storage mound with outside application land vantage points.

#### Sale of Aggregate

25. There shall be no retailing or direct sales of soils or bagged aggregates to the public from the quarry.

#### ENVIRONMENTAL PROTECTION

##### Hours of Operation

26. a) No operations authorised or required by this permission shall be carried out on the site except between the following times:-

0700 – 1800 hours Mondays to Fridays.

0700 – 1300 hours Saturdays.

b) There shall be no working on Sundays or Bank/National Holidays.

c) This condition shall not apply in cases of emergency when life, limb or property is in danger. The Mineral Planning Authority shall be notified, in writing, as soon



as possible after the occurrence of any such emergency.

#### Importation

27. No materials for infilling or excavated materials, including minerals, shall be imported to the site other than clays for site lining purposes.

#### Rubbish

28. All rubbish and scrap materials generated on the site shall be collected and stored in a screened position within the site area until such time as they may be properly disposed of to a suitably licensed waste disposal site.

#### Burning

29. No waste or other materials shall be burnt on the site.

#### Lighting

30. No artificial external lighting, whether free standing or affixed to infrastructure, that may be required to be provided within the application site shall be installed until a scheme of lighting at the site has been submitted to, and received the written approval of, the Mineral Planning Authority. The scheme shall be implemented in accordance with the details as approved. The submitted scheme shall make provision for:

- a) Lighting point location.
- b) Lighting design details.
- c) Proposed Illuminance coverage.
- d) Assessment of sky glow and light spillage outside of site boundary.

#### Noise – Monitoring

31. No site preparation works shall take place, as defined in Condition 1 of this permission, until a scheme of site noise monitoring has been submitted to, and has received the written approval of, the Mineral Planning Authority. The scheme shall be implemented as approved and shall make provision for:

- a) A programme of implementation to include the noise monitoring locations identified in Condition (33) below and as identified on the attached plan no: ESS/24/15/TEN/A entitled “Noise Monitoring Locations” during the life of the development.
- b) Noise monitoring at three monthly intervals.
- c) Monitoring during typical working hours with the main items of plant and machinery in operation.
- d) Monitoring to be carried out for at least 2 separate periods and for at least a total of 30 minutes at each monitoring location during the working day whilst typical site operations are occurring.
- e) The logging of all weather conditions including wind speed and direction.
- f) The logging of both on site and off site noise events occurring during measurements with any extraneous noise events identified and, if necessary,

discounted from the measured data.

g) The results of the noise monitoring to be made available to the Mineral Planning Authority no later than 7 days following the date of the measurement. The location of monitoring points may be varied with the written approval of the Mineral Planning Authority as the site develops and noise levels shall correlate with those levels in Condition (33).

#### Noise – Temporary Operations

32. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq,1hr) at noise sensitive properties as listed in Condition 33 shall not exceed 70dB LAeq,1hr. Measurement shall be made no closer than 3.5m from the façade of properties or other reflective surface and shall be corrected for extraneous noise.

Temporary operations shall not exceed a total of eight weeks in any continuous 12 month duration. Five days written notice shall be given to the Mineral Planning Authority in advance of the commencement of a temporary operation. Temporary operations shall include site preparation bund formation and removal, site stripping and restoration and any other temporary activity that has been approved in writing by the Mineral Planning Authority in advance of such a temporary activity taking place.

#### Noise – Normal Operating Levels

33. Except for temporary operations, the free field Equivalent Continuous Noise Level (LAeq,1hr) at noise sensitive premises adjoining the site, due to operations in the site, shall not exceed 1h, the LAeq levels as set out in the following table and identified on the attached plan no: ESS/24/15/TEN/A entitled “Noise Monitoring Locations”:

Receptor Location	Criterion / dB LAeq,1hr
Holly way	49 dB
Parsonage Farm	48 dB
Elmstead Hall & Cottages	48 dB
Mount Pleasant Cottages	47 dB
Allen's Farm	47 dB
Balls Farm	48 dB
Fen Farm	55 dB
Fern Villa	54 dB
Edwinstone	48 dB
Friars Hall	48 dB

Measurements shall be made no closer than 3.5m to the façade of properties or other reflective surface and shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

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### Loudspeakers

34. No sound reproduction or amplification equipment (including public address systems, loudspeakers etc) which is audible at the nearest noise sensitive location shall be installed or operated on the site without the prior written approval of the Mineral Planning Authority.

### Reversing alarms

35. Only broadband sound emitting reversing alarms shall be employed on vehicles and plant engaged in site activities and transport on and off site.

### Dust

36. No site preparation works shall take place, as defined in Condition 1, until a scheme for dust monitoring/mitigation at the site has been submitted to, and received the written approval of, the Mineral Planning Authority. The scheme shall be implemented in accordance with the details as approved, in writing, by the Mineral Planning Authority. The submitted scheme shall make provision for:

a) A dust control plan.

b) A dust monitoring plan to include:

I. The location(s) of dust monitoring points.

II. The type of monitoring equipment to be used, the pollutant to be monitored and the standard to be monitored against.

III. A programme of monitoring to commence prior to soil stripping to provide a baseline against which to compare future monitoring.

IV. A programme of implementation to include frequency of monitoring and locations during the various Excavation phases.

V. log of complaints from the public and a record of the measures taken to be kept and submitted to the Mineral Planning Authority on request.

VI. The results of dust monitoring over each three month period shall be submitted to the Mineral Planning Authority within 21 days of the end of each three month monitoring period.

### Groundwater monitoring

37. No site preparation works shall take place, as defined in Condition 1, until a scheme for monitoring/reporting ground water levels at the site during the period of extraction works as provided for in Paragraph 5.10 of the Hafren Water Hydrological Assessment has been submitted to, and received the written approval of, the Mineral Planning Authority. The scheme shall be implemented in accordance with the details as approved, in writing, by the Mineral Planning Authority. The submitted scheme shall make provision for:

A programme of site monitoring including method of monitoring, locations and frequency covering the construction

a) period and filling of the reservoir.

b) Reporting methods and timescales.

c) Such measures as to mitigate water loss at any adjacent receptors as a result of drawdown of groundwater and timescales for implementing mitigation

measures.

#### Surface Water Drainage and Pollution Protection

38. Any oil, fuel, lubricant, paint or solvent within the site shall be stored so as to prevent such materials contaminating topsoil or subsoil or reaching any watercourse.

39. a) Any fixed or free standing oil or fuel tanks shall be surrounded by a fully sealed impermeable enclosure with a capacity not less than 110% of that of the tanks so as to fully contain their contents in the event of any spillage;  
b) If there is multiple tankage, the enclosure shall have a capacity not less than 110% of the largest tank;  
c) All filling points, vents and sight glasses shall be within the sealed impermeable enclosure; and  
d) There shall be no drain through the impermeable enclosure. (The applicant's attention is drawn to the requirement set out in BS 799 Part 5: 1987.)

40. All foul drainage shall be contained within a sealed and watertight cesspit fitted with a level warning device constructed to BS 6297 "Design and Installation of Small Sewage Treatment Works and Cesspools" (1983).

41. No drainage from the site, or from areas immediately adjoining the site, shall be interrupted either partially or fully by the operations hereby approved.

42. No foul or contaminated surface water or trade effluent shall be discharged from the site into either the ground water or surface water drainage systems except as may be permitted under other legislation.

#### Fixed Plant and Buildings

43. Notwithstanding the provisions of Article 3 and Part 19 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 as amended, no plant/structures whether fixed or static, lagoons, stocking of minerals or other materials or other structures shall be erected or placed on the site, except as provided for under other conditions of this permission.

#### Handling and Storage of Soil and Soil Forming Material

44. Prior to the stripping of any soils from the site, excess vegetation shall be removed from the areas to be stripped (The term 'excess vegetation' in this condition means all vegetation above a height of 154mm (6") above ground level).

45. Before any part of the site is excavated or traversed by heavy vehicles or machinery (except for the purpose of stripping that part or stacking topsoil on that part), or used for the stacking of subsoil or soil making material, all available topsoil shall be stripped from that part.

46. No operations involving soil lifting/replacement shall take place between the months of October to March inclusive.

47. 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. Suitably dry means the soils shall be sufficiently dry for the topsoil to be separated from the subsoil without difficulty so that it is not damaged by machinery passage over it.

(For clarity, the criteria for determining "suitably dry soil moisture conditions" and "dry and friable" is based on a field assessment of the soils wetness in relation to its lower plastic limit. The 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.)

48. All suitable soils and soil making material shall be recovered where practicable during the stripping or excavation operations and separately stored.

49. No site preparation works shall take place, as defined in Condition 1, until a scheme to address how site soils are to be handled, stored, retained on the farm unit or exported has been submitted to, and received the written approval of, the Mineral Planning Authority. The scheme shall be implemented in accordance with the details as approved, in writing, by the Mineral Planning Authority. The submitted scheme shall make provision for:

- a) The total quantities of soils both sub and topsoil to be disturbed within the footprint of the application land.
- b) Handling and storage arrangements during the life of the development.
- c) The type and quantities of both subsoil and topsoil to be retained on the application footprint land and that which is to be exported.
- d) The arrangements for identifying which soils both subsoil and topsoil are to be retained and which are to be exported.

For clarity soils removed during the process of the application works permitted under this permission may require separate planning approval at the receiver locations.

50. The topsoil, subsoil, and soil making material mounds shall be constructed with only the minimum amount of compaction necessary to ensure stability and shall not be traversed by heavy vehicles or machinery except during stacking and removal for re-spreading during the restoration of the site. They shall be graded and seeded with a suitable low maintenance grass seed mixture in the first available growing season following their construction. The sward shall be managed in accordance with correct agricultural management techniques throughout the period of storage.

51. No soil stripping shall take place until a soil movement and storage scheme has received the written approval of the Mineral Planning Authority. The scheme shall provide for amongst other matters:

- (i) Identification on the ground of the different top and subsoil types.
- (ii) Lifting, storage and recording arrangements for the differing soil types.
- (iii) Overlap of soil types in a storage mound being kept to the minimum necessary for the effective formation of that mound and the interface being

defined on site and on a record plan so that it can be easily located at mound removal stage.

52. Such precautions unless as may be necessary to prevent the mixing of the soil types with any overlap of soil types in a storage mound be kept to the minimum necessary for the effective formation of that mound and the interface shall be defined on site and on a record plan so that it can be easily located at mound removal stage.

53. All soil and soil forming material storage mounds, together with all areas that remain unworked, or have been restored, shall be kept free of weeds and all necessary steps shall be taken to destroy weed at an early stage of growth to prevent seeding.

54. An annual report, together with plans at a scale to be agreed with the Mineral Planning Authority, setting out the previous year's soil movement and restoration shall be submitted by 31st December each year, or such other date as may be agreed in writing with the Mineral Planning Authority.

#### Restoration

55. Within 12 months of the date of this permission, a revised restoration scheme based on Drwg Ref No: Figure 2.3 – 4 Rev B entitled "Scenario 2 Restoration to Agriculture" has been submitted to, and received the written approval, of the Mineral Planning Authority. The scheme shall then only be implemented as approved, or as may subsequently be approved, in writing, by the Mineral Planning Authority. The submitted scheme shall make provision for:-

- c) Restored landform contour levels.
- d) Reinstatement programme including soil profiles for the area identified for "land returned to agriculture".
- e) Removal of all site structures.
- f) Reduction in size of the Tye Road bellmouth and verge reinstatement together with its treatment.
- g) Site water drainage.
- h) The provision of the wetland together with cross sections, levels and engineering details.

#### Landscaping

56. Within 6 months of the date of this permission, a scheme of landscaping, based on Drwg No: 1003/R/1 entitled "Illustrative Reservoir Plan" dated 29-04-2015, shall be submitted to the Mineral Planning Authority. The scheme shall be implemented in accordance with the details as approved, in writing, by the Mineral Planning Authority. The submitted scheme shall make provision for:

- i) A landscape management plan.
- j) The proposed northern tree avenue to be revised incorporating irregular tree rows.
- k) Husbandry management of the existing mature trees.
- l) Ground preparation works, including soil assessment, ripping, fertilising etc.
- m) Planting species including berry bearing shrubs, size, density, numbers and

location.

n) Perimeter hedgerow planting around site perimeter including access track to south and bellmouth as well as along northern edge of track forming northern site boundary (as recommended in Section entitled "Habitat Restoration and Enhancement Measures" paragraphs 3.18 – 3.30 of the Ecological report entitled "Appraisal of Ecological Interests and Constraints" dated February 2015 accompanying the planning application).

o) Grass seed mixes and rates.

p) A programme of implementation to include the provision for planting during the first available season following restoration.

q) A programme of maintenance.

Trees, shrubs and hedges planted in accordance with the approved scheme shall be maintained and any plants which at any time during the life of this permission including the aftercare period, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing with the Mineral Planning Authority.

#### Biodiversity Management Plan

57. No site preparation work, as defined in Condition 1 of this permission, shall take place until a Biodiversity Management Plan has been submitted to, and received the written approval of, the Mineral Planning Authority. The scheme shall be implemented as approved, or as may subsequently be approved, in writing by the Mineral Planning Authority. The submitted scheme shall make provision for:-

a) 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 the aims and objectives of the project;

e) Measures to secure biodiversity interest as reservoir is drawn down to supply water.

f) Prescriptions for management actions;

g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);

h) Details of the body or organisation responsible for implementation of the plan;

i) On-going monitoring and remedial measures.

The Plan shall include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the

management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Plan 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.

#### Amenity Aftercare

58. Within one year of the date of the commencement of site preparation works as provided for by Condition 1 of this permission a wetland/woodland aftercare scheme providing for such steps as may be necessary to bring the land to the required standard for use as a reservoir and associated wetland/woodland habitat shall be submitted for the approval of the Mineral Planning Authority. The wetland/woodland aftercare scheme shall be implemented in accordance with the details as approved, or as may subsequently be approved, in writing, by the Mineral Planning Authority. The submitted scheme shall specify the steps to be carried out and their timing within a five year aftercare period, or such longer period as may be proposed, and shall make provision for:-

- (i) a management plan and strategy;
- (ii) a programme to allow for monitoring the establishment of the wetland and aquatic vegetation which shall provide for:
  - (a) such work as is necessary to enable the establishment of (ii) above; and
  - (b) maintenance arrangements to include such amendments to drainage patterns, and replacement and/or control of plant species as required to achieve the objectives;
  - (c) For the woodland area the:
    - cultivation practices;
    - post-restoration secondary soil treatments;
    - soil analysis;
    - fertiliser applications, based on soil analysis;
    - drainage;
    - tree planting and maintenance;
    - weed control;
  - (d) annual meetings with representatives of the Mineral Planning Authority and landowners to review performance.

All areas the subject of wetland aftercare shall be clearly defined on a plan together with the separate demarcation of areas as necessary according to differences in management.

The period of wetland aftercare for the site or any part of it shall commence on the date of written certification by the Mineral Planning Authority that the site or, as the case may be, the specified part of it has been satisfactorily restored.



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Cessation

59. In the event of site operations being discontinued for six months in the period specified in Condition (2) then the land as disturbed within the approved extraction area shall be restored in accordance with a scheme submitted by the developer which has the written approval of the Mineral Planning Authority. The scheme shall be submitted not later than one month from the Mineral Planning Authority's issue of written notice that it is of the opinion that land reclamation work has not taken place in the six month period and shall include the requirements of Conditions 55 and 56 inclusive of this permission. The scheme, as approved by the Mineral Planning Authority, shall be commenced within three months of notification of determination of the scheme and shall be fully implemented within a further period of 12 months or such other period as may be approved by the Mineral Planning Authority.

**Enforcement Update****7 Enforcement of Planning Control**

The Committee considered report DR/37/16, updating members of enforcement matters for the period 1 July to 30 September 2016.

The Committee NOTED the report.

**Information Item****8 Applications, Enforcement and Appeals Statistics**

The Committee considered report DR/38/16, Applications, Enforcement and Appeals Statistics, as at end of the previous month, by the Director of Operations, Environment & Economy.

The Committee NOTED the report.

**9 Date of Next Meeting**

The Committee noted that the next meeting would be held on Friday 25 November 2016 at 10.30am in Committee Room 1.

There being no further business the meeting closed at 11.25am.

**Chairman**