

## Minutes of the meeting of the Development and Regulation Committee, held in the Council Chamber, County Hall, on Friday, 25 February 2022 at 10:30.

Present:

Cllr C Guglielmi (Chairman)	Cllr J Jowers
Cllr M Steptoe	Cllr I Grundy
Cllr J Fleming	Cllr R Moore
Cllr L Bowers-Flint	Cllr P Thorogood
Cllr D Harris	Cllr J Henry (left at 13:44)
Cllr S Kane	

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

Apologies were received from Cllr M Hardware, for whom Cllr L Bowers-Flint substituted, from Cllr M Garnett for whom Cllr J Henry substituted and from Cllr B Aspinell.

Cllr P Thorogood declared an interest in item 4.1 of the agenda (Minute 3) concerning Rivenhall Airfield, Coggeshall Road (A120), Braintree as he was a campaigner against the site. Cllr Thorogood considered that as he had previously expressed a view on the proposition, he would withdraw from the Chamber following his public speaking slot.

Cllr J Fleming declared a non-pecuniary code interest in item 4.2 of the agenda (Minute 9) concerning the land South of A1060 (Salt's Green), Chalk End, Roxwell, Chelmsford being related to a neighbouring land owner. Cllr Fleming considered that as she had a code interest, she would withdraw from the Chamber during the item.

Cllr C Guglielmi declared an interest in item 4.3 of the agenda (Minute 30) concerning Lufkins Farm, Great Bentley Road, Frating, as the site was in his division. Cllr Guglielmi considered that, as he had not previously expressed a view on the proposition, he was not precluded from participating in the debate and voting on this item.

### 2. Minutes

The minutes of the meeting held on 28 January 2022 were agreed as a correct record and signed by the Chairman.

### 3. Identification of Items Involved in Public Speaking

Individuals to speak in accordance with the procedure (as extended to the application for approval of details reserved by condition, item 4.1, by the Chairman using his discretion) were identified for the following items:

#### 4.1) Rivenhall Airfield, Coggeshall Road (A120), Braintree

To consider report DR/06/22 relating to Details pursuant to Condition 66 (Plan of action for an alternative use or a scheme of rehabilitation) of ESS/34/15/BTE. ESS/34/15/BTE was for "Variation of condition 2 (application

drawings) of planning permission ESS/55/14/BTE to allow amended layout of the Integrated Waste Management Facility. The Integrated Waste Management Facility comprising: Anaerobic Digestion Plant treating mixed organic waste, producing biogas converted to electricity through biogas generators; Materials Recovery Facility for mixed dry recyclable waste to recover materials e.g. paper, plastic, metals; Mechanical Biological Treatment facility for the treatment of residual municipal and residual commercial and industrial wastes to produce a solid recovered fuel; De-inking and Pulping Paper Recycling Facility to reclaim paper; Combined Heat and Power Plant (CHP) utilising solid recovered fuel to produce electricity, heat and steam; extraction of minerals to enable buildings to be partially sunken below ground level within the resulting void; visitor/education centre; extension to existing access road; provision of offices and vehicle parking; and associated engineering works and storage tanks. And approval of details required by condition (the details taking account of the proposed amended drawings), the conditions sought to be discharged are as follows: 6 (access road, cross over points), 13 (Signage, Telecommunications & Lighting at Woodhouse Farm complex), 14 (Stack design and finishes), 15 (design details and construction materials), 17 (management plan for the CHP), 18 (green roof), 20 (construction compounds, parking of vehicles), 22 (foul water management), 23 (surface water drainage and ground water management), 24, (groundwater monitoring), 37 (signs on access road at footpath crossings), 43 (lighting scheme during construction), 45 (phasing scheme for access road, retaining wall and mineral extraction), 50 (fencing - temporary and permanent), 53 (ecological survey update), 54 (Habitat Management Plan update), 57 (landscaping - bunding & planting), 59 (trees, shrubs and hedgerows - retention and protection), 60 (tree management and watering adjacent to retaining wall), 61 (Woodhouse Farm parking and landscaping), 62 (traffic calming measures at River Blackwater for otters and voles) and 63 (access road crossing points - lining and signing)"

**Location:** Rivenhall Airfield, Coggeshall Road (A120), Braintree, CO5 9DF  
**Ref:** ESS/34/15/BTE/66/01

Public speakers:

- On behalf of Coggeshall Parish Council: Cllr Nick Unsworth (Braintree District and Parish Councillor) – speaking against the application
- Local resident: Cllr James Abbott (Braintree District and Parish Councillor) – speaking against the application
- On behalf of the applicant: Mr John Ahern – speaking for the application
- County Local Member: Cllr Paul Thorogood – speaking against the application
- County Local Member: Cllr Ross Playle – speaking against the application

4.2) Land South of A1060 (Salt's Green), Chalk End, Roxwell, Chelmsford

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To consider report DR/07/22 relating to a sand and gravel quarry and associated works/development including formation of new access and mobile plant area; together with the importation of inert material to facilitate site restoration.

**Location:** Land South of A1060 (Salt's Green), Chalk End, Roxwell, Chelmsford, CM1 4NJ

**Ref:** ESS/77/20/CHL

Public speakers:

- On behalf of a group of local residents: Mr Richard Williams – against the application
- On behalf of a local resident: Mr Rob Wilson – against the application
- On behalf of the applicant: Mr David Fletcher – for the application
- Local Member: Cllr Mike Steel – against the application

#### 4.3) Lufkins Farm, Great Bentley Road, Frating

To consider report DR/08/22 relating to the continuation of the construction of an agricultural reservoir involving the extraction of minerals and the removal of surplus soils without compliance with condition 6 (cessation of development) attached to planning permission ref ESS/41/15/TEN to allow additional time for completion and restoration of the development.

**Location:** Lufkins Farm, Great Bentley Road, Frating, CO7 7HN

**Ref:** ESS/99/21/TEN

Public speakers:

- On behalf of Alresford Parish Council: Cllr Ernie Osborne – against the application
- On behalf of the applicant: Mr Simon Treacy – for the application

#### 5.1) Fairview, Fairview Road, Basildon

To consider report DR/09/22 relating to the demolition of existing school buildings and structures and the construction of a two-storey building with revised parking, landscaping, boundary treatments and associated facilities.

**Location:** Fairview, Fairview Road, Basildon, Essex, SS14 1PW

**Ref:** CC/BAS/102/21

Public speakers:

- On behalf of local residents: Mr John Gavin – against the application
- On behalf of the applicant: Ms Jo Barak – for the application

#### 4. Rivenhall Airfield, Coggeshall Road (A120), Braintree

The Committee considered report DR/06/22 by the Chief Planning Officer.

After being given additional time to read, Members noted the addendum to the agenda.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

1. Nature of the application
2. Interpretation of condition 66 and what is required
3. Whether there is currently a breach of planning control
4. Appraisal of the information submitted to discharge the condition
5. Appraisal of option 1
6. Appraisal of option 2
7. Appraisal of option 3
8. Appraisal of the plan of action, as a whole (staged approach)
9. Implications if none of the options were approved to discharge condition 66
10. Environmental permit
11. Legal advice
12. Lawfulness of approach
13. Conclusion

In accordance with the protocol on public speaking the Committee was addressed by Cllr Nick Unsworth, speaking on behalf of Coggeshall Parish Council. Cllr Unsworth made several points:

- No Plan of Action, according to the Chartered Institute of Project Management definition, had been provided to support Option 1.
- Option 1 could not be considered as an alternative as it was identical to the existing permission.
- No scheme of rehabilitation had been provided within this current application. The rehabilitation referred to within the current application was for a different application in a different location which did not cross over with the incinerator.
- Indaver had stated that they intended to bring forward all the elements required to form an integrated facility as directed by the Inspector. However, in recent liaison meetings, Indaver had stated that they intended to focus solely on incineration.
- There could be a substantial enforcement risk for Essex County Council, should Option 1 be approved.
- The term 'beneficial operation' required clarification in order to avoid future confusion.

In accordance with the protocol on public speaking the Committee was addressed by Cllr James Abbott, speaking as a local resident. Cllr Abbott made several points:

- Indaver and Gent Fairhead had come to the end of a second five-year period and nothing had been built following the Secretary of State decision in March 2010.
- The condition 66 application from the applicants was short, lacking detail and offered no proposals for reinstatement of the site.
- Large areas of habitat including Tree Preservation Order Woodland had already been removed from the site. Ecological surveys had shown the airfield to be a rich habitat for a variety of wildlife. Should the facility not be delivered, Essex County Council should require the woodland to be replanted.
- The local community, Braintree District Council and the relevant Parish Councils viewed the planning creep on the site as unacceptable.
- At liaison meetings, Indaver and Gent Fairhead had reported that the paper pulping unit would not be built and had no commercial viability.
- The facility would have a burning capacity of near 600,000 tonnes per annum, making it the largest single source of carbon dioxide in Essex.

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

- The capital projected expenditure for the project was £507 million. This was on the waste to energy element alone.
- The applicant requested that the application be deferred. This was because the applicant believed it would be unlawful and unreasonable for the Committee to determine the application to discharge condition 66 based on the report in its current form.
- In addition, deferral would allow the Planning Authority and applicant to work on any outstanding issues.
- The paper pulping plant was opposed by local Councillors and residents when it was initially proposed.
- When Essex County Council asked for a condition which stated that 'no element of the development may be implemented in isolation of others', the Inspector had refused for it to be inserted.
- Following this, Indaver had proceeded with the acquisition of the project in part based on the expectation that this condition would not be introduced.
- There was already too great a biological treatment capacity in the UK market. The nearest digestion plant was in Halstead, less than 10 miles from the Rivenhall Airfield site. Hence, the need was already met.
- Public accounts revealed that companies were already writing off their investment in digestors in the UK.
- In addition, there was a Mechanical Biological Treatment Plant within close proximity of the Rivenhall Airfield site which had been closed down.
- It was unusual for the Council to be looking to bring in additional vehicles to the area than the applicant wanted.

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

- The officers' recommendation for Option 1 stated that the Integrated Waste Management Facility at Rivenhall must be built as permitted with the waste

incinerator only able to operate once integrated with the other four elements - paper pulping (using heat from the incinerator), bio food waste processing, composting, and recycling facilities.

- Option 1 came with risks and still left the local community with uncertainty; hence, further conditions were required.
- Indaver had stated at the most recent three site liaison meetings that it had no intention of building the other elements because they were no longer commercially viable.
- In 2019, Braintree District Council declared a climate emergency. The incinerator would be the largest contributor of carbon dioxide in both Braintree and Essex.
- Climate change was not a primary consideration when the original 2010 planning permission was granted. The original permission went against the 2015 Paris Agreement to reduce greenhouse emissions.
- Data showed that high levels of toxins from three waste incinerators in the EU had been found in vegetables and chicken eggs within a 5-kilometre radius of the incinerators.

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

- Residents had experienced uncertainty as a result of prolonged plans for the incinerator.
- Indaver had openly stated that they were unlikely to meet the requirements of developing all elements of the integrated waste management facility. As a result, the Authority was likely to find itself in a position of holding the developer to account.
- Condition 66 was initially intended to provide security in the event that the incinerator did not go ahead, however, could now be perceived as being used by the developers to secure a more commercially attractive business operation.
- It was expected that any application for the discharge of condition 66 would contain the option for rehabilitation of the site.
- Understanding of climate change and waste management had evolved since 2010.
- The report highlighted that the developer had not fully complied with condition 66, which could be used as grounds for refusing the application.

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

- Although Indaver had indicated in liaison meetings that they considered some elements of the IWMPF to no longer be viable; until they did not build them there was no breach of planning control.
- If an alternative to the IWMPF was proposed, this would require express planning permission. At the time of the meeting, no further planning application had been lodged. It was hoped that the applicant would continue to work with the planners.

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

- The application before Members was to discharge condition 66, rather than for planning permission.

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- Should the application to discharge condition 66 be refused, the applicant would have the right of appeal, as well as the right to apply to delete condition 66. There would not be any breach to enforce against because regardless of condition 66 the applicant had an extant implemented planning permission which would allow them to continue working the site. As long as the applicant developed the site in accordance with the details of the planning permission, they would not be in breach of planning control.
  - When condition 66 was drafted five years previously, the situation at the time of the current application was not anticipated, as it took longer for the Environmental Permit to be gained and for a developer to come forward to progress the permission than expected.
  - Condition 66 could not give express planning permission for a new use of the site; it could only set out how the applicant intended to go forward.
  - Option 1 was a continuation of the extant planning permission.
  - It was noted that refusing the application could lead to a dead-end situation, should the applicant decide not to appeal.
  - Any use of the site in addition to that expressed in the existing planning permission would require a further planning application.
  - It would be possible to include a condition which required completion of construction by a certain date. When this date was reached an extension could be considered if required. The application included a timetable and estimated early 2026 for completion and commencement of beneficial use of the site.

An addition to condition 70, requiring the development as permitted to be constructed and ready for beneficial use by 31 December 2026 was proposed by Councillor J Fleming and seconded by Councillor L Bowers-Flint.

There being no further points raised, the resolution, including the amendment to condition 70 was proposed by Councillor J Jowers and seconded by Councillor J Henry. Following a vote of 7 in favour, 2 against, it was

### **Resolved**

That planning permission be granted subject to the following conditions:

Subject to there being no intervention by the SoS, with respect to the decisions on the 3 Options put forward to discharge condition 66."

Plan of action Option 1 be approved subject to the development of the IWMPF being implemented in accordance with:

- a) all the conditions of planning permission ESS/34/15/BTE and for the avoidance of doubt a condition to be imposed on the approval to clarify such as set out below:

Condition 69

Plan of action Option 1 as detailed in letter from RPA dated 1 September 2021 shall be implemented in accordance with

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- a) the conditions of planning permission ESS/34/15/BTE dated 26 February 2016;
- b) any details approved under those conditions or to be approved under those conditions;
- c) Non Material Amendments References ESS/34/15/BTE/NMA1 and ESS/4/15/BTE/NMA2 or any subsequently approved Non Material Amendments; and
- d) the obligations set out in the Section 106 Legal agreement dated 20 October 2009 as amended by deeds of variations dated 1 December 2014, 26 March 2015 and 26 February 2016.

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 drawings, details (except as varied by other conditions), to ensure that the development is Sustainable Development and is carried out with the minimum harm to the local environment and in accordance with the NPPF, NPPW, Essex Minerals Local Plan 2014 (MLP) policies P1, S1, S10, S11, S12, DM1, DM2 and DM3, Essex and Southend Waste Local Plan 2017 (WLP) policies 1, 3, 10, 11 and 12, Braintree District Local Plan 2013-2033 Section 1 (BLP S1) policy SP 7, Braintree District Core Strategy adopted 2011 (BCS) policies CS5, and CS8 and Braintree District Local Plan Review 2005 (BDLPR) policies RLP 36, RLP 49, RLP 54, RLP 62, RLP 63, RLP 64, RLP 65, RLP 71, RLP 72, RLP 80, RLP 81, RLP 84, RLP 87, RLP 90, RLP 100, RLP 105 and RLP 106;

- b) A further additional condition to ensure all elements of the IWMF are constructed, operated and integrated as set out below

#### Condition 70

There shall be no beneficial operation of the Combined Heat and Power (CHP) plant without all other elements of the IWMF i.e. Market De Ink Paper Pulp Plant (MDIP) Materials Recycling Facility (MRF), Mechanical Biological Treatment (MBT) plant, Anaerobic Digestion (AD) plant, Waste Water Treatment Plant and all other permitted associated infrastructure having been constructed and available for beneficial operation. For the avoidance of doubt the CHP shall not operate without the MDIP utilising the heat and steam directly from the CHP. The development as permitted shall be constructed and ready for beneficial use by 31 December 2026.

Reason: To ensure the development delivers Sustainable Development in accordance with the Development Plan. To ensure the development operates in an integrated manner, in particular that the CHP operates in conjunction with the de ink paper pulp plant, such that the facility operates as a combined heat and power facility delivering greater efficiency rather than solely generating electricity in accordance with WLP policy 11, Resources and Waste Strategy 2018 and The Environment Plan for England 2021;

c)

Plan of action Option 2 be refused for the following reason:

It has not been demonstrated that the part development of the IWMF would amount to sustainable development contrary to the NPPF and does not accord with the

Waste and Resource Strategy, The Environment Plan and The Waste Management Plan for England and WLP policy 11 in that the EfW would only generate electricity rather than utilising the heat directly. Insufficient information has been submitted to determine whether there would be additional adverse environmental effects contrary to the WLP policy 10. Furthermore, because in order to assess whether an EfW only generating electricity amounts to Sustainable Development would require a separate planning application with relevant supporting information/Environmental Impact Assessment to be submitted for such.

Plan of action Option 3 be refused for the following reason:

The acceptability of the proposed alternative waste management facilities could only be considered by way of a planning application with associated details and where necessary Environmental Impact Assessment.

#### **5. Land South of A1060 (Salt's Green), Chalk End, Roxwell, Chelmsford**

The Committee considered report DR/07/22 by the Chief Planning Officer.

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:

1. Principle of Development and Need
2. Green Belt
3. Landscape and Visual Impact
4. Ecology
5. Heritage
6. Highways
7. Hydrology and Hydrogeology
8. Amenity
9. Climate Change

In accordance with the protocol on public speaking the Committee was addressed by Mr Richard Williams, speaking on behalf of a group of local residents. Mr Williams made several points:

- This application would permit a piecemeal approach to Minerals Local Plan Site A40 plan and extend the quarrying period over the initially planned fourteen years.
- The revised National Planning and Policy Framework allowed Members to reject the application if adverse impacts outweighed the benefits.
- This site required inert infill, which could risk non permitted materials being used for infill.
- Public Health England had reported that the large quantity of overburden on-site that had to be moved around had the potential to give rise to dust, as did the required infill materials.
- The Historic Environment assessment reported that the impacts would only last over the ten years, however, restoration would take longer due to the amount of

material to be quarried, particularly if the southern part of A40 were to come forward.

- Regulations and conditions would need to be rigorously enforced should planning permission be granted. Specific conditions should be required for this application to ensure that contractors would not take the most economical route.

In accordance with the protocol on public speaking the Committee was addressed by Mr Rob Wilson, speaking on behalf of a local resident. Mr Wilson made several points:

- The Stables was part of a development of three former agricultural buildings which shared a water supply from a borehole within the grounds of the Stables. This water supply also served the house known as Mountneys.
- The preliminary hydrological study did not address the issue of ground water supply to these properties and ignored that the borehole existed.
- The strata that served the borehole was the same strata that would be intercepted during the gravel extraction. There was concern that the reduction in ground levels and subsequent reduction in water levels would result in an adverse impact on the supply of water to the borehole.
- In addition, there was concern that the working of the gravel could cause silt and other pollutants to leak into the water supply, thus rendering it unusable.
- The proposed site was only 200 metres from this borehole, however, none of the assessments took account of this. Whilst the need for gravel extraction was appreciated, protection was required for the future use of this water supply for residents.

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

- The site was an allocated site within the adopted Mineral Local Plan and should planning permission be granted it would assist Essex County Council in maintaining the landbank.
- The site was in a sustainable location, both in terms of mineral extraction and inert waste.
- The application had been subject to detailed discussions with officers and statutory consultees.
- A twelve-month period of water monitoring had been undertaken to ensure there would be no impact on groundwater to the site.
- A public exhibition had been held prior to the application being submitted and the applicant had sought to engage with local residents. One area of concern from local residents had been the access location. This had been relocated 400 metres to the east as a result, despite being more expensive for the applicant.
- The restoration and phasing of the site had been carefully considered and subject to detailed discussion with officers. The proposed restoration plan had long term agricultural, ecological, and landscaping benefits.
- There was clear commitment to implementing the conditions in a way that would safeguard neighbouring amenity.

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- Should the site to the south ever come forward, there was the ability for an overlap in terms of consents, however, this was outside of the applicant's control.
  - The eight-year consent period had been chosen due to there being a high level of overburden on the site, and the applicant wanted certainty that they could deliver it within the timescale.

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

- Roxwell Parish Council had expressed a number of concerns, which Cllr Steel was presenting on their behalf.
- A five-day working week on the site would be preferable to the six days proposed.
- Concerns had been raised about who was licensed to carry out the extraction as it seemed that there was not yet a contractor involved.
- Whilst the access roads had been moved away from the hamlet, there were concerns that there were no measures taken to restrict HGV movement through the hamlet.
- As this was a part development of the site, there were concerns that the process may go on for longer than the eight years applied for.
- There were many conditions and restrictions proposed for the site. The shortage of Enforcement Officers could mean that enforcing these conditions could become challenging.
- The A1060 was a notoriously dangerous road in terms of traffic safety. A right turn lane for traffic approaching from the west on the A1060 could provide greater safety.

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

- Assessments submitted suggested that whilst ground water did reside close to the site surface, it was considered unlikely that the boulder clay, which was the overburden layer, would be fully saturated in water. The Assessment submitted had suggested that the water table sat within the Kesgrave bed – the sand and gravel layer. The proposed working would, therefore, require dewatering and a dewatering licence from the Environment Agency.
- The applicant's monitoring of the site had, however, sought to suggest that the site was not in hydrological continuity with groundwater levels, thus, they did not foresee an issue with the private water supply.
- In order to apply for the dewatering licence, a hydrological impact appraisal would be required to be submitted to the Environment Agency, which would fully consider all boreholes and water supplies within the local area and how they may or may not be impacted. In the event that the monitoring suggested that there would be an impact, the Environment Agency would require an action plan.
- A condition forming part of the recommendation required the appraisal to also be submitted to Essex County Council, so there could be confidence that any mitigation required to ensure the private borehole would not be unduly impacted was covered by the planning permission.
- The reference to Site A40 being worked piecemeal was acknowledged. However, the Minerals Local Plan and site requirements remained. Accordingly, if the

southern site were to come forward there would be an expectation that the entire site would still be worked, and the whole Site A40 would be worked within fourteen years. The fourteen-year clock would effectively start on commencement of any part of the site allocation.

- There could be potential for overlap in the working of the northern and southern sites. In this scenario, given the extent of overburden it was also likely that the infill required for the northern parcel could be realised from the southern site.
- The Council's dust consultant had not raised any concerns on dust, however, they had required a dust management plan to be secured by condition. This was proposed condition 18.
- The start time for working on Saturdays had been moved from 7am to 8am, however, the noise consultant did not consider that not allowing Saturday working would be required given the existing noise level due to the A1060.
- There was a condition which sought to secure the provision of a driver instruction sheet which the operator would give to all members of staff seeking to outline that the local roads were not suitable for HGV movements.
- The site would be monitored by officers, likely on a quarterly basis as well as on a reactive basis to any complaints received, to ensure the site was being operated as per the terms of the planning permission. The site would also be subject to environmental permits monitored by the Environment Agency.

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

- The whole site was part of the A40 boundary.
- This permission was eight years in total, including six years for the initial set up and extraction, with another two years to complete restoration.
- The closest property to the site was Mountneys and the three barn conversions to the south of the site. The properties were approximately 200-250 metres away from the field including a buffer.
- The proposed conditions required an 8am start time on Saturdays.
- Officers were satisfied that the appropriate visibility space along the A1060, both for vehicles exiting the site and those which were approaching vehicles waiting to turn right into the site, could be achieved.
- The site access had been subject to a Stage One Road Safety Audit. Regrading of the highway verge could be required. A Stage Two Road Safety Audit was required, which could consider issues such as warning signage.
- The volume of traffic on the A1060 and the site access meant that a right turn lane would not be required. However, the formation of a right turn lane was not precluded should the level of traffic increase and one be required in the future.
- Public Footpath 2 was proposed to be shifted slightly to the west. This would be secured by way of an order outside the planning decision process, subject to full consultation with the public rights of way team.
- There was a condition seeking to secure full details of the signage. This would be subject to consultation with the highway authority and the public rights of way team and secured and monitored through due process.
- Mineral development within the Green Belt was not inappropriate development if it did not harm openness.

- It was noted that Members would prefer the completion of the site to be done swiftly.
- The monitoring regime for the water supply would be governed by the Environment Agency. In the event of a cut off of borehole supply, the action plan would seek to propose mitigation, which could include, for example, putting the affected properties on private mains, at the cost of the developer. Alternatively, if there was not a satisfactory solution, the Environment Agency could seek to not issue the licence to start with, thus the development would not be able to progress.
- The mitigation plan from the Environment Agency would seek to monitor the water supply and they would be the controlling body for that element. Essex County Council would then discharge the condition if indicated to do so by the Environment Agency.

There being no further points raised, the resolution was proposed by Councillor M Steptoe and seconded by Councillor J Henry. Following a vote of 9 in favour, and 1 abstention, it was

### **Resolved**

That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years. Written notification of the date of commencement shall be sent to the Mineral and Waste 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 following plans: 'Site Location Plan', undated; 'Proposed Phasing Plan 1 (of 11), drawing number: CEG01/01, dated 31/5/20; 'Proposed Phasing Plan 2 (of 11), drawing number: CEG01/02, dated 31/5/20; 'Proposed Phasing Plan 3 (of 11), drawing number: CEG01/03, dated 31/5/20; 'Proposed Phasing Plan 4 (of 11), drawing number: CEG01/04, dated 31/5/20; 'Proposed Phasing Plan 5 (of 11), drawing number: CEG01/05, dated 31/5/20; 'Proposed Phasing Plan 6 (of 11), drawing number: CEG01/06, dated 31/5/20; 'Proposed Phasing Plan 7 (of 11), drawing number: CEG01/07, dated 31/5/20; 'Proposed Phasing Plan 8 (of 11), drawing number: CEG01/08, dated 31/5/20; 'Proposed Phasing Plan 9 (of 11), drawing number: CEG01/09, dated 31/5/20; 'Proposed Phasing Plan 10 (of 11), drawing number: CEG01/10, dated 31/5/20; 'Proposed Phasing Plan 11 (of 11), drawing number: CEG01/11, dated 31/5/20; and in accordance with any non-material amendment(s) as may be subsequently approved in writing by the Mineral and Waste Planning Authority, except as varied by the following conditions:

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment and in accordance with Policy S1 -

Presumption in favour of sustainable development, Policy S2 - Strategic priorities for minerals development, Policy S3 - Climate change, Policy S4 - Reducing the use of mineral resources, 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 After-Use, Policy P1 - Preferred Sites for Sand and Gravel Extraction, Policy DM1 - Development Management Criteria, Policy DM2 - Planning Conditions and Legal Agreements and Policy DM3 - Primary Processing Plant of the Essex Minerals Local Plan (2014); Policy 1 - Need for Waste Management Facilities, Policy 9 - Waste Disposal Facilities, Policy 10 - Development Management Criteria, Policy 11 - Mitigating and Adapting to Climate Change, Policy 12 - Transport and Access and Policy 13 – Landraising of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S1 - Spatial Principles, Policy S2 - Addressing Climate Change and Flood Risk, Policy S3 - Conserving and Enhancing the Historic Environment, Policy S4 - Conserving and Enhancing the Natural Environment, Policy S11 - The Role of the Countryside, Policy DM6 - New Buildings in the Green Belt, Policy DM10 - Change of Use and Engineering Operations, Policy DM13 - Designated Heritage Assets, Policy DM14 - Non-Designated Heritage Assets, Policy DM15 – Archaeology, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features, Policy DM18 - Flooding/SUDS, Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

3. The development hereby permitted shall be limited to a period of eight years from the notified date of commencement of the development. The development shall be undertaken on a phased basis, as shown on the approved drawings, with all extraction and processing of excavated material ceasing after six years from the notified date of commencement. The site shall then be fully restored within a further two years (eight years total). Any building, plant, machinery, foundation, hardstanding, roadway, structure, plant or machinery constructed, installed and/or used in connection with the development hereby permitted shall be removed from the site when no longer required for the purpose for which built, erected or installed. In any case this shall not be later than eight years from the notified date of commencement, by which time the land shall have been restored in accordance with the restoration scheme.

Reason: To ensure restoration of the site within the approved timescale, to minimise the duration of disturbance from the development hereby permitted and to comply with 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 S10 - Protecting and enhancing the environment and local amenity, Policy S11 - Access and Transportation, Policy S12 - Mineral Site Restoration and After-Use, Policy P1 - Preferred Sites for Sand and Gravel Extraction and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 9 - Waste Disposal Facilities, Policy 10 - Development Management

Criteria, Policy 11 - Mitigating and Adapting to Climate Change, Policy 12 - Transport and Access and Policy 13 – Landraising of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S1 - Spatial Principles, Policy S2 - Addressing Climate Change and Flood Risk, Policy S3 - Conserving and Enhancing the Historic Environment, Policy S4 - Conserving and Enhancing the Natural Environment, Policy S11 - The Role of the Countryside, Policy DM6 - New Buildings in the Green Belt, Policy DM10 - Change of Use and Engineering Operations, Policy DM13 - Designated Heritage Assets, Policy DM14 - Non-Designated Heritage Assets, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features, Policy DM18 - Flooding/SUDS, Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

4. No excavation shall take place beyond the five extraction areas as shown on drawing titled 'Proposed Phasing Plan 1 (of 11)', drawing number: CEG01/01, dated 31/5/20 and no excavation shall take place below 35m AOD. Prior to infilling of each of the five extraction areas taking place, a topographical survey of the site shall be submitted to the Mineral and Waste Planning Authority for review and approval in writing to confirm the extent of excavation which has taken place. In addition, on completion of infilling of each of the five extraction areas another topographical survey of the site shall be submitted to the Mineral and Waste Planning Authority for review and approval in writing to confirm the extent of infilling in respect of the approved restoration plan.

Reason: To ensure development is carried out in accordance with submitted details, that the development does not give rise to unconsidered impacts and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S12 - Mineral Site Restoration and After-Use and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 9 - Waste Disposal Facilities, Policy 10 - Development Management Criteria and Policy 13 – Landraising of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S3 - Conserving and Enhancing the Historic Environment, Policy S4 - Conserving and Enhancing the Natural Environment, Policy S11 - The Role of the Countryside, Policy DM6 - New Buildings in the Green Belt, Policy DM10 - Change of Use and Engineering Operations, Policy DM13 - Designated Heritage Assets, Policy DM14 - Non-Designated Heritage Assets, Policy DM15 – Archaeology, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features, Policy DM18 - Flooding/SUDS, Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

5. Except in emergencies to maintain safe quarry working (which shall be notified to the Mineral and Waste Planning Authority as soon as practicable) the development hereby permitted shall only be carried out during the following times:

07:00 to 18:00 hours Monday to Friday

08:00 to 13:00 hours Saturday

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

Reason: In the interests of limiting the effects on local amenity, to control the impacts of the development and to comply with Policy S10 - Protecting and enhancing the environment and local amenity and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

6. The total number of heavy goods vehicle movements\* associated with the development hereby permitted shall not exceed the following limits:

96 movements (48 in and 48 out) per day (Monday to Friday); and

48 movements (24 in and 24 out) per day (Saturdays)

No movements shall take place outside the hours of operation authorised by this planning permission.

A written record shall be maintained at the site office of all movements in and out of the site by heavy goods vehicles; such records shall contain the vehicle registration number and the time and date of the movement and shall be made available for inspection by the Mineral and Waste Planning Authority within seven days of written request.

\* For the avoidance of doubt a heavy goods vehicle shall have a gross vehicle weight of 7.5 tonnes or more

Reason: In the interests of highway safety, safeguarding local amenity and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S11 - Access and Transportation and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria and Policy 12 - Transport and Access of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

7. All vehicle access and egress to and from the site shall be from the A1060, as indicated on drawing titled 'Proposed Site Access (Priority 'T' Junction), drawing no. 185471-002 (Rev B), dated 30/09/21. No development shall nevertheless take place until full details of a junction design, which has received full technical approval from the Highway Authority, have been submitted to and approved in writing by the Mineral and Waste Planning Authority. No material shall leave the site until the access design approved has been constructed in full. The junction visibility splays shall be maintained clear of intrusions for the life of the development.

Reason: In the interests of highway safety and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S11 - Access and Transportation and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria and Policy 12 - Transport and Access of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

8. No development shall take place until full details/specification of the proposed internal access road from the A1060 into the proposed plant area have been submitted to and approved in writing by the Mineral and Waste Planning Authority. That submitted shall include details of construction; design (finish/surface); the location of the passing bays; and proposed speed limit. That submitted shall furthermore clarify details proposed to manage surface water run-off from the access road, as appropriate. The access road shall subsequently be installed and maintained in accordance with the details approved until removed as part of restoration.

Reason: In the interests of highway safety, landscape and visual amenity, ecology and to ensure the development is not constructed without appropriate mechanism to manage surface water run-off, to enable consideration of alternative locations for the passing bays on the access road to increase the stand-off to the adjacent woodland and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S11 - Access and Transportation and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria and Policy 12 - Transport and Access of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S2 - Addressing Climate Change and Flood Risk, Policy S4 - Conserving and Enhancing the Natural Environment, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features, Policy DM18 - Flooding/SUDS, Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 or any Order amending, replacing or re-enacting that Order), no gates shall be erected at the vehicular access unless they open inwards from the public highway towards the site and be set back a minimum distance of 18 metres from the nearside edge of the carriageway.

Reason: In the interests of highway safety and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S11 - Access and Transportation and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria and Policy 12 - Transport and Access of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

10. No development shall take place, other than the construction of the haul/access road, until finalised details of the proposed Public Rights of Way crossing points, as indicated on drawing titled 'Proposed Internal Road Option A', drawing no. 185471-004 (Rev C), dated 30/09/21, have been submitted to and approved in writing by the Mineral and Waste Planning Authority. The details shall confirm the location and specification for the formation of the crossing points, visibility splays and maintenance together with signage, mirrors and any proposed fencing or gates. A copy of the signed diversion order for the partial diversion of Footpath 2 shall also be provided. The development shall be implemented in accordance with the approved details with the crossings and associated measures installed and subsequently maintained for the duration of the development hereby permitted.

Reason: In the interest of the safety of all users of both the Right of Way and the haul road and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S11 - Access and Transportation and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria and Policy 12 - Transport and Access of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

11. No exportation of material shall take place until details of a driver instruction sheet and enforcement protocol has been submitted to the Mineral and Waste Planning Authority for approval in writing in respect of vehicle routing to and from the site and general consideration of nearby residential properties and roads. The aforementioned shall include, but not be limited to, details to ensure that using, parking and/or waiting on Chalk End / Fambridge End Road is not in any way promoted by the operator.

Reason: In the interests of safeguarding local amenity, preventing unnecessary disturbance, aggravation and conflict within the local community and to comply with Policy S10 - Protecting and enhancing the environment and local amenity and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

12. No development shall take place until a detailed layout plan for the plant site, as shown on drawing titled 'Proposed Phasing Plan 1 (of 11)', drawing number: CEG01/01, dated 31/5/20, has been submitted to and approved in writing by the Mineral and Waste Planning Authority. The layout plan shall seek to show the proposed layout of this area including all facilities/welfare, car parking areas, plant, equipment and machinery, together with the specification/sound power level of the aforementioned and any mobile plant, equipment and machinery proposed to be used on-site. In addition details shall be provided as to the proposed on-site water management/lagoon system and associated dewatering sumps within each phase/area of extraction.

Reason: For the avoidance of doubt as to the layout of the plant area and machinery/plant approved, in the interests of amenity and the environment and to comply with Policy S6 - Provision for sand and gravel extraction, Policy S10 - Protecting and enhancing the environment and local amenity, Policy DM1 - Development Management Criteria and Policy DM3 - Primary Processing Plant of the Essex Minerals Local Plan (2014); and Policy S3 - Conserving and Enhancing the Historic Environment, Policy S4 - Conserving and Enhancing the Natural Environment, Policy S11 - The Role of the Countryside, Policy DM6 - New Buildings in the Green Belt, Policy DM10 - Change of Use and Engineering Operations, Policy DM13 - Designated Heritage Assets, Policy DM14 - Non-Designated Heritage Assets, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features, Policy DM18 - Flooding/SUDS, Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

13. No development shall take place until details of wheel and underside chassis cleaning facilities have been submitted to and approved in writing by the Mineral and Waste Planning Authority. No commercial vehicle shall leave the site unless its wheels and underside chassis have been cleaned to prevent materials, including mud and debris, being deposited on the public highway.

Reason: In the interests of highway safety, to prevent material being taken onto the public highway and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S11 - Access and Transportation and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

14. No development shall take place, including any groundworks, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Mineral and Waste Planning Authority. The Plan shall provide confirmation as to:

- The proposed initial construction/set up timetable;
- Initial access arrangements for the purpose of construction;
- Areas proposed for staff and visitor welfare and parking during initial site set up; and
- Areas proposed for the loading and unloading of plant and materials

In terms of environmental management, and specifically biodiversity, the plan shall also seek to cover 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 or similarly competent person; and
- h) Use of protective fences, exclusion barriers and warning signs; and the

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

Reason: In the interests of highway safety, environmental protection, safeguarding amenity and to comply with Policy S6 - Provision for sand and gravel extraction, Policy S10 - Protecting and enhancing the environment and local amenity, Policy S11 - Access and Transportation, Policy DM1 - Development Management Criteria and Policy DM3 - Primary Processing Plant of the Essex Minerals Local Plan (2014); and Policy S3 - Conserving and Enhancing the Historic Environment, Policy S4 - Conserving and Enhancing the Natural Environment, Policy S11 - The Role of the Countryside, Policy DM6 - New Buildings in the Green Belt, Policy DM10 - Change of Use and Engineering Operations, Policy DM13 - Designated Heritage Assets, Policy DM14 - Non-Designated Heritage Assets, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features, Policy DM18 - Flooding/SUDS, Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

15. The free field Equivalent Continuous Noise Level (LAeq, 1 hr) at the below noise sensitive properties, or at a monitoring location representative of these properties collectively, shall not exceed the following limits:

Littleacres, Chalk End House, Barleydale and Little Down: 49dB LAeq 1hr

Woodend Farm: 42dB LAeq 1hr

Mountneys, The Gallops, The Byre and The Stables: 42dB LAeq 1hr

Newland Hall Farm: 42dB LAeq 1hr

Reason: In the interests of amenity and to comply with Policy S10 - Protecting and enhancing the environment and local amenity and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

16. For temporary operations, the free field Equivalent Continuous Noise Level (LAeq, 1 hr) at Littleacres, Chalk End House, Barleydale and Little Down; Woodend Farm; Mountneys, The Gallops, The Byre and The Stables; and Newland Hall Farm shall not exceed 70dB LAeq 1hr. Temporary operations shall not exceed a total of eight weeks in any continuous duration 12 month duration. Five days written notice shall be given to the Mineral Planning Authority in advance of the commencement of a temporary operation which shall, for the purpose of this condition, include site preparation, bund formation and removal and any other temporary activity that has been approved in writing by the Mineral and Waste Planning Authority in advance of such a temporary activity taking place.

Reason: In the interests of amenity and to comply with Policy S10 - Protecting and enhancing the environment and local amenity and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

17. Noise levels shall be monitored at three monthly intervals from the date of the commencement of development at locations to be agreed in advance in writing by the Mineral Planning Authority. In addition to this three monthly monitoring, further specific monitoring shall be undertaken at the start of extraction operations in areas 1, 4 and 5. The results of the monitoring shall include LA90 and LAeq noise levels, the prevailing weather conditions, details and calibration of the equipment used for measurement and comments on other sources of noise which affect the noise climate. The monitoring shall be carried out for at least 2 separate durations of 30 minutes separated by at least 1 hour during the working day and the results shall be submitted to the Mineral Planning Authority within one month of the monitoring being carried out (two weeks for the additional monitoring undertaken when operations commence in areas 1, 4 and 5). Should an exceedance in the maximum noise limits secured by condition be noted appropriate commentary shall be provided together with a scheme of additional mitigation if the exceedance is considered to be a likely continual issue. The additional scheme of mitigation shall be provided to the Mineral and Waste Planning Authority for review and approve in writing, as appropriate. The frequency of monitoring shall not be reduced, unless otherwise approved in writing by the Mineral Planning Authority.

Reason: In the interests of amenity, ensuring prescribed noise levels are not being exceeded and to comply with Policy S10 - Protecting and enhancing the environment and local amenity and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

18. No development shall take place until a scheme to minimise dust emissions has been submitted to and approved in writing by the Mineral and Waste Planning Authority. The dust management plan shall include details of all dust suppression

measures and the methods to monitor emissions of dust arising from the development. The development shall be implemented in accordance with the approved scheme with the approved dust suppression measures being retained and maintained in a fully functional condition for the duration of the development hereby permitted.

Reason: To reduce the potential for dust disturbance from the site on the local environment and to comply with Policy S10 - Protecting and enhancing the environment and local amenity and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

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

Reason: To minimise nuisance and disturbance to the surrounding area and the environment and to comply with Policy S10 - Protecting and enhancing the environment and local amenity and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S3 - Conserving and Enhancing the Historic Environment, Policy S4 - Conserving and Enhancing the Natural Environment, Policy S11 - The Role of the Countryside, Policy DM13 - Designated Heritage Assets, Policy DM14 - Non-Designated Heritage Assets, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features, Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

20. No development shall take place until a landscape scheme covering the operational phase of the development hereby permitted has been submitted to and approved in writing by the Mineral and Waste Planning Authority. The scheme shall include details of all proposed pre-commencement planting, screening/mitigation bunds, buffer areas to field boundaries and the woodland

adjacent to the access road and any and all new boundary fencing. In addition, the scheme shall detail all existing trees and hedgerows on site with details of any works proposed to existing trees and/or hedgerows and also for those to be retained, measures for their protection. The scheme submitted shall build on principles detailed in drawings titled 'Detailed Soft Landscape Scheme for Eastern Boundary', drawing number: 18027-108, dated 29/05/20, 'Detailed Soft Landscape Scheme for Southern Boundary pre-commencement/early planting, drawing number: 18027-109, dated 29/05/20, 'Detailed Soft Landscape Scheme for Western Field Boundary', drawing number: 18027-110, dated 29/05/20, 'Detailed Soft Landscape Scheme for North Eastern Boundary', drawing number: 18027-111, dated 29/05/20, 'Detailed Soft Landscape Scheme for Access Area', drawing number: 18027-112A, dated 29/05/20, 'Detailed Soft Landscape Scheme for Access Area', drawing number: 18027-112B, dated 29/05/20 and 'Specification Sheet Pre-commencement/early planting', drawing number: 18027-113A, dated Oct 20 and include detail of all areas to be planted with species, sizes, spacing, protection and programme of implementation. The scheme shall be implemented within the first available planting season (October to March inclusive) on the basis of the approved programme of implementation.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), on the basis that insufficient detail is contained on the submitted landscaping plans, additional/revised planting specification is required to achieve landscaping objectives and to improve the overall appearance of the site in the interest of visual amenity and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S12 - Mineral Site Restoration and After-Use and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S3 - Conserving and Enhancing the Historic Environment, Policy S4 - Conserving and Enhancing the Natural Environment, Policy S11 - The Role of the Countryside, Policy DM13 - Designated Heritage Assets, Policy DM14 - Non-Designated Heritage Assets, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features, Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

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

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and to comply with Policy S10 - Protecting and enhancing the environment and local amenity and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the

Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S4 - Conserving and Enhancing the Natural Environment, Policy S11 - The Role of the Countryside, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features and Policy DM24 - Design and Place Shaping Principles in Major Developments of the Chelmsford Local Plan (2020).

22. No stripping or handling of topsoil or subsoil shall take place until details for the forming, planting and maintenance of all perimeter screening/noise attenuation bunds and stockpiles and a scheme of machine and soil movements for the stripping and replacement of soils has been submitted to and approved in writing by the Mineral and Waste Planning Authority. The scheme shall:
- Be submitted at least three months prior to the expected commencement of soil stripping;
  - Detail how soils will be handled during construction, bunds planted and maintained, and soils re-spread as part of restoration;
  - Define the type or machinery to be used to strip and replace soils; and include
  - Confirmation that soil will only be stripped and handled when in a dry and friable condition\*; and that no area of the site traversed by heavy goods vehicles of machinery (except for the purpose of stripping that part or stacking of topsoil in that part) unless all available topsoil and/or subsoil has been stripped from that part of the site.

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

\*The criteria for determining whether soils are dry and friable involves an assessment based on the soil's wetness and lower plastic limit. This assessment shall be made by attempting to roll a ball of soil into a thread on the surface of a clean glazed tile using light pressure from the flat of the hand. If a thread of 15cm in length and less than 3mm in diameter can be formed, soil moving should not take place until the soil has dried out. If the soil crumbles before a thread of the aforementioned dimensions can be made, then the soil is dry enough to be moved.

Reason: To ensure the retention of existing soils on the site for restoration purposes, to minimise structural damage and compaction of the soil to aid final restoration works, to protect the amenities of local residents and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S12 - Mineral Site Restoration and After-Use and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); and Policy S4 - Conserving and Enhancing the Natural Environment, Policy S11 - The Role of the Countryside, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features, Policy DM18 - Flooding/SUDS and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

23. No development shall take place until a restoration plan has been submitted to and approved in writing by the Mineral and Waste Planning Authority. The restoration plan shall replicate the finished land levels shown on drawings titled "Northern' Field Restoration (West)", drawing number: 18027-105A, dated 05/10/20, and 'Detailed Soft Landscape Scheme for 'Northern' Field Restoration

(East)', drawing number: 18027-106B, dated 05/10/20 but updated to reflect the operational landscaping scheme secured by way of condition attached to this permission. The plan shall also include detail of any additional planting proposed, as part of the restoration stage, with species, sizes, spacing, protection and programme of implementation. The development shall be undertaken and the site restored in accordance with the details subsequently approved.

Reason: To ensure that the site is restored as proposed and is capable of returning to a predominately agriculture afteruse, in the interests of landscape and visual amenity and to comply with Policy S3 - Climate change, Policy S6 - Provision for sand and gravel extraction, Policy S10 - Protecting and enhancing the environment and local amenity, Policy S12 - Mineral Site Restoration and After-Use, Policy P1 - Preferred Sites for Sand and Gravel Extraction and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 9 - Waste Disposal Facilities, Policy 10 - Development Management Criteria, Policy 11 - Mitigating and Adapting to Climate Change and Policy 13 – Landraising of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S2 - Addressing Climate Change and Flood Risk, Policy S3 - Conserving and Enhancing the Historic Environment, Policy S4 - Conserving and Enhancing the Natural Environment, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features, Policy DM18 - Flooding/SUDS and Policy DM24 - Design and Place Shaping Principles in Major Developments of the Chelmsford Local Plan (2020).

24. An aftercare scheme detailing the steps that are necessary to bring the land to the required standard for agricultural afteruse shall be submitted to and approved in writing by the Mineral and Waste Planning Authority prior to the re-placement of soils on site. The submitted Scheme shall accord with that suggested with the Planning Practice Guidance and:
- a) Provide an outline strategy for the five year aftercare period. This shall broadly outline the steps to be carried out in the aftercare period and their timing within the overall programme; and
  - b) Provide for a detailed annual programme to be submitted to the Mineral Planning Authority not later than two months prior to the annual Aftercare meeting.

Unless the Mineral Planning Authority approve in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the submitted Scheme.

Reason: To ensure the satisfactory restoration of the site to agriculture and to comply with Policy S3 - Climate change, Policy S10 - Protecting and enhancing the environment and local amenity, Policy S12 - Mineral Site Restoration and After-Use, Policy P1 - Preferred Sites for Sand and Gravel Extraction and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 9 - Waste Disposal Facilities, Policy 10 - Development Management Criteria, Policy 11 - Mitigating and Adapting to Climate Change and Policy 13 – Landraising of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S2 - Addressing Climate Change and Flood Risk, Policy S4 -

Conserving and Enhancing the Natural Environment, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features, Policy DM18 - Flooding/SUDS and Policy DM24 - Design and Place Shaping Principles in Major Developments of the Chelmsford Local Plan (2020).

25. No development shall take place until a Biodiversity Enhancement Strategy for Protected and Priority species and a Farmland Bird Mitigation Strategy has been submitted to and approved in writing by the Mineral and Waste Planning Authority. 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; and
  - c) locations of proposed enhancement measures by appropriate maps and plans;

The Farmland Bird Mitigation Strategy which is specifically required to compensate for the loss of any farmland bird territories particularly Skylark and Yellow Wagtail shall include the following:

- a) Purpose and conservation objectives for the proposed measures e.g. nest plots;
- b) detailed methodology for the compensatory measures e.g. nest plots;
- c) locations of the compensatory plots; and
- d) persons responsible for implementing and managing the compensation measures.

The Biodiversity Enhancement Strategy and Farmland Bird Mitigation Strategy shall be implemented in accordance with the approved details and all features managed in accordance with the LEMP secured by way of planning condition attached to the permission.

Reason: To make appropriate provision for conserving and enhancing the natural environment within the approved development, in the interests of biodiversity and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S12 - Mineral Site Restoration and After-Use, Policy P1 - Preferred Sites for Sand and Gravel Extraction and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 9 - Waste Disposal Facilities, Policy 10 - Development Management Criteria and Policy 13 – Landraising of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S4 - Conserving and Enhancing the Natural Environment, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features and Policy DM24 - Design and Place Shaping Principles in Major Developments of the Chelmsford Local Plan (2020).

26. No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Mineral and Waste Planning Authority. The Plan shall include but not be limited to, in respect of landscaping:

- a) Aims and objectives of management;
- b) Appropriate management options for achieving aims and objectives;
- c) Prescriptions for management actions;
- d) Preparation of an annual work schedule/plan; and
- e) Details of the body or organisation responsible for management

and for ecology:

- 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 and annual work schedule; and
- g) Details of the body or organisation responsible for monitoring.

The plan shall furthermore outline the proposed period of management which, for the avoidance of doubt, may be greater than the formal five year agricultural aftercare period, depending on the time required to achieve the predicted biodiversity gains from the mitigation measures and enhancements proposed as part of the development. The approved plan shall be implemented 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 to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S12 - Mineral Site Restoration and After-Use, Policy P1 - Preferred Sites for Sand and Gravel Extraction and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 9 - Waste Disposal Facilities, Policy 10 - Development Management Criteria and Policy 13 – Landraising of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S4 - Conserving and Enhancing the Natural Environment, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features and Policy DM24 - Design and Place Shaping Principles in Major Developments of the Chelmsford Local Plan (2020).

27. No development shall take place until a Hydrological Impact Appraisal shall be submitted to and approved in writing by the Mineral and Waste Planning Authority. The Appraisal shall include a baseline for natural groundwater levels, identify potential implications as a result of the development and provide targets for restoring the natural baseline. The Appraisal shall furthermore confirm how groundwater levels will be monitored during the development and for a period

post completion with a mitigation strategy identified in the event that the natural baseline is not restored. The development shall be implemented in accordance with the approved Appraisal.

Reason: To ensure that the development does not give rise to significant hydrological impacts, to safeguard groundwater from pollution and/or any other adverse changes and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S12 - Mineral Site Restoration and After-Use, Policy P1 - Preferred Sites for Sand and Gravel Extraction and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 9 - Waste Disposal Facilities, Policy 10 - Development Management Criteria and Policy 13 – Landraising of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S4 - Conserving and Enhancing the Natural Environment, Policy DM18 - Flooding/SUDS, Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

28. No development or preliminary groundworks shall take place until a written scheme and programme of archaeological investigation and recording has been submitted to and approved in writing by the Mineral and Waste Planning Authority. The scheme and programme of archaeological investigation and recording shall be implemented as approved with confirmation to also be sought from the Mineral and Waste Planning Authority that the investigation works have been completed satisfactorily.

Reason: To ensure that any archaeological interest has been adequately investigated in accordance with Policy S10 - Protecting and enhancing the environment and local amenity and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S3 - Conserving and Enhancing the Historic Environment and Policy DM15 – Archaeology of the Chelmsford Local Plan (2020).

29. Prior to commencement of development but following completion of the archaeological investigation, a mitigation strategy detailing the proposed excavation/preservation strategy for areas containing archaeological deposits shall be submitted to the Mineral and Waste Planning Authority for review and approval and writing. No development or preliminary groundworks shall commence in these areas until the fieldwork as detailed in the mitigation strategy has been completed. With regard to this, request shall be also made to the Mineral and Waste Planning Authority for written confirmation that the aforementioned mitigation fieldwork has been satisfactorily completed before commencement of the development.

Reason: To ensure development of an appropriate mitigation strategy covering both excavation (preservation by record) or preservation in situ of any archaeological features or deposits identified by the trial-trenching or geophysical survey undertaken in accordance with Policy S10 - Protecting and enhancing the environment and local amenity and Policy DM1 - Development Management

Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S3 - Conserving and Enhancing the Historic Environment and Policy DM15 – Archaeology of the Chelmsford Local Plan (2020).

30. Within six months of completion of the programme of archaeological investigation, as approved, a post excavation assessment shall be submitted to the Mineral and Waste Planning Authority for review and approval in writing. This shall include the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To ensure that the results of the fieldwork are reported on and made available to the public in a timely and appropriate manner, in order to fulfil the requirements of preservation by record, and in accordance with Policy S10 - Protecting and enhancing the environment and local amenity and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S3 - Conserving and Enhancing the Historic Environment and Policy DM15 – Archaeology of the Chelmsford Local Plan (2020).

31. Only non-contaminated inert waste material, which has been detailed and defined within of the approved application details, shall be imported to the site to facilitate with the restoration of the site. For the avoidance of doubt, there is to be no processing or treatment of imported material on-site. The plant site/area hereby approved shall solely be used to process mineral extracted from the site.

Reason: To ensure that there are no adverse impacts on the environment and or to amenity from the importation and use of inappropriate types of waste and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S12 - Mineral Site Restoration and After-Use, Policy P1 - Preferred Sites for Sand and Gravel Extraction and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 9 - Waste Disposal Facilities, Policy 10 - Development Management Criteria and Policy 13 – Landraising of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S4 - Conserving and Enhancing the Natural Environment, Policy S11 - The Role of the Countryside, Policy DM6 - New Buildings in the Green Belt, Policy DM10 - Change of Use and Engineering Operations and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

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

Reason: In the interest of highway safety and efficiency, to ensure that there are no adverse impacts on the local amenity from the development not assessed as part of the application details and to comply with Policy S10 - Protecting and enhancing the environment and local amenity, Policy S11 - Access and

Transportation and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 10 - Development Management Criteria and Policy 12 - Transport and Access of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy DM24 - Design and Place Shaping Principles in Major Developments and Policy DM29 - Protecting Living and Working Environments of the Chelmsford Local Plan (2020).

33. In the event of a cessation of operations hereby permitted for a period in excess of 12 months, prior to the completion of the development, which in the opinion of the Mineral and Waste Planning Authority constitutes a permanent cessation within the terms of paragraph 3 of Schedule 9 of the Town and Country Planning Act 1990 (as amended), a revised scheme of restoration and aftercare shall be submitted to and approved in writing by the Mineral and Waste Planning Authority. The revised scheme shall be submitted within six months of the 12 month date and shall outline a revised scheme of restoration and aftercare for review and consideration by the Mineral and Waste Planning Authority. In such an instance the site shall then be restored in accordance with the revised scheme as per the timetable approved.

Reason: To secure a satisfactory alternate restoration of the site in the event of a cessation of operations, in the interest of local amenity and the environment and to comply Policy S3 - Climate change, Policy S6 - Provision for sand and gravel extraction, Policy S10 - Protecting and enhancing the environment and local amenity, Policy S12 - Mineral Site Restoration and After-Use, Policy P1 - Preferred Sites for Sand and Gravel Extraction and Policy DM1 - Development Management Criteria of the Essex Minerals Local Plan (2014); Policy 9 - Waste Disposal Facilities, Policy 10 - Development Management Criteria, Policy 11 - Mitigating and Adapting to Climate Change and Policy 13 – Landraising of the Essex and Southend-on-Sea Waste Local Plan (2017); and Policy S2 - Addressing Climate Change and Flood Risk, Policy S3 - Conserving and Enhancing the Historic Environment, Policy S4 - Conserving and Enhancing the Natural Environment, Policy DM16 - Ecology and Biodiversity, Policy DM17 - Trees, Woodland and Landscape Features, Policy DM18 - Flooding/SUDS and Policy DM24 - Design and Place Shaping Principles in Major Developments of the Chelmsford Local Plan (2020).

## 6. Lufkins Farm, Great Bentley Road, Frating

The Committee considered report DR/08/22 by the Chief Planning Officer.

Members noted the addendum to the agenda.

Policies relevant to the application were detailed in the report.

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

The Committee noted the key issues:

1. Principle of development
2. Justification of time extension
3. Highway impact and vehicle routeing

4. Residential amenity impact
5. Legal agreement

In accordance with the protocol on public speaking the Committee was addressed by Cllr Ernie Osborne, speaking on behalf of Alresford Parish Council. Cllr Osborne made several points:

- The village of Alresford had historically dealt with the adverse impacts of mineral extraction and the associated HGV movements. It was felt that the limit of 30 movements a day was far exceeded, causing great inconvenience to residents.
- The number of HGV movements had continued despite conversations with Brett Aggregates.
- In some cases, the size of lorries moving through the village had increased from 30 tonnes to 42 tonnes.
- The small roundabout on Wivenhoe Road had suffered damage due to the HGVs passing over it.
- School children crossed Wivenhoe Road twice a day in order to attend school.
- A haul road had been laid down fifty years ago, however, HGVs did not seem to be utilising it as much in recent years.
- It would be beneficial for onsite processing to be carried out sooner, rather than waiting for the new site to be developed.

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

- The application sought a two-year extension to deliver the reservoir scheme at Lufkins Farm.
- The principle of the reservoir scheme, the need for water storage at this location and the prior extraction of sand and gravel was established.
- The quarry haul road was developed 30 years ago to remove traffic from travelling through a more sensitive part of the village. It was an established route; however, a number of residents used it and lived in close proximity to it.
- A voluntary routeing arrangement was in place which minimised vehicles travelling from Lufkins Farm through the village of Alresford by adopting a one-way system using Keelars Lane. It was proposed that this arrangement be formalised by way of a planning condition requiring the submission of a Traffic Management Plan.
- Brett Aggregates had had ongoing dialogue with residents living close to the quarry access, as well as with representatives of the Parish Council. As a result, measures had been put in place, along with the commitment of setting up a liaison group, the first meeting of which was set for 30 March 2022.

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

- The map showing the proposed HGV route through Alresford was a draft that was yet to go through public consultation and was not an approved plan.
- Issues relating to the haul road could be dealt with separately from this permission.

- The existing operation did not have on site processing. This application sought to extend the existing operation which had been previously approved.
- There was no mineral extraction at Alresford Quarry. It was used as a concrete batching plant. The traffic through the village of Alresford was not from Lufkins Farm alone, as there were multiple operations occurring within close proximity of the village and which were separate to this operation.

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

- Brett Aggregates would be organising liaison meetings with the local community, and the invitation could be extended to the Local Member. The liaison group was not required by condition, however, it was encouraged by officers.
- Essex County Council could request that Brett Aggregates provide monitoring data to prove they are complying with conditions relating to HGV movements. In addition, the second point (ii) of proposed condition 19 required monitoring of the approved arrangements for the life of the site.
- It would be unreasonable to specify the technology to be used by the operator to undertake that monitoring.
- Enforcement of conditions relating to HGV movements was challenging, however, officers would work with the applicant to ensure HGVs took the most appropriate route.
- It would, however, be possible to add an informative recommending the technology to be used for HGV tracking.

There being no further points raised, the resolution, including the amendments to the recommendation in the Addendum and the addition of an informative on the decision notice, was proposed by Councillor L Bowers-Flint and seconded by Councillor J Henry. Following a vote of 10 in favour, 1 abstention, it was

### **Resolved**

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 deed of variation to ensure all previous legal obligations remain associated with the new permission;

b) the conditions set out below:

1. 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

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, S6, S10, S11, S12 and DM1, North Essex Authorities' Shared Strategic Section 1 Plan policy SP1 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy CP2.

2. 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.

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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.

3. 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.

4. From the date production commences 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.

5. The development hereby permitted shall cease by 14 January 2024 by which time operations shall have ceased and the site shall have been restored in accordance with the scheme approved under Condition 12.

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.

6. In the event that operations are terminated, or suspended for a period in excess of 12 months, the excavated area and other operational land shall be restored in accordance with the scheme or schemes approved under Condition 12 and within a period of 6 months from the date of notification by the Mineral Planning Authority, except as varied by details to be submitted to and approved in writing by the Mineral Planning Authority.

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.

7. 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 14 January 2024 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.

8. 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.

9. 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. Details of the seed mixture and the application rates shall be submitted to and approved in writing by the Mineral Planning Authority no less than one month before completion of the formation of the storage bunds is expected. The seeding shall thereafter take place in accordance with the approved details.

Reason: To ensure the retention of the existing soils on the site for restoration purposes and minimise the impact of the development on the locality and to comply with Essex Minerals Local Plan (2014) policy S10.

10. Lighting on site shall not be installed except in accordance with details submitted to and approved in writing by the Mineral Planning Authority. The development shall be subsequently implemented in accordance with the approved details.

Reason: 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.

11. All plant and machinery shall operate only during the permitted hours, as specified in Condition 8, except in an emergency (which shall be notified to the

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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.

12. The development hereby permitted shall not be carried out unless in accordance with the details for the protection of existing plants and detailed planting scheme relating to condition 13 attached to permission ref ESS/21/08/TEN, as set out in the statement entitled 'Lufkins Farm Schedule of Conditions' received on the 20 February 2009 and drawing numbers 0318/R/1a dated 06/10/10, as approved by the Mineral Planning Authority on 13 October 2010 and 0318/O/1b dated 17/08/2015.

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.

13. Any tree or shrub forming plant of a planting scheme approved in connection with this development 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 or species and size to be agreed with the Mineral Planning Authority.

Reason: In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with Essex Minerals Local Plan (2014) policies S10 and S12 and Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy PPL3.

14. 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 .

15. 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.

16. No loaded lorry shall leave the site unsheeted.

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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.

17. 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 8 to this approval.

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.

18. Unless with the prior written agreement of the Mineral Planning Authority 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.

19. Within one month of the date of this permission a Traffic Management Plan, detailing the routing of HGVs to and from the site, shall be submitted to and approved in writing by the Mineral Planning Authority. The Plan shall identify the arrangements for:
- (i) The routing of HGVs associated with the permitted site operations;
  - (ii) Monitoring of the approved arrangements for the life of the site;
  - (iii) Ensuring that all drivers of vehicles under the control of the applicant are made aware of the approved arrangements;
  - (iv) The disciplinary steps that will be exercised in the event of default; and
  - (v) Appropriate signage and details of signage to be erected advising drivers of the vehicle route.

The approved plan shall be implemented for the duration of the development hereby permitted.

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.

20. Within six months of the date of this permission, the programme of archaeological work, including processing, assessment, archiving and publication of results, relating to condition 24 attached to permission ref ESS/21/08/TEN, shall be submitted to the Mineral Planning Authority in accordance with the statement received 20 February 2009 and 'NAU Archaeology Written Scheme of Investigation for Archaeological Excavation

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(revised)' ref BAU1998 dated December 2010, as approved in writing by the Mineral Planning Authority on 22 December 2010.

Reason: To ensure that any archaeological interest has been adequately investigated and recorded prior to the development taking place and to comply with Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy PPL7.

21. The development hereby permitted shall not take place unless in accordance with the scheme of soil movements relating to condition 25 attached to permission ref ESS/21/08/TEN, as set out in the statement entitled 'Lufkins Farm Schedule of Conditions' received on the 20 February 2009 and drawing number 0318/MB1 dated 28/11/08, as approved by the Mineral Planning Authority on 14 September 2010.

Reason: To ensure the retention of existing soils on the site for restoration purposes and minimise the impact of the development on the locality and to comply with Essex Minerals Local Plan (2014) policies S10, S12 and DM1.

22. The development hereby permitted shall not take place unless in accordance with the scheme of machine movements relating to condition 26 attached to permission ref ESS/21/08/TEN, as set out in the statement entitled 'Lufkins Farm Schedule of Conditions' received on the 20 February 2009 and drawing number 0318/MB1 dated 28/11/08, as approved by the Mineral Planning Authority on 14 September 2010.

Reason: To minimise structural damage and compaction of the soil and to aid the final restoration and to comply with Essex Minerals Local Plan (2014) policies S10 and S12.

23. Before any part of the site is excavated or traversed by heavy vehicles or machinery (except for the purpose of stripping that part or staking topsoil on that part), or is surfaced or built upon, or used for the stacking of subsoil, soil making material or overburden, or as a plant yard, or for the construction of a haul road, all available topsoil (and subsoil) shall be stripped from that part.

Reason: To conserve agricultural soils and to avoid structural damage and compaction of soils and to comply with Essex Minerals Local Plan (2004) policies S10 and S12.

24. a) All topsoil shall be stripped to the full depth (generally 30cm) and shall, wherever possible, be immediately re-spread over an area of reinstated subsoil. If this immediate re-spreading is not practicable, the topsoil shall be stored separately for subsequent replacement.

b) When subsoil is to be retained for use in the restoration process it shall be stripped to a depth of not less than 70cm and shall, wherever possible, be immediately re-spread over the replaced overburden/low permeability cap. If this immediate re-spreading is not practicable the subsoil shall be stored separately for subsequent replacement. Subsoil not being retained for use in the restoration process shall be regarded as overburden.

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Reason: To ensure the retention of the existing soils on the site for restoration purposes and minimise the impact of the development on the locality and to comply with Essex Minerals Local Plan (2014) policy S10.

25. Bunds for the storage of agricultural soils shall conform to the following criteria:

- a) Topsoil, subsoil and subsoil substitutes shall be stored separately;
- b) Materials shall be stored like upon like, so that topsoil shall be stripped from beneath subsoil bunds and subsoil from beneath overburden bunds;
- c) Where continuous bunds are used dissimilar soils shall be separated by a third material, previously agreed in writing with the Mineral Planning Authority;
- d) Topsoil bunds shall not exceed 3m in height and subsoil (or subsoil substitute) bunds shall not exceed 3m in height.

Reason: To ensure the retention of the existing soils on the site for restoration purposes and minimise the impact of the development on the locality and to comply with Essex Minerals Local Plan (2014) policy S10.

26. 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 12 to this approval.

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.

27. When replacing all soils, subsoil shall be tipped in windrows and spread to the required level, in 5m wide strips in such a manner as to avoid compacting placed soils. Topsoil shall be tipped, lifted and evenly spread onto the levelled subsoil in a manner as to avoid compacting the placed soils.

Reason: To minimise structural damage and compaction of the soil and to aid the final restoration and to comply with Essex Minerals Local Plan (2014) policy S12.

28. The minimum settled depth of subsoil and topsoil shall be not less than 1m.

Reason: To ensure the restored land is agriculturally versatile and operations are not impeded and to comply with Essex Minerals Local Plan (2014) policy S10.

29. All stones and other materials in excess of 150mm in any dimension shall be picked and removed from the restored surface of the site.

Reason: To ensure the restored land is agriculturally versatile and operations are not impeded and to comply with Essex Minerals Local Plan (2014) policy S12.

30. The applicant shall notify the Mineral Planning Authority at least 5 working days in advance of the final subsoil placement on each phase, or part phase to allow a site inspection to take place.

Reason: To ensure the site is ready for topsoil spreading and to comply with Essex Minerals Local Plan (2014) policy S12.

31. The finished surface of the subsoil shall be broken and opened to a depth of 450mm at a tine spacing of 450mm.

Reason: To ensure the site is satisfactorily restored and to comply with Essex Minerals Local Plan (2014) policy S12.

32. The topsoil shall be spread so as to produce a minimum even settled depth of 300mm over the reinstated subsoil.

Reason: To ensure the site is satisfactorily restored and to comply with Essex Minerals Local Plan (2014) policy S12.

33. The respread topsoil and areas upon which topsoil has been stored shall be ripped or loosened at a tine spacing of not greater than 600mm and to a depth of at least 50mm. Any non-soil making material or larger stone lying on the loosened topsoil surface and, on any surface, larger than would pass through a wire screen mesh with a spacing of 150mm shall be removed from the site or buried at a depth not less than 2m below the final settled contours.

Reason: To ensure the site is satisfactorily restored and to comply with Essex Minerals Local Plan (2014) policy S12.

34. Noise levels shall be monitored by the operating company at three monthly intervals at up to five locations to be agreed in writing by the Mineral Planning Authority. 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, due to the permitted operations on the site, shall not exceed the limits set out below:
- 55db – where the background noise level (LA90) without the permitted operations is or exceeds 45 dB;
  - LA90 + 10dB – where the background noise level (LA90) without the permitted operations is below 45dB.

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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.

36. For temporary by 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. 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.

38. The ground vegetation adjacent to the ditch along Thorrington Road shall be strimmed and maintained in a cropped condition and a buffer zone along the peripheral edges of the application site shall be maintained for the duration of the development hereby permitted in accordance with the statement entitled 'Lufkins Farm Schedule of Conditions' received on 20 February 2009 and email dated 29 September 2010, as approved by the Mineral Planning Authority on 13 October 2010, and as amended by paragraphs 15-22 of the Ecological Appraisal Update March 2013.

Reason: For the protection of ecology, wildlife and protected species within the site 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 PPL4.

39. 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 Tendring District Local Plan 2013-2033 and Beyond: Section 2 policies PPL1 and PPL5.

40. 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 Tendring District Local Plan 2013-2033 and Beyond: Section 2 policies PPL1 and PPL5.

41. 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 Tendring District Local Plan 2013-2033 and Beyond: Section 2 policy PPL4.

42. 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

- Any works in, over, under or within 9m of Bentley Brook will require formal written consent from the Environment Agency prior to the commencement of works. Consent will be required prior to the instalment of the level gauge into the river.
- All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of the works.
- The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.
- That the applicant considers the use of individual tracking devices to be installed in lorries under the applicant's control so that accurate lorry routing data can be acquired.

c) that it is not considered expedient to take enforcement action at this time or during the period until the legal agreement is completed and the planning permission issued. If the legal agreement is not completed, then the situation with respect to enforcement action will be reviewed at that time.

## **7. Fairview, Fairview Road, Basildon**

The Committee considered report DR/09/22 by the Chief Planning Officer.

Members noted the addendum to the agenda, particularly in respect of changes to proposed conditions 22 and 23.

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:

1. Need
2. Policy Considerations
3. Amenity Impact
4. Design
5. Traffic and Highway Impact
6. Ecology and Trees
7. Flood Risk and Drainage

In accordance with the protocol on public speaking the Committee was addressed by Mr John Gavin, speaking on behalf of a group of residents. Mr Gavin made several points:

- The proposals stated provision for 106 pupils in total, with 70 being on site and 30 being off site. There was concern that there would indeed be an increase in the number of pupils attending the school, despite previous assurances that this number would not increase.
- Over the last four years, it was believed that there had not been more than twenty pupils on site at the school, however, it had not been possible to confirm this number with the staff.
- The introduction of a second storey on the building may not be necessary if there was no increase in the number of pupils attending the school.
- The proposals included plans for forty parking spaces, including two located outside the school fence. The residents of Fairview Road had witnessed antisocial behaviour along the street and there was concern that this could increase with the provision of these two parking spaces.
- There was no provision within the proposals to secure the site whilst the pupils were attending the school. The road and pedestrian access into the centre of the site could put pupils at risk as well as facilitate antisocial behaviour.
- The windows to the side of the school would be overlooking residents' gardens, with the possibility for those attending the school to see from the school into the gardens. For five of these properties, it was possible to see through the garden and into the property itself.

In accordance with the protocol on public speaking the Committee was addressed by Ms Jo Barak, speaking on behalf of the applicant. Ms Barak made several points:

- The Fairview site had been operating as behavioural support or an alternative provision for children who were referred to the Children's Support Service.
- The existing site was well maintained, however, was outdated, costly to maintain and no longer provided a positive environment for the children and staff.
- A welcoming and attractive school would encourage learning for the children.
- Proposals included new classrooms, specific music, science, art and technology rooms, offices, storage and separate sports and dining halls. The existing sports hall acted as a thoroughfare for the other classrooms.
- The proposed building would be well heated, well ventilated and benefit the mental health and wellbeing of the pupils.

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- If the existing building was not replaced, the Children's Support Service would continue but in the existing building.
  - The proposed building had been carefully designed to restrict overlooking. Pupils were supervised at all times and were only ever in small groups.
  - Pupil behaviour was taken seriously, and the school dealt with all complaints received.

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

- There was no proposed increase in pupil numbers.
- The applicant had found it difficult to confirm the number of pupils attending the school due to the nature of how referrals to the school operated.
- It was common in schools for the building itself to form part of the secure line. Once inside the car park, the site was secure. The school was responsible for the operation of the external gates.

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

- Essex Police was not a standard consultee for this type of application.
- The two proposed parking spaces outside the fence were not part of the existing site. The applicant had offered that these two parking spaces could be deleted from the application.
- Louvers were proposed on the openable windows as a safety measure and to reduce sunlight.
- Frosted glass could be required, however, the orientation and design of the building meant that it may not be necessary.
- Officers would seek to obtain fenestration details via condition. This would give officers the opportunity to consider with the applicant if any additional measures would be required to avoid overlooking.
- There was no proposal for electric vehicle charging points within the car park. This could be attached to the permission as an informative.
- Sustainable measures were encouraged by National Planning Policy Framework but electric vehicle charging points were not specifically required by the Adopted Basildon Local Plan.

There being no further points raised, the resolution, including the amendments to the conditions in the Addendum, the deletion of the parking spaces outside the access to the site and a requirement for fenestration details to be submitted and approved before beneficial occupation, was proposed by Councillor J Jowers and seconded by Councillor D Harris. Following a unanimous vote of in favour, it was

### **Resolved**

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this permission. Written notification of the date of commencement shall be sent to the County 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 application reference CC/BAS/102/21 dated 24th November 2021, drawings referenced:
  - Site Location – 20260-SI-AAA-XX-DR-A-1170 S2 Rev P02 dated 06/10/21;
  - Existing Site Plan – 20260-LSI-AAA-XX-DR-A-1171 S2 Rev P06 dated 14/02/22;
  - Site Demolition – 20260-LSI-AAA-ZZ-DR-A-1200 S2 rev P02 dated 21/10/21;
  - Site Block Plan – 20260-LSI-AAA-XX-DR-A-1175 S2 Rev P02 dated 21/10/21;
  - Proposed General Arrangement Plan – Ground Floor – 20260-LSI-AAA-GF-DR-A-1300 S2 Rev P04 dated 26/10/21;
  - Proposed General Arrangement Plan – First Floor – 20260-LSI-AAA-01-DR-A-1301 S2 Rev P04 dated 21/10/21;
  - Proposed General Arrangement Plan – Roof – 20260-LSI-AAA-02-DR-A-1302 S2 Rev P04 dated 21/10/21;
  - Site Constraints – 20260-LSI-AAA-XX-DR-A-1172 S2 Rev P08 dated 14/02/22;
  - Proposed General Arrangement Elevations – GA Elevations – 20260-LSI-AAA-ZZ-DR-A-1350 S2 Rev P04 dated 21/10/21;
  - Proposed General Arrangement Elevations – Site Elevations Sheet 01 – 20260-LSI-AAA-ZZ-DR-A-1351 S2 rev P06 dated 21/10/21;
  - Proposed General Arrangement Elevations – Site Elevations Sheet 02- 20260-LSI-AAA-ZZ-DR-A-1352 S2 Rev P06 dated 21/10/21;
  - Site Access – 20260-LSI-AAA-XX-DR-A-1173 S2 Rev P05 dated 26/01/21;
  - Proposed General Arrangement Sections – 20260-LSI-AAA-ZZ-DR-A-1370 S2 Rev P04 dated 21/10/21;
  - Landscape Concept Design - 20173-D3-02 Rev 05 dated 24/11/21;
  - Landscape Concept Design - 20173-D3-01 Rev 11 dated 15/11/21;
  - Foul and Surface Water Drainage Strategy – 2103-553-001 Rev J dated 03/02/22

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

Reason: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure the development is carried out in accordance with the approved application details, to ensure that the development is carried out with minimum harm to the local environment and to comply with Basildon District Local Plan and Alterations (1998 and 1999) Policy BAS R1 (Open Space – Protection) and the National Planning Policy Framework.

3. No development shall take place beyond the installation of a damp proof membrane until a landscape scheme has been submitted to and approved in writing by the County Planning Authority. The scheme shall include details of

areas to be planted with species, sizes, spacing, protection and programme of implementation and maintenance. 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 demolition and construction of the development. The scheme shall be implemented within the first available planting season (October to March inclusive) following completion of the development hereby permitted in accordance with the approved details and maintained thereafter in accordance with Condition 4 of this permission.

Reason: To comply with section 197 of the Town and Country Planning Act 1990 (as amended), to improve the appearance of the site in the interest of visual amenity and to comply with the National Planning Policy Framework.

4. Any tree or shrub forming part of a landscaping scheme approved in connection with the development under Condition 3 of this permission that dies, is damaged, diseased or removed within the duration of 5 years during and after the completion of the development shall be replaced during the next available planting season (October to March inclusive) with an appropriate species of tree or shrub the details of which shall have received the prior written approval of the County Planning Authority.

Reason: In the interest of the amenity of the local area, to ensure development is adequately screened and to comply with the National Planning Policy Framework.

5. No development shall take place beyond the installation of a damp proof membrane until details of the materials to be used for the external appearance of the building, fences and hard landscaping surfaces have been submitted to and approved in writing by the County Planning Authority. The details shall include the materials, colours and finishes to be used on all buildings, hard landscaping surfaces and fences. The development shall be implemented in accordance with the approved details.

Reason: In the interest of the amenity of the local area and to comply with the National Planning Policy Framework.

6. The development hereby permitted shall take place in full accordance with the submitted Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan Rev B by Hayden's Arboricultural Consultants dated 05/11/21 and the submitted Arboricultural Method Statement drawing ref 8727-D-AMS Rev B dated 03/11/21.

Reason: In the interest of visual amenity, to ensure protection for the existing natural environment and to comply with the National Planning Policy Framework.

7. The development hereby permitted shall take place in full accordance with the recommendations for compensation and enhancement in the submitted Preliminary Ecological Appraisal ref BCE4693 Version 2 dated April 2021 by Practical Ecology and the Biodiversity Enhancement Strategy V1 by Practical Ecology dated 27/04/21.

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

8. Prior to beneficial occupation of the development hereby permitted, details of improvements to the existing site access shall have been submitted to and approved in writing by the County Planning Authority. The details shall include provision for the existing footway on the western side of the site access, as indicated on drawing ref 20260-LSI-AAA-XX-DR-A-1173 S2 Rev P05 dated 26/10/21 (Site Access), to be extended around the bellmouth to a suitable termination point and provided with a dropped kerb pedestrian crossing point. The improved access shall be implemented in accordance with the approved details prior to beneficial occupation of the development hereby permitted.

Reason: In the interests of highway safety and to comply with the National Planning Policy Framework.

9. Prior to occupation of the development hereby permitted, the vehicular turning facility, as shown on drawing ref 20260-LSI-AAA-XX-DR-A-1173 Rev P05 dated 26/10/21 (Site Access) shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: In the interests of highway safety, to ensure the free-flow of traffic on the public highway and to comply with the National Planning Policy Framework.

10. Parking spaces, as shown on drawing ref 20260-LSI-AAA-XX-DR-A-1173 S2 Rev P05 dated 26/10/21 (Site Access), shall be laid out with minimum dimensions in accordance with the Essex Parking Standards: Design and Good Practice September 2009.

Reason: In the interests of highway safety, to ensure the free-flow of traffic on the public highway and to comply with the National Planning Policy Framework.

11. No beneficial occupation of the development hereby permitted shall take place until details of covered cycle parking provision, as indicated on drawing ref 20260-LSI-AAA-XX-DR-A-1173 Rev P05 dated 26/10/21 (Site Access) have been submitted to and approved in writing by the County Planning Authority.

The details shall include the design, location and number of spaces for cycle parking to be provided prior to the beneficial occupation of the development hereby permitted. The development hereby permitted shall be carried out in accordance with the approved details and shall thereafter be retained and maintained for the duration of the development hereby permitted.

Reason: In the interest of highway safety, to ensure the free-flow of traffic on the public highway and to comply with the National Planning Policy Framework.

12. There shall be no discharge of water from the development onto the public highway.

Reason: In the interests of highway safety and to comply with the National Planning Policy Framework.

13. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: In the interests of highway safety and to comply with the National Planning Policy Framework.

14. Throughout the period of demolition of the existing buildings and construction of the development hereby permitted, the parking of vehicles of site operatives and visitors, loading and unloading of plant and materials, storage of plant and materials used in demolition and constructing the development, and wheel and vehicle underbody washing facilities shall take place only in accordance with the Construction Environment Management Plan prepared by Barnes Construction ref BC1919 dated November 2021.

Reason: In the interest of highway safety and for protection of amenity and for compliance with the National Planning Policy Framework.

15. The Rating Level of noise emitted from the site's fixed plant at nearby residential premises, to be agreed in advance in writing with the County Planning Authority, shall not exceed the representative background sound levels, when assessed in accordance with BS 4142.

Prior to beneficial occupation of the development hereby permitted, the applicant shall submit details of the fixed plant to demonstrate compliance with this requirement. As part of this, the applicant shall agree the Rating Level limits with the County Planning Authority.

Reason: In the interests of amenity and to comply with the National Planning Policy Framework.

16. No demolition or construction work shall take place outside of the following times, except for internal works inaudible at the site boundary:

0800 – 1800 hours Monday to Friday

0800 – 1300 hours Saturdays

and there shall be no working on Sundays or Bank or Public Holidays.

Reason: In the interests of amenity and to comply with the National Planning Policy Framework.

17. No fixed lighting shall be erected or installed on-site until details of the location, height, design, luminance and operation have been submitted to and approved in

writing by the County Planning Authority. That submitted shall include an overview of the lighting design including the maintenance factor and lighting standard applied together with a justification as why these are considered appropriate. The details to be submitted shall include a lighting drawing showing the lux levels on the ground, angles of tilt and the average lux (minimum and uniformity) for all external lighting proposed. Furthermore a contour plan shall be submitted for the site detailing the likely spill light, from the proposed lighting, in context of the adjacent site levels. The details shall ensure the lighting is designed to minimise the potential nuisance of light spillage on adjoining properties, highways and ecology. The lighting shall thereafter be erected, installed and operated in accordance with the approved details.

Reason: To minimise the nuisance and disturbances to neighbours, ecology and the surrounding area and to comply with the National Planning Policy Framework.

18. No development, except demolition, shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the County Planning Authority. The scheme should include but not be limited to:

- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The development shall take place thereafter in accordance with the approved scheme.

Reason: To minimise the risk of pollution of water courses and aquifers, minimise the risk of flooding to comply with the National Planning Policy Framework.

19. Prior to beneficial occupation of the development hereby permitted, a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, shall have been submitted to and agreed, in writing, by the County Planning Authority. The plan shall include details of long term funding arrangements if any part of the drainage system is maintainable by a maintenance company. The development shall be maintained thereafter in accordance with the approved plan.

Reason: To minimise the risk of pollution of water courses and aquifers, minimise the risk of flooding to comply with the National Planning Policy Framework.

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20. The applicant or any successor in title shall maintain yearly logs of maintenance which shall be carried out in accordance with any approved maintenance plan. These must be available for inspection upon a request by the County Planning Authority.

Reason: To minimise the risk of pollution of water courses and aquifers, minimise the risk of flooding to comply with the National Planning Policy Framework.

21. Prior to beneficial occupation of the development hereby permitted, the existing pipes within the extent of the site, which will be used to convey surface water, shall be cleared of any blockage and restored to a fully working condition.

Reason: To minimise the risk of pollution of water courses and aquifers, minimise the risk of flooding to comply with the National Planning Policy Framework.

22. If identified as being required following the completion of the desk-top, a site investigation shall be carried out post demolition and prior to commencement of construction of the development hereby permitted to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed, taking into account the application site's existing status and proposed new use. One PDF copy of the site investigation and findings shall be forwarded to the County Planning Authority without delay, upon completion.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and for compliance with the National Planning Policy Framework.

23. A written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters affecting the site, shall be submitted to and approved in writing by the County Planning Authority post demolition and prior to commencement of construction of the development hereby permitted and all requirements shall be implemented and completed to the satisfaction of the County Planning Authority. No deviation shall be made from this scheme without the express written agreement of the County Planning Authority. If during redevelopment contamination not previously considered is identified, then the County Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and approved in writing with the County Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and for compliance with the National Planning Policy Framework.

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24. Following completion of measures identified in the remediation scheme, one PDF copy of a full closure report shall be submitted to and approved in writing by the County Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met. The closure report shall include a completed certificate, signed by the developer, confirming that the required works regarding contamination have been carried out in accordance with the approved written method statement. A sample of the certificate to be completed is available in Appendix 2 of Land Affected by Contamination: Technical Guidance for Applicants and Developers.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and for compliance with the National Planning Policy Framework.

25. Prior to beneficial occupation of the development hereby permitted, full details of the design, dimensions and location of the proposed bin store, as indicated on drawing ref 20173-D3-01 Rev 11 (Landscape Concept Design) dated 15/11/21, shall have been submitted to and approved in writing by the County Planning Authority. The bin store shall be implemented in accordance with the approved details prior to the beneficial occupation of the development hereby permitted.

Reason: In the interests of local amenity and for compliance with the National Planning Policy Framework.

26. Prior to the beneficial occupation of the development hereby permitted drawing reference 20260-LSI-AAA-XX-DR-A-1173 S2 Rev P05 dated 26/10/21 shall be amended and submitted for the written approval of the County Planning Authority to exclude the 2 parking spaces shown south of the secure fencing line. The development shall be implemented prior to beneficial occupation in accordance with the approved amended drawing.

Reason: In the interests of local amenity and for compliance with the NPPF.

27. No beneficial occupation of the development hereby permitted shall take place until a scheme assessing the potential for overlooking of surrounding properties has been submitted to and approved in writing by the County Planning Authority. The scheme shall specifically assess the first floor windows on the eastern elevation as shown on drawing ref 20260-LSI-AAA-ZZ-DR-A-1351 S2 Rev P06 dated 21/10/21 together with amended fenestration details if the assessment shows it to be necessary. The development shall be implemented in accordance with the approved scheme prior to beneficial occupation of the development hereby permitted.

Reason: For the protection of visual amenity and privacy and for compliance with the NPPF.

**8. Widdington Pit, Hollow Road, Widdington**

The Committee considered report DR/10/22, concerning Widdington Pit, Hollow Road, Widdington.

The Committee NOTED the report.

**9. Enforcement of Planning Control Update**

The Committee considered report DR/11/22, concerning enforcement matters for the period 01 November 2022 to 31 January 2022 (Quarterly Period 3).

The Committee NOTED the report.

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

The Committee considered report DR/12/22; applications, enforcement and appeals statistics, as at the end of the previous month.

The Committee NOTED the report.

**11. Date of Next Meeting**

The Committee noted that the next meeting was scheduled for 10.30am on Friday 25 March 2022, to be held in the Council Chamber, County Hall, Chelmsford.

There being no further business, the meeting closed at 14:29.